



REAL ACTS, IMAGINED LANDSCAPES

REFLECTIONS ON SOUTH AFRICAN LAND REFORM DISCOURSE

(OR, HOW TO DO THINGS WITH LAND REFORM)

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ANDRIES DU TOIT, INSTITUTE FOR POVERTY, LAND AND AGRARIAN STUDIES

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TIME TO THINK¹

Why do we want land and agrarian reform? Why should its policies be supported? Much can be said about its stated purposes and goals, but why do those goals matter — and to whom? If, as James Ferguson remarked earlier in this colloquium (Ferguson 2011), ‘land’ can have a multitude of functions — if it is true that we can’t just assume we know what ‘land’ is for — do we necessarily know what ‘land reform’ is for? Perhaps, following Ferguson, we could think of land reform itself as rather like one of John Austin’s ‘speech acts’. Austin thought we could learn a lot by exploring just how many things we can ‘do with words’ (Austin 1962): perhaps the same is true of land reform itself.

This is what I want to explore in this presentation. I want to look at the implications of the possibility that we may not have much of a shared understanding of what land and agrarian reform is about or why it matters — particularly to those who are not directly involved as ‘stakeholders’. What if the concept ‘land and agrarian reform’ is itself a terrain of struggle, available to be annexed or appropriated by a range of different political and ideological projects? What if land reform was not only about land? For ‘land,’ we should remember, is of importance not simply as a resource or as a material reality, but also as an empty signifier (Laclau 1990): a ‘field of meaning’ available for appropriation into a wide range of different political projects; a powerful, material metaphor for often deeply conflictual political processes and conflicts extending well beyond the matters directly addressed in land reform policy.

In this paper I take a discourse analytical vantage point to set out some questions about the ways in which land reform policies are justified, legitimised and criticised, and the underlying assumptions and frameworks informing both policy making and policy critique. I want to stress that my arguments are tentative and exploratory: my aim is to open up questions for discussion, not to set out definitive answers. Right at the outset, I should also mark the space I speak from: my questions don’t exist outside history, or in some power free space untouched by the social antagonisms that constitute South African society; they are the questions of a white male member of the South African urban policy and research *nomenklatura*, with a personal history deeply imbricated in the struggles about this land and who belongs in it. This said, they rise from a strong and increasing sense of the need for more self-critical thought about the ways in which land and agrarian reform is imagined, evaluated and justified on the left of the South

¹ The thoughts set out here arise from many years and hundreds of conversations with friends and colleagues. Particular acknowledgements are due to Henry Bernstein, Deena Bosch, Colleen Crawford Cousins, Lungisile Ntsebeza, Cheryl Walker and Gavin Williams. But this piece is particularly dedicated to the memories of Kobus Pienaar and Johann Hamman, both of whom played a crucial role in the early years of this debate, but who are not around anymore to continue it.

African policy debate. Specifically, I suggest that while many aspects of both the radical and liberal 'agrarian imaginary' have been central to mobilizing support for its policies in the past they today often lead to questions of equitable transformation and justice being framed in ways that obscure the terrain of struggle rather than revealing it, and which make complex policy questions harder, rather than easier, to resolve.

A FRAGILE CONSENSUS

One of the more interesting aspects of the land reform agenda of the early 1990s is that it existed at all. It is worth remembering that in the early years of the transition the South African debate about land and agrarian policy seemed irreconcilably divided (the ANC for mass collectivisation, an NGO left built around the land struggles of isolated rural communities, an ineffective union movement informed by an adversarial, industrial model of labour relations, truculent representatives of organized agriculture promising to let loose the dogs of war if their way of life was interfered with, business opinion seeing white farming as a liability, but deeply worried about nationalization and property rights). In a short while this gave way to a broad consensus around the DLA's green paper on land reform. Usually accounts of this change emphasise the compromise on the property clause (e.g. Ntsebeza 2007), but this does not answer the question of what enabled this compromise to be accepted across such a wide terrain. Part of the answer is the way in which a series of policy interventions (by the World Bank, but also by South African agricultural economists inside the DBSA and key policymakers inside the ANC) allowed the development of an agenda which appeared to reconcile the aims of national reconciliation, deracialization, global economic integration, and jobs for the poor (Williams 1996; Hall 2010). This reconciliation was made possible by the way in which they were framed in a seamless narrative that presented all these aims as part of a project of enlightened humanist modernization.

This programme could command assent across a very wide spectrum of political opinion. Concretely this support drew on number of very different underlying legitimising frameworks, each of which presupposed a very different political project.

1. One discourse was primarily concerned with notions of *national food security*, *sustainability* and *economic efficiency*. Land reform, from this point of view, essentially required the creative destruction of an inefficient and atavistic racial order in the countryside, the abolition of the institutional environment that had protected inefficient farmers from market pressures, so as to create an efficient, globally integrated and deracialised commercial agricultural sector.
2. A second legitimising framework situated land reform within the problematic of *national reconciliation*, *restorative justice* and *reparation*. Within this project,

support for land reform was premised on the need to deal with the destabilising potential of the politically charged legacy of land theft and dispossession. This discourse had two very different inflections: on the one hand, there was a populist project, in many ways indebted to African nationalism, emphasising the injustice of colonial land theft and problematizing the legitimacy of the post Apartheid racial order as such; on the other hand, closely related to it but quite distinct, was an essentially liberal discourse focussing on restitution and redress within a post-1910 framework.

3. The third framework was in some ways closely linked to the second, in its focus on the legacy of Apartheid injustice, but here, injustice was understood as pivoting crucially on the violation of human rights. From this point of view, land and agrarian reform needed to create a legal framework that could protect and empower the marginalized and vulnerable.
4. A fourth stream saw land reform as essentially needing to serve the aims of equitable economic growth. From this point of view, as the ANC's discussion document on the RDP famously put it, land reform was principally important for the ways in which it would 'kickstart rural development' (ANC 1994).

The ability to link these four discursive frameworks was at one and the same time the programme's greatest strength and its greatest weakness, for its very success meant that it became difficult to name and engage with the very real disjunctures the implementors of land reform had to confront in real life.

DREAMS OF REPARATION

One of the key consequences of this consensus, for example, was that the implementation of land reform was immediately tangled up with all the highly charged issues relating to the psychological and political aftermath of Apartheid's history and the challenges this posed for the formation of a coherent national identity. The significance of these issues relate in part to the fragility of the consensus upon which political stability depended and the enormous risks (real or imagined) associated with the dread possibility of a return to *de facto* civil war. But a significant charge was also related to the politically and psychologically charged nature of the terrain of reconstruction itself. Anger at the injustices of the past, fear of retribution, sorrow at the hurts caused, shame and guilt arising from the realisation of complicity: all these were richly present for all participants in our national drama. And this meant that the politics of South African identity formation have been (and still are!) what Freudians would call deeply cathected; every event and every act is pregnant with meanings infused by ideologies and histories well beyond the intentions of the actors, and every

fact (however nuanced and complex the reality might be) is available to be construed as evidence for powerful and often reductive narratives of betrayal, retribution, bad faith, triumph, failure and so on. Into this superheated psychological and political crucible fell the policies and implementation of rural development and land reform.

Cherryl Walker has described the burdens imposed by this reparative framework on the implementation of land restitution (Walker 2005). One of the most interesting aspects of the Restitution policy since its inception has been the marked disjuncture between the unhesitating support the *idea* of restitution commanded across wide swathes of public opinion (symbolized above all in the story of the Restitution Act being the first law passed by the South African parliament – passed, moreover, unanimously by applauding members) – and the intractably messy, conflictual and unsatisfactory nature of its actual history of implementation. On the left, this disjuncture is commonly seen as the result, simply, of promises betrayed, and of the failure of ‘political will’. Others argue that it is bureaucratic incompetence and inefficiency. What these explanations however do not take into account is the difficulties that arise when the implementation of a real-world policy is so inextricably entangled in an essentially symbolic drama: one in which the specific hurts and injustices suffered by the claimants come to stand for the violence of Apartheid itself; in which the claimants come to represent Apartheid’s victims as such; and in which the redress of that particular wrong can become an act of metaphorical healing for the nation as a whole. Compelling as these meta-narratives about reconciliation and restitution are, they do not offer a very useful framework within which to deal with the resolution of the significant complexities that the restitution process created in real life. Rather than creating a clear and satisfying process in which victims of Apartheid could be (actually *and* symbolically) recompensed, Restitution has become a policy deluged by waves of jostling victims with *conflicting* (indeed, often irreconcilable) claims — and this in a rights-based and judicial framework in which anyone with access to a lawyer can hold the entire process hostage.

The converse is also true. The problem is not only that land reform implementation can be derailed by the imperatives of symbolic politics. It is also that making something as important as ‘national reconciliation’ and the legitimacy of the post-liberation state dependent on something as tricky as land reform makes for an unsatisfying politics of nation-building. This is a vital issue, partly because so much of the sustainability and content of our democracy does depend on dealing with the political legacies of the past. But these legacies deserve to be addressed in more effective and constructive ways, and can only in a tiny number of cases involve restoration or reparation.

Quite distinct from the Restitution project’s concern with reconciliation and nation-building are more radical Africanist approaches which expect land reform to address

the longer history of colonial land theft before 1910. As is made evident by Robert Mugabe's famous description of 'the land question' as 'the last Colonial question' such demands problematize the legitimacy of the post-Apartheid political order as such. Given the lack of equitable social change and the persistence of deep racial inequalities more than fifteen years after the transition, the enduring appeal of such approaches is understandable. But at the same time such demands have problematic consequences for progressive politics – and not only because of the potential destructiveness of a Zimbabwe-style 'fast track land reform' for South Africa. It is also that, as Walker has pointed out, these discourses tend to impose narratives that give pride of place to Apartheid-era or essentialist constructions of race and which often marginalize gender (Walker 2005); in addition such narratives are often premised on idealized constructions of a precolonial past. The tendency to link land and identity so closely (and so ahistorically) creates huge problems on a diasporic continent where migrancy and *present*-day displacement are such a central reality for many of the poorest and most vulnerable people. Much more concretely, essentialist Africanist discourses about land potentially provide ideological cover for processes of elite enrichment that have little to do with equitable change.

RIGHTS AND VIOLATIONS

The desire to enact reparative fantasies is not the only way in which the concern with Apartheid and colonial-era injustices and violations animates land and agrarian reform policy. It is also important to consider a related but distinct project – one which is focussed on placing the protection and realization of human rights.

The value of this political tradition is still contested. One reason why these debates have been difficult to resolve is the polarized way in which the question of the role of rights in social and development policy tended to be posed in the transitional and early post-Apartheid years. With the collapse of communism and the fall of the Berlin wall, triumphalist free marketers were insisting on the doctrines of structural adjustment, FDI and trickle-down economics. In this context 'rights-based' approaches seemed to be one of the few ways in which concerns about social equity and justice could be defended and pursued. But this produced a two-sided and dichotomous debate in which it often became difficult to engage in serious and nuanced discussion about the value and limitations of human rights discourse. As the international development debate became more complex, and as the 'Washington consensus' gave way to more nuanced approaches, this has made way to a less polarized discourse in terms of which equitable change needs to involve *both* the creation of opportunities in markets *and* the protection and implementation of rights.

Thus stated, there is little to take issue with; but at the same time it seems that this attempt at reconciliation ignores some important problems. Here I want to focus more closely on the ability of rights-based approaches to engage effectively with equitable transformation on South Africa's commercial farmlands. These difficulties relate in particular to the way in which rights-based approaches very often involve a tendency to frame issues of social justice and equity as pivoting essentially on the *defense* of people from the *violation* of their rights by other actors. Advocacy campaigns and interventions on behalf of farm workers or other marginalized rural people tend all too often to involve portrayals in which poor and marginal people are essentially depicted as powerless victims who need to be rescued or defended from the depredations of powerful persecutors. It is easy to see why this happens – particularly when there campaigners need to appeal to distant, apolitical and uninformed audiences. But powerful as such narratives are, there is a real danger that this kind of discourse can lead to a dangerous narrowing of the scope of concern with social equity. Activists concerned with social equity are not helped if the legal framework within which they act allows them only to become involved when there has been a violation. One problem with the centrality of rights-based approaches to farm worker vulnerability is that they involve unrealistic expectations about the extent and reach of the regulatory power of capacity-strapped state. More problematically, however, such approaches can easily legitimate an exclusive concern with the apparent exceptionalism of particular violations of the law or constitution, while failing to problematize the exploitative social relations and impoverishing practices that constitute the *normal* operations of capitalist economies.

This, for instance, is what seems to have happened in the context of the Ethical Trading Initiative (ETI) in the South African wine industry, which essentially allowed UK supermarkets to 'launder' their supply chains by concentrating attention on the enforcement of legal minimum requirements, while leaving unaddressed (and in many cases exacerbating) the price pressures and the externalizations of risk on the part of supermarkets that were ultimately driving the routine exploitation of farm workers (Du Toit 2002). In such cases, an exclusive emphasis on entrenching and defending rights allows and facilitates a process in which a concern with social equity is encouraged to focus on essentially symptomatic issues while failing to engage with the underlying social processes that produce and entrench unequal social relations of power.

Perhaps the most contentious case in point is the promulgation and implementation of the Extension of Security of Tenure Act (ESTA) of 1997. This is an issue on which both political and scholarly opinion is greatly divided. It may indeed be that ESTA's focus on defending the land rights of farm workers was appropriate in parts of the country (e.g. perhaps in Limpopo province) where the formal employment relationship between

'workers' and farmers masked an underlying social reality in which the key interests of farm workers themselves were in the first place bound up with long-existent and economically vital relationships to contested land (Cousins & Hall forthcoming). But in Western Cape horticulture, historically one of the more labour-absorptive sectors of South African agriculture, where farm workers' livelihoods were primarily dependent on their employment relationship with farm owners, and where high degrees of mobility between farms was an essential part of the survival and coping strategies of a transient worker population (Waldman 1993), the policy did little to improve social power relations in farm workers favour, and arguably did much to worsen them. The key issue faced by Western Cape farm workers was the insecurity and exploitative nature of their *employment*. Tenure insecurity mattered, but it mattered because of the way in which it exacerbated their vulnerability as workers. Research is divided on the extent to which ESTA contributed to the uneven but significant trend towards the downsizing, casualization and externalisation of farm labour (clearly agro-food deregulation, supermarket power, price pressure and the tightening of labour law also played a key role) but it seems hard to deny that it did at the very least exacerbate those trends (Du Toit & Ally 2004; Ewert & du Toit 2005). Most significantly, the promulgation of ESTA turned, with the stroke of a pen, commercial farmers' significant investment in decent farm worker housing into a liability. I also suspect that it killed off any chance, slender though it may have been, of a 'corporatist deal' in which progressive elements of commercial agriculture, the state and the union movement could agree on ways in which farm employment could be protected under conditions of globalization.

In general, it seems that many discussions about rights-based approaches on commercial farming areas, tended to lead debate into unproductive areas. The issue is not whether rights in general are a good thing (obviously the entrenchment and defense of rights can be vital) but the question is *which* rights, how, and where: and the answers to those questions need to be based on an understanding of the nature of capitalist exploitation and historical process in a context of 'globalization'.

In the absence of such an understanding, purely rights-based approaches have little critical traction, and can all too easily be appropriated by a liberal politics. That, at any rate, is what happened on the farmlands of South Africa, where the valiant efforts of rural CBOs and NGOs to focus on the egregious excesses of an increasingly beleaguered and marginalized white family farming class have tended to ignore, and sometimes even to collude with, the large scale consolidation of corporate and agribusiness power.

PLACING DISTRIBUTIVE JUSTICE AT THE CENTRE

What then, are the options for an agricultural and agrarian politics concerned with social equity in South Africa? Thus far my argument has been that aspects of the consensus around land and agrarian reform on the left of the South African political spectrum have been, for all their ideological power, quite counterproductive: that a concern with *reparative* justice all too easily sidelines a focus on present-day *distributive* justice, and that a narrow focus on rights (including land rights) risks ignoring or even legitimising the social processes and relations of capitalist exploitation which produce inequality and poverty. What would it look like to put distributive justice and a concern with social inequality at the centre of land and agrarian policy?

Much can be said about what the content of a pro-poor land agenda should be, and I have set out elsewhere what I think the 'Five agrarian questions' are that face agrarian policymakers (du Toit 2011). Rather than reiterate those here, and rather than try to set the entire agenda, it may be useful to list some basic strictures, warnings and guidelines.

- (1) *Understand and accept the reality of urbanization.* To begin with, any agrarian policy needs to accept the 'extreme and exceptional' nature of the South African 'land question' as articulated by Henry Bernstein (Bernstein 1996). Land and Agrarian policy is not about 'turning back the clock' and (except for those who fantasize about a return to civil war) it cannot be about reparation for the land theft of the past. Agrarian reform is about equitable social transformation in the interests of South Africa's poor as they exist at this moment in history, *including its urban poor*. That means land and agrarian reform is not an exclusively rural matter: it is about food security, economic justice and livelihoods both in town and in the countryside. This means, inter alia, that agricultural land should be seen as a valuable national resource that needs to be managed in the interests of the country as a whole.
- (2) From this it follows that the challenges arising out of 'the land question' cannot be dealt with in terms of land policy alone. The marginalization and structural exclusion created by land theft (and by capitalist adverse incorporation) needs to be dealt with – but the response needs take the form of a coherent policy for pro-poor growth that informs the *heart* of economic policy, and cannot just depend on land reform. Similarly the potent political charge created by the memories and transmitted histories of Apartheid violations, land theft, colonial settlement

and so on need to be dealt with - but they can only in a small minority of cases be dealt with through restoration or compensation.

- (3) This does not mean there is not a land question. We should accept the reality of poor people's land demands: but this is not a demand for a return to an agrarian past. It is a demand for tenure security and residential land that will allow a measure of security and survival in the harsh and unforgiving context of the present-day South African economy. The key problem here is essentially one of the design of human settlements, local government, land use and spatial planning. One key challenge is how land reform can be used more assertively to configure Apartheid's spatial legacy in rural areas, another is developing a sense of how tenure security and land based activities form part of a mix of economic activities in peri-urban areas and denser rural settlements (Aliber forthcoming). We should, by the way, forgo the heady and optimistic mantras about 'vibrant rural economy' that encourage a flight into fancy and fantasy; we should focus instead on the reality of what's there: marginalised and hybrid livelihoods supported by social grants — and figure out how these can be protected, sustained, and encouraged to grow.
- (4) Recognize that we still lack convincing models of commercial agriculture that are economically equitable and environmentally workable. Here we are in a double bind. Large-scale commercial agriculture is unlikely to contribute to meaningful levels of employment, is unsustainably reliant on fossil fuels and agrochemicals, and without any racial transformation, will remain a political embarrassment. The potential of small-scale agriculture to deal with these difficulties is a matter of intense scholarly debate (see e.g. Wiggins 2009). Though small scale agriculture may be more efficient in some respects, and though it is probably more employment intensive, small scale farmers are poorly positioned to compete in centralized, buyer-driven value chains, are not necessarily more committed to sustainable practices, and are unlikely to be able to meet the urban poor's demand for cheap food. More seriously, even if a small farmer sector could in theory meet all these requirements, there is the small matter of getting there. Outcomes are path dependent, and transformation will be costly. There is a need to go beyond general and ideological battles around the virtues of small versus large scale farming; and to explore whether there are viable and workable models for change.
- (5) Fifthly, a focus on land and agrarian reform that looks only at landownership and at primary production is misdirected, and will ignore the ways in which

agribusiness and large corporations are transforming the agro-food sector in their own interests. A progressive agrarian policy will therefore need to focus on the contestation of power relations in the food system as a whole. One challenge is developing approaches to reining in corporate power, and at the very least ensuring that value chain governance happens in more pro-poor ways. Another is finding ways of support the development of local food economies not dominated by corporate, in which small farmers and local vendors can participate.

What emerges, then, is a politics of land and agrarian reform that perhaps seems much more modest. Certainly, much of what I have argued here involves questioning the heroic' role often thrust upon 'land reform' in popular imagination on the left. Far from seeing land reform as being a central component in the fundamental transformation of South African society, it is here perhaps imagined as a modest *component* ("a slow (rather lumbering) and incremental sort of process", as Walker put it) of a less much more encompassing (but equally incremental!) process of political and socio-economic change in South African society as a whole. Does this amount to accepting, and even legitimising the 'status quo' in the South African countryside? I do not think so. I believe that a 'radical' project of critique and fostering equitable social change in South Africa is possible. But such a project has to start with a recognition of the terrain as it exists *at this time*, not as we would wish it to be; with an accurate assessment of where the critical points of contestation really are – and with critical awareness of the often unexamined underlying assumptions, desires and fantasies that animate and inform discussion about what is, and what should be, in our agro-food system.

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