

**THE SIGNIFICANCE OF JUSTICE FOR TRUE RECONCILIATION ON THE LAND  
QUESTION IN THE PRESENT DAY SOUTH AFRICA**

By

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## ABSTRACT OF THE STUDY

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This study is an attempt to contribute to the discussion on theology and land restitution. The researcher approaches it from a theological background and acknowledges the many contributions on this subject in other fields. Since this is a theological contribution, this research has the Bible as its point of departure. Black people are deeply rooted in the land. Land dispossession destroyed the God-ordained and created bond between black people and their black selves. Land dispossession also had a terrible economic impact upon black people. As result of land dispossession Bantustans were established. These black areas were economically disadvantaged and black people were forced to live in impoverished conditions. Land, which was a primary source of life for black people, was brutally taken away from them. Consequently, black people were forced to leave the Bantustans in search for employment in “white” South Africa. Because of this, they were made slaves and labourers in the country of their birth. The Bantustans were not considered to be part of South Africa; hence black people were aliens in their ancestral motherland. The black communal economic system was destroyed as a result of land dispossession. (The black communal economic system refers to an economic system where everyone works the land and thus benefits economically from the land.) The results of this are still seen in present-day South Africa. The majority of black people are still living at the margins of society because in the past, they were made subservient and dependent on white people to survive economically. Since apartheid was a system that was sustained on cheap black labour, this dependency on the white economy was systemic and generational. It is for this very reason that we see the very disproportionate face of the economy today. In an attempt to arrest the imbalance, the restoration of land to black people is inevitable. It is only then that black people will be liberated from being overly dependent on white people for their

survival. Land dispossession also had a terrible impact upon the identity and “blackness” of black people; black people internalised oppression as a result of the apartheid system, which was affirmed by the Dutch Reformed Church as a God-ordained system. This system officially paved the way and was used as the vehicle for land dispossession in South Africa; it destroyed black people and it is therefore not by chance that black people have become the greatest consumers. The identity of black people is deeply rooted in their ancestral motherland and land dispossession had a brutal impact upon the blackness of black people. Black people, as a result of land dispossession, started to doubt their humanness. Land dispossession also had a dreadful impact upon the relationships of black people with themselves and the relationships between white people and black people. These relationships were immorally and officially damaged by the apartheid system, which was deeply structural. Thus, when dealing with the land question in South Africa, the fact that it is deeply structural should be kept in mind. The church is entrusted with the task of reconciling the damaged relationships in a transformational manner. This can only be done when black people and white people engage and embrace each other on an equal basis. But black people and white people in South Africa cannot be on an equal basis as long as structural divisions which still advantage some and disadvantage others are not dealt with in a transformational manner. Therefore the need for land restitution in South Africa is necessary today because it does not only relate to the issues of faith and identity, but it is also economic. The consequences of the dispossession of land in the past are still evident in present-day South Africa. Land dispossession has had a terrible impact upon the faith of black people, whose faith is strongly linked to land (place). Faith and belonging are interrelated. The restoration of land to black people is necessary to reconcile black people with their faith and consequently with themselves.

**Key Words:**

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Apartheid, Land dispossession, faith, identity, blackness, Restitution, Reconciliation, justice, Unity, Belhar Confession.

## **SUMMARY OF THE STUDY**

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### **CHAPTER 1: BIBLICAL FOUNDATIONS OF LAND RESTITUTION**

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This study is an attempt to contribute to the discussion on theology and land restitution. The researcher approaches it from a theological background and acknowledges the many contributions on this subject in other fields. Since this is a theological contribution, this research has the Bible as its point of departure. The central idea here is to engage with this subject from a theological ethical perspective, although the Bible remains central in the discussion. In this chapter the researcher attempts to deal with the Biblical foundations of land restitution because land and faith are seen as being intertwined in pointing to identity. The other chapters deal indirectly with the Bible. It will become evident that land and faith are integral parts of black people's identity. Moving from this assertion, the researcher demonstrates that land dispossession disrupted this very strong connection and has perhaps resulted in some of the challenges black communities are experiencing. Some suggestions to try and correct these mistakes are provided at the end of this study.

### **CHAPTER 2: THE HISTORY OF LAND PROBLEMS IN SOUTH AFRICA**

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The question of land is no doubt a controversial matter. For this very reason, it can be approached from diverse angles. In this study the researcher attempts to engage this question from a theological angle by considering its implications for ethics. To this end, history remains significant. In this chapter it is demonstrated that laws related to land possession and dispossession were passed in South Africa to suppress and oppress black people. This history is traced selectively as far back as the arrival of Commander Jan van Riebeeck in the Cape. In this

chapter an attempt is made to research the ethics that can be linked to the history of land dispossession in South Africa in order to prove that land dispossession inflicted ideologies of violence and individual ownership of the land on black people.

### **CHAPTER 3: THE EFFECTS OF LAND DISPOSSESSION AND THE IMPORTANCE OF LAND TO AFRICANS**

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In this chapter the researcher illustrates the effects that land dispossession had on black people in particular. A number of facets are traced to crystallise this point. In line with the previous chapters, the emphasis in this chapter is once again that the land issue remains a theological and ethical matter. Landlessness is linked to poverty, which remains one of the most blatant examples of the effects of black land dispossession. The laws that were passed to justify land dispossession are alluded to. All of these form the central thesis of this chapter which suggests that one of the negative effects of land dispossession is enveloped in what can be called the internalisation of oppression by black people, which resulted in a feeling of dehumanisation in black people because of land dispossession.

### **CHAPTER 4: THE BELHAR CONFESSION AND LAND RESTITUTION**

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In this chapter the researcher attempts to locate the Belhar Confession in an old tradition of Dutch Reformed theological responses when the gospel is at stake. A brief overview of the history of the Belhar Confession is provided and then the three cardinal issues that are confessed in the Belhar Confession are discussed. The reason why this is important for this study is because although the Belhar Confession does not deal specifically with the land

question, it can be seen as providing an impetus for dealing with land restitution as a theological and Biblical command.

## **CHAPTER 5: CONCLUSION**

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The need for land restitution in South Africa is necessary today because it does not only relate to the issues of faith and identity, but it is also economic. The consequences of the dispossession of land in the past are still evident in present-day South Africa. Land dispossession has had a terrible impact upon the faith of black people, whose faith is strongly linked to land (place). Faith and belonging are interrelated. The restoration of land to black people is necessary to reconcile black people with their faith and consequently with themselves. In some of the chapters, the notion of the flight from the black self (which was precipitated by among other things black people's dispossession of land) was discussed critically. It remains the view of the researcher that land restoration will reconcile black people with their black selves, an identity which was destroyed when black people were forcefully removed from their ancestral motherland. Land dispossession destroyed the God-ordained and created bond between black people and their black selves. Land restitution is necessary therefore in present-day South Africa so that black people's identity can be restored.

## ACKNOWLEDGMENT

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The initial driving force of this study came from my theological understanding of land belonging to God, being central and sacred to African people. The question i had as i grew up: *"Why do we stay in Orange Farm while other people stay in Sandton?"* contributed in my undertaking of this study. This question raised a lot of issues in my mind as i grew up and while i was studying theology at the University of Pretoria. At the University of Pretoria i was introduced to the teachings and doctrines of John Calvin. The one touching teaching of John Calvin that still trouble my mind, is the Doctrine of Predestination. I thought to myself as i was a young theological student at the University of Pretoria that maybe we as Black people we were predestined to stay in the Homelands and informal settlements like Orange Farm.

This understanding of predestination was worsened by my grandfather, who when we had my farewell ceremony as i was coming to study at the University of Pretoria; said to me, *"When you arrive at the University of Pretoria, you must respect white people, as God has given them more knowledge than us?"* This understanding of predestination was challenged by the conversations that i had with my fellow student colleagues at the University of Pretoria, Northern Theological Seminary and University of South Africa.

It is from this conversation that I understood that God never predestined black people to stay in the Homelands, townships and Informal settlements like Orange Farm, but it was the painful history of South Africa which led to black people losing their land, becoming aliens and slaves in their ancestral land and thus staying in the Homelands, townships and informal settlements like Orange Farm. These internal and external conversations resulted in me undertaking a study

on the Significance of Justice for true reconciliation on the Land Question in the present day South Africa.

Many individuals have encouraged and assisted me as this work gradually grew. I was blessed with my family who always supported me and put me in their prayers. I have to mention especially my beloved parents Buyisiwe Maureen and Edward Pharahlahle Lephakga and my beloved younger sister Lebohang Lephakga.

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**DECLARATION**

I Tshepo Lephakga, herewith declare that the content of this thesis to be my original work that has not at any time, totally or partially, been submitted to any other university for the purpose of attaining a degree.

Signed:.....

Date:.....

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# CHAPTER 1

## THE BIBLICAL FOUNDATIONS OF LAND RESTITUTION

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### 1.1 INTRODUCTION

This study is an attempt to contribute to the discussion on theology and land restitution. The researcher approaches it from a theological background and acknowledges the many contributions on this subject in other fields. Since this is a theological contribution, this research has the Bible as its point of departure. The central idea here is to engage with this subject from a theological ethical perspective, although the Bible remains central in the discussion.

In this chapter the researcher attempts to deal with the Biblical foundations of land restitution because land and faith are seen as being intertwined in pointing to identity. The other chapters deal indirectly with the Bible. It will become evident that land and faith are integral parts of black people's identity. Moving from this assertion, the researcher demonstrates that land dispossession disrupted this very strong connection and has perhaps resulted in some of the challenges black communities are experiencing. Some suggestions to try and correct these mistakes are provided at the end of this study.

## 1.2 LAND AND FAITH AS INTEGRAL PARTS OF IDENTITY

There is no doubt that land dispossession and land restitution are theological issues, since the Bible was used in the past to support apartheid and land dispossession.<sup>1</sup> These are theological issues because in order to have true land restitution (which lies at the centre of the Biblical message in the Old and New Testaments), we must always refer to the past (which was centred on land dispossession supported with the Bible). This is affirmed by Mofokeng (1988:34) when he says:

... no statement in the history of political science as well as that of Christian missions expresses the dilemma that confronts black South Africans in their relationships with the Bible with greater precision and has whipped up more emotions than the following, "when the white man came to our country he had the Bible and we had the land. The white man said to us 'let us pray'. After the prayer, the white man had the land and we had the Bible". With this statement which is known by young and old in South Africa, black people of South Africa point to three dialectically related realities. They show the central position which the Bible occupies in the on-going process of colonization, national oppression and exploitation. They also confess the incomprehensible paradox of being colonized by a Christian people and yet being converted to their religion and accepting the Bible, their ideological instrument of colonization, oppression and exploitation. Thirdly, they express a historic commitment that is accepted solemnly by one generation and

passed on to another – a commitment to terminate disinheritance and eradicate exploitation of humans by other humans.

From the above assertion, we can deduce that the question of land restitution is also specifically a faith issue. For scholars such as Walter Brueggeman, land remains central to faith. Brueggeman (1977:3) argues that “land is a central, if not the central theme of biblical faith” and “biblical faith is a pursuit of historical belonging that includes a sense of destiny derived from such belonging”. The important point here is the notion of belonging, to which we will return throughout this study. Hagerty, Williams, Coyle and Early (1996:236) agree with the central importance of belonging when they assert that “belonging is a basic human need”.

The fact that land and faith are central to the issue of belonging suggests that land dispossession has negative impacts on the dispossessed. This is because the basic human need of the dispossessed is threatened. The issue of belonging is centered on relatedness (to people, environment and land), thus Hagerty et al (1996:235) assert that “the nature and quality of a person’s relatedness to others affects bio-psycho-social processes that influence behavior and promote or impair health”. For these authors, the sense of belonging has the following defining attributes: (1) the experience of being valued, needed or important with respect to other people, groups or environments, and (2) the experience of fitting in or being congruent with other people, groups or environments through shared or complementary characteristics. The sense of belonging has the following consequences: (1) psychological, social, spiritual or physical involvement; (2) an attribution of meaningfulness to that involvement; and (3) the establishment or fortification of a fundamental foundation for emotional, cognitive and behavioural responses. According to this model, sense of belonging is a psychological

experience with both cognitive and affective components that are associated with affiliated behaviour and psychological and social functioning (Hagerty et al 1996:236).

In the following section of this chapter the question of the significance of place for dislocated people is probed by briefly looking at places where God revealed Himself to His people in the Bible.

### **1.3 THE SIGNIFICANCE OF PLACE FOR DISLOCATED PEOPLE**

When God revealed Himself to His people, He made this revelation in a particular place. The Israelites, as God's chosen nation, knew that Yahweh reigned in a particular place. Even the references to Mount Zion in the Old Testament attest to the significance of the place where God reveals Himself. Sommer (1999:427) attests to the significance of place when he argues:

“Moses seems not to be located at the right place when the Ten Commandments are given: God tells him to descend the mountain and then reascend with Aaron (Exod. 19:24), whereupon he descends (19:25); but before he reascends the theophany occurs (20:1). Similarly we may ask: where is God located before and during the theophany? According to Exod. 19:3, God is on the mountain several days before the theophany itself, but according to 19:11, God descends to the mountain immediately prior to the theophany (in agreement with 19:18); in 19:20 YHWH comes down to the summit again.

From this, we can see that there is a connection between Yahweh and the place where He reveals Himself. Since there is a connection between Yahweh and the place where He reveals Himself, clearly there must be a connection between land (place) and the faith of the people who live on the particular land (place). This is confirmed by Milligan (1998:9):

“Place attachment is comprised of two interwoven processes: interactional past and interactional potential. First, a particular site becomes meaningful to an individual specifically because of the meaningfulness of the activities that have occurred within its boundaries, which then come to be associated with the site. Over time, this process creates an interactional past for the site, a history tied to the experiences that have occurred within it (memories). Second, at the same time, specific features of the site shape, constrain, and influence the activities that are perceived as able to happen within it, its interactional potential (expectations)”.

Milligan (1998:9) further asserts that “[w]hen place attachment is disrupted, the individuals involved lose both a link to a past experienced as meaningful and a link to a future imagined as potentially meaningful. For this reason, the strong connection between the faith of a people and the particular people’s land necessitates urgent resolution of the disruption that ensues from the dislocation of a particular people from their particular land. Black people in South Africa were dispossessed of their land; their “place attachment” was disrupted and the result of this disruption was the corruption of black identity and emotional attachment to land (particular place). Inalhan (2004:123) maintains:

“Displacement breaks these (attachment; familiarity; and identity) emotional connections. The ensuing disorientation, nostalgia, and alienation may undermine the sense of belonging and mental health in general. Familiarity refers to the processes by which people develop detailed

cognitive knowledge of their environs. Place identity is concerned with the extraction of a sense of self, based on the places which one occupies in life”.

Milligan (1998:9) concurs with this:

“A known location acts as a containing and organizing device for all of the activities that have happened within it for a given individual, experiences which comprise the interactional past of the site. Activities that transpire in a known location, a site that may be said to have an interactional past for a person, become linked to that past by virtue of having occurred in the same site as previous activities. Such place becomes imbued with meaning because of the experiences an individual has had within the site and, thus, associates with it”.

To strengthen this argument, Brueggermann’s distinction between sense of place and sense of space can be used. He (1977:5) says:

“Space means an arena of freedom, without coercion or accountability, free of pressures and void of authority. Space may be imagined as week-end, holiday, vocation, and is characterized by a kind of neutrality or emptiness waiting to be filled by our choosing. But “place” is a very different matter. Place is space which has historical meanings, where some things have happened which are now remembered and which provide continuity and identity across generations. Place is space in which important words have been spoken which have established identity, defined vocation, and envisioned destiny. Place is space in which vows have been exchanged, promises have been made, and demands have been issued. Place is indeed a protest against the unpromising pursuit of space. It is a declaration that our humanness cannot be found in escape, detachment, absence of commitment, and undefined freedom”.

Therefore, from this distinction, we can see that land (place) is very important for a people. For example, when Israel, as the chosen nation, yearned for the promised land.<sup>2</sup> They longed for this land and remembered it; it was never unclaimed space, but always a place with Yahweh – a place well filled with memories of life with Him and with promises from Him and vows to Him.

From what has been said above, it is clear that land provides assurance and identity for a particular people (as has been observed in the case of Israel in the Old Testament as well as with the Afrikaners later in South Africa). In support of this, Brueggemann (1977:6) argues that “Biblical faith is surely about the life of a people with God as has been shown by all the current and recent emphases on covenant in an historical place. And if God has to do with Israel in a special way, as he surely does, he has to do with land as an historical place in a special way.” In the next section Biblical texts and their relation to land restitution are examined.

#### **1.4 SELECTED BIBLICAL TEXTS AND THEIR RELATION TO LAND RESTITUTION**

We must keep in mind that the Bible in South Africa was used by state theology to support apartheid and, more specifically, to justify dispossessing the natives of land.<sup>3</sup> It is for this reason that Mofokeng (1988:37) argues that the Bible is a problem as well a solution. Therefore, it is of great importance that the Bible in South Africa be liberated from this history of abuse to suit the agenda of those in power and be re-read critically by all Christians. The researcher concurs with

Mofokeng that the Bible is in fact part of the problem of land dispossession in South Africa; consequently, he affirms that it is and should be part of the solution to land problems in this country. Mofokeng (1988:38) argues:

“When many black Christians read their history of struggle carefully, they come upon many Black heroes and heroines who were inspired and sustained by some passages and stories of the Bible in their struggle, when they read and interpreted them in light of their Black experience, history and culture. They could consequently resist dehumanization and the destruction of their faith in God the liberator. It is this noble Black Christian history that helps to bring out the other side of the Bible, namely, the nature of the Bible as a book of hope for the downtrodden”.

Mofokeng (1988:38) furthermore contends: “... a careful reading of the experiences and witness of the early church confirms the correctness of the experiences of our people concerning the usefulness of the Bible as a book with a message of survival, resistance and hope. As we all know, the weakest, neglected, poor and marginalized people in Palestine at the time of Jesus felt attracted to Jesus’ practices and message about his God and human life. What Jesus taught and did, benefited them materially and spiritually and gave them a reason for hoping for a different future and believing in their right to a decent human existence”.

In the following section texts in the Old Testament that deal with land restitution or restitution are examined and then a text in the New Testament that deals with land restitution or restitution are analysed.<sup>4</sup> The selected texts are the following: Exodus 22:1-14, Leviticus 5:5 & 6, Numbers 5:5-10, 2 Samuel 12:6 and Luke 19:1-9. These texts are selected purely because they deal with land restitution, a subject which is central to this dissertation.

## **1.4.1 Selected texts on Land restitution in the Old Testament**

### **1.4.1.1 Exodus 22:1-14**

The book of Exodus is a great liberation story which gives hope to the hopeless. Laymon (1971:33) argues with regard to the book of Exodus that the title (Exodus) ... indicates that the book enshrines the fundamental experience of God's active power and grace and moral purpose which formed the factual basis of Israel's faith, viz, the deliverance from Egypt". Egypt was a country of suffering, slavery and bitterness for the Israelites but throughout this book, God actively shows His power by leading the Israelites out of Egypt (thus this book was given the Greek name for Egypt, which means "going out").

The book of Exodus is significant even for the South African situation of land dispossession. It has been used in liberation theologies for ages, simply because it attests to the struggle of an incarcerated people. The work of George Pixley is of particular importance in this regard.<sup>5</sup> The book of Exodus can therefore give liberating hope even to those who have been dispossessed of land in South African. It has already served as a powerful tool of liberation theology in South Africa in that it helped people to see that apartheid is a heresy and it can serve as a powerful tool for Black liberation theology (which is still urgently needed in South Africa in order to deal with urgent land problems).

Maimela (1987:75) writes: "Black Liberation theology involves a re-reading of the Bible from the vantage point of the poor in order to answer the questions that the oppressed people put to theology; it follows that in liberation theology we are dealing with a radical departure from traditional theology, which reads the Bible from the vantage point of the dominant classes in order to serve the interests of the rich and powerful, while it ignores the structures of oppression that keep the majority in misery".

There is an urgent need to re-read the Bible from the vantage point of the poor. This is because the majority of the people who are on the underside of history are still black, poor and landless. Exodus 22:1-14 is a periscope that forms part of the section in the book of Exodus that deals with "Laws concerning damage to property" (Ex 21:33-22:17). These laws deal with damage to various kinds of property through negligence, theft, fire, breach of trust and the like. The types of property that these laws were designed to protect were those which were found particularly in an agricultural society: oxen, asses, sheep, fields, vineyards, and the like (Hyatt 191:235 & 236).

All these laws were aimed at justice and restitution. For instance, in Exodus 21:33 & 34: "If a man takes the cover off a pit or if he digs one and does not cover it, and a bull or a donkey falls into it, he must pay for the animal. He is to pay the money to the owner and may keep the dead animal." This law is a law of responsibility and justice. One has to account for one's actions and suffer the consequences. This may be applied to the South African situation of land dispossession. Seen in this light, white people (whose forebears, as foreigners, confiscated land from the natives illegally) must by law concede that the ill-appropriated land should be shared

equally. This is because with the industrialisation of land, it seems impossible to return the rightful owners to their rightful land.

#### **1.4.1.2 Leviticus 5:5 & 6**

This text forms part of the first section of the Book of Leviticus, which is the Priestly Code. This text is about reparations of offerings and deals with the case of a person who acts inappropriately towards a fellow human being (Adeyemo 2006:140). Such actions were regarded as a breach of faith against the Lord because they involved lying and deception. Lying and deception in ancient Israel were regarded as the violation of the sacred and breaking faith with God.

The text deals specifically with property: people who are entrusted with the property eventually claim the property as their own. In this case, people could claim wrongfully that the property was theirs. In cases where corruption had been detected, the offending party had to restore to the offended party whatever had been misappropriated. Furthermore, the offending party had to give an additional 20 per cent of the value of the property to the offended party (Adeyemo 2006:140).

#### **1.4.1.3. Numbers 5:5-10**

What concerns us in this periscope is the question of confession. Since doing wrong to another person constitutes being unfaithful to the Lord, it first requires confession of wrongdoing. Should there be no witnesses and if evidence is lacking, some kind of confession is required to

proceed so that redemption can be realised. In the case of this periscope, the thief must – in line with the guilt offering in Leviticus – make full restitution for his wrongdoing (Bellinger 2001:196). From this, we can deduce that justice and reconciliation are significant factors in redemption.

## **1.4.2 The New Testament and land restitution**

### **1.4.2.1 Luke 19:1-9**

The story of Zacchaeus is one of the best New Testament stories that clearly articulate a true or genuine restoration or restitution process. This is because in this story, Zacchaeus first acknowledged that he had done something wrong (that is, manipulating people) and then he was willing to pay back four times what he had taken. This point is clearly articulated by Boesak (2008:641) when he asserts: “What intrigues here (in the story of Zacchaeus) are the radical consequences of genuine reconciliation: transformation, restoration, justice.” This story is relevant to the current study because it points to restitution or the restoration of justice for wrongdoing.

From this story, it is clear that reconciliation, as Boesak (2008:640) puts it, “means the restoration of justice”. According to Boesak, Zacchaeus knew or understood that reconciliation needs to be affected with the community in order for it to be genuine. He understood that reconciliation has to involve transformation if it is to mean anything: transformation of his life, his lifestyle, his relationships with the community and especially his relationships with those whom he had

wronged. Reconciliation means the restoration of justice. So Zacchaeus set out to do just that (restorative justice). He did not spare himself or his possessions. He acknowledged that his wealth was ill-gained, stolen from the sweat of the poor. For him, reconciliation was not cheap: "Look, half of my possessions Lord, I will give to the poor; and if I have defrauded anyone of anything, I will pay back four times as much."

## **1.5 CONCLUSION**

In this chapter it was argued that the question of land is theological because it relates not only to faith but also to economy, culture, politics and identity. Selected texts of the Bible were used to foreground the question of belonging and land in the Bible in order to illustrate that dispossession is not unique to the African context and that it has serious consequences for those in power who transgress the rules of hospitality.

In the next chapter the history of land problems in South Africa is discussed. History is of significance to understand the present-day land question in South Africa. For this reason, in the next chapter, an attempt is made to prove that land dispossession has inflicted the ideologies of violence and individual ownership of the land on African people; land dispossession has resulted in black people internalising oppression and thus fleeing from being black.

# CHAPTER 2

## THE HISTORY OF LAND PROBLEMS IN SOUTH AFRICA

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### 2.1 INTRODUCTION

The question of land is no doubt a controversial matter. For this very reason, it can be approached from diverse angles. In this study the researcher attempts to engage this question from a theological angle by considering its implications for ethics. To this end, history remains significant. In this chapter it is demonstrated that laws related to land possession and dispossession were passed in South Africa to suppress and oppress black people. This history is traced selectively as far back as the arrival of Commander Jan van Riebeeck in the Cape. In this chapter an attempt is made to research the ethics that can be linked to the history of land dispossession in South Africa in order to prove that land dispossession inflicted ideologies of violence and individual ownership of the land on black people.

## 2.2 THE HISTORY OF LAND DISPOSSESSION IN SOUTH AFRICA

The problem of land dispossession in South Africa can be traced back as early as 1652, with the arrival of the Dutch East Indian Company under Commander Jan van Riebeeck. This claim is supported by the following argument by Thwala (2006:58):

“Relocation and segregation of blacks from whites started as early as 1658, when the Khoi people were informed that they could no longer dwell to the west of the Salt and Liesbeck rivers, and in the 1800s, when the first reserves were proclaimed by the British and the Boer government”.

This point is also stressed by Pheko (1984:1), who argues that “South Africa is a Blackman’s country. It was once ruled by indigenous Africans: it was free and independent. The arrival of Jan van Riebeeck on the 6<sup>th</sup> April 1652 started the dispossession of the African people.”

From the above arguments, one can deduce that the arrival of the Dutch East Indian Company under the leadership of Van Riebeeck was in its own the cause of land dispossession or the start of the painful process of land dispossession, since the arrival of Jan van Riebeeck marked the permanent infiltration of white people in South Africa. Their interests were economically, but they used religion as a cover up.<sup>6</sup> Hence the resolution of the land question is deeply rooted in religion. To strengthen the argument that the resolution of the land question is deeply rooted in religion or mission, the researcher will look at how the arrival of Jan van Riebeeck played a major role in land dispossession in South Africa.

On the 24<sup>th</sup> of December 1651, Jan van Riebeeck set off (accompanied by his wife and son) from the Netherlands for the Cape of Good Hope as an employee of the Dutch East Indian Company. His task was to set up a resupply station which could be used by the Dutch East Indian ships on their way to the spice-rich Far East. His ship (the *Dromedaries*) sailed with two other ships (the *Reijger* and *De Goede Hoop*) and they landed on 6 April 1652 at the spot where Cape Town is situated today (Cronje 1982:9).

Jan van Riebeeck and his little company had instructions from the Dutch East Indian Company to establish a half-way house to India on the shores of Table Bay. This meant that they had to initiate a permanent settlement there, which would provide ships with fresh vegetables, meat, water and so forth on their voyage to the East or to Europe. Soon after that, Jan van Riebeeck and his men came into contact with the natives of the country. They were the Hottentot nomads who owned flocks of sheep and herds of cattle with which they moved from place to place in search of water and suitable pasturage. Later on, they also made contact with the Bushmen, who were nomadic hunters.

The intentions of the Dutch East Indian Company were more than forming good relations with the indigenous peoples; they considered it their duty to bring the Christian faith to the indigenous peoples (Cronje 1982:11). Jan van Riebeeck and his band of approximately 90 colonists were, however, not accompanied by a resident minister. For the first 13 years of the settlement, they were dependent for the administration of the sacrament from the clergymen of the Dutch Reformed Church in Holland who were on their way to or from the East. The Dutch

East Indian Company, however, had not left its servants entirely without their spiritual needs being provided for. Laymen called *ziekentroosters* (comforters of the sick) were provided.

The Dutch East Indian Company, with Jan van Riebeeck as their ambassador, started a mission among the indigenous peoples. The first attempt of the religious approach to the Hottentots came during the term of office of Governor Simon van der Stel. A young Hottentot girl named Krotoa became a servant of Commander Jan van Riebeeck's wife. She and her husband took special interest in the girl's spiritual progress. On 3 May 1662 she was baptised as Eva – the first indigenous person to become a Christian in South Africa (Cronje 1982:12).

With the attempt of doing mission work among the indigenous peoples by the Dutch East Indian Company under Commander Jan van Riebeeck, a number of indigenous people were baptised. After this, a number of different missionary societies came to South Africa.

The point here is that as the Dutch East Indian Company altered their original plan to make the Cape their point of departure for economic matters to religious matters, it progressed to Africans losing their original land because missionaries and settlers had to come to South Africa and this meant that more space (land) was needed to cater for them. It meant that the original inhabitants of the land had to lose their land. From as early as this period, the indigenous people refused to accept the process of land dispossession – as can be seen from the following excerpt from Commander Jan van Riebeeck's diary: "... they (khoisans) strongly insisted that we had been appropriating more and more of their land which had been theirs all these centuries ... They asked if they would be allowed to do such thing supposing they went to

Holland, and they added: "it would be of little consequence if you people stayed at the fort, but you come right into the interior and select the best land for yourselves ..." (Morris 2004:43 & 44).

The first indigenous people to experience land dispossession were the Khoi and San peoples. This point is clear in the Report of the Southern African Anglican Theological Commissions (26 January 1995), a part of which states:

"The first of the indigenous peoples to come under pressure from European attitudes to land tenure were the Khoi and San of the Western Cape, where the Dutch East Indian Company had established a station in 1652. As white settlement expanded, the pattern of conflict, followed by territorial dispossession, was experienced by all independent African polities in Southern Africa before the end of the 19<sup>th</sup> century" (Unisa 2002:i).

This pressure (from the Europeans) on Africans, as noted in the above sources, was not only experienced by ordinary people but was also felt by the chiefs (kings) as their power was minimised because the land over which they were in charge was taken away from them. This caused violent attacks among ethnic groups since the land was now limited. Fage (1988:318) argues:

"At all events, by this time (between c.1600 to c.1870) it seems to have become increasingly difficult for any one of the group of the Northern Nguni to secure all the land thought necessary for the support of its society without seeking to attack and push back its neighbours. However, each successful attack could only be a short-term palliative. It not only tended to build pressure for the neighboring groups, but it also tended merely to increase the size of the problem for the

aggressors, since their victory was only too likely to lead to their acquiring cattle, and possibly people as well, from the vanquished, and so to their requiring even more land, thus there began the *Mfecane or Difaqane*".

One can conclude that land dispossession was one of the causes of the ethnic wars among the indigenous peoples. As land was becoming a scarce resource that could not accommodate all the tribes and ethnic groups, the different ethnic groups had to fight over the limited land to have control over it. This resulted in whatever tribe or ethnic group won the ethnic war being accommodated, while it created displacement for the ethnic group that lost. As mentioned in the first chapter of this dissertation, this displacement impacted negatively on black people because as individuals, they were deeply attached to a particular land (or place). It was therefore the limitation of the land, caused by land dispossession, which in the end inflicted violence upon black people and caused their dislocation. In the next section the researcher looks briefly at the laws which were put in place to pave the way for land dispossession.

### **2.3 THE LAND ACT OF 1913**

The Land Act 27 of 1913, which was passed after the establishment of the Union of South Africa, made black people (natives) slaves and foreigners in their own Land. This point was also made by Sol Plaatjie (in Thwala 2006:58) when he said: "Awaking on Friday morning, June 20, 1913, the South African Native found himself, not actually a slave, but a pariah in the land of his birth".

Thwala (2006:58) says that this Act: "... restricted the area of land for lawful African occupation, stripped African cash tenants and sharecroppers of their land, and consequently, replaced sharecropping and rent-tenant contracts with labor tenancy. The Act resulted in only 10 percent of the land being reserved for blacks".

This law was the first official law to be put in place to pave way for land dispossession. Land dispossession by white people in South Africa was successful because of the laws which were passed to suppress and to prevent black people from owning land. Hence Plaatjie (in Thwala 2006:58) argues with regard to the Land Act of 1913 that he became an exiled person in the land of his birth.

Terreblanche (2005:260) argues that one of the main problems with which the new government of the Union of South Africa was confronted was that Africans in the three northern provinces were still engaged in semi-feudal production activities. What this meant was that Africans were still continuing their own agricultural activities and this was a problem for white people because there was a demand for workers in the mines and on the farms. Consequently, as Terreblanche (2005:260) maintains:

"... not enough Africans were prepared to become wage laborers in the mines and on farms at the wages offered. Botha and Smuts's SAP and the Unionists who represented financial and mining interest largely agreed on the issue of a native policy. As a result, in an effort to solve the labor problems of both the gold mining industry and maize farmers, the Union parliament passed the Native Land Act in 1913".

The objective of this law was to limit black people's (natives) land possession. Their intention was to make black people dependent upon the white economy since until then, they were independent from it. They had their own land on which they practiced agriculture. Hence the government introduced this Act to force black people off their land; the result of this forced removal would be poverty among the black population and they would have to depend upon white people for survival. The Report of the Southern African Anglican Theological Commissions is significant in this regard. It states:

“It was hoped with the introduction of this Act that Africans could be forced to become less independent in relation to their participation in the colonial cash economy. The result was that thousand of poorer African peasants were forced off the land. One other thing which this Act did was to undermine the chieftain system of traditional African society as these tribal authorities acted as an independent political pole, which resisted these changes. This Act set out to facilitate the formal establishment of African reserves. Seven percent (7%) of South Africa's land area was set aside for this purpose and it was from these reserves that the mines, the urban employers, were to draw migrant labor. In addition to addressing the labor needs of the mines, the Act also set out to eliminate independent rent-paying African tenants and cash croppers residing on white-owned land. This was done through restricting African residence on White land to labor tenancy or wage tenancy, and through prohibiting African land ownership outside of the reserves. It is through these tenancy regulations that the Act proposed to address the labor needs of White farmers” (Unisa 2002:i).

After this Act was introduced, the direct consequence was the establishment of reserves. These reserves constituted about 10 per cent of the land which was reserved for black people and

because black people were the majority in the country, the result was overcrowded reserves.

Terreblanche (2005:260) argues:

“As the reserves areas identified in the Act were already overcrowded, the drafters of the Act put in place a holding clause on the enforcement of the tenancy provisions. Additional land to expand the designated reserve areas needed to be secured first, since, if the tenancy provisions were enforced with the situation as it stood, evicted African tenants would be captured by farmers. Thus the holding clause in the Act placed a moratorium on removals, and established the Beaumont Commission to identify additional land for the reserves. But there was a great deal of opposition from White farmers to the 1913 Land Act. Rather than having African tenants removed to the reserves, farmers wanted tenants evicted and redistributed as farm labor”.

The Land Act of 1913 prohibited, except with the approval of the relevant minister:

- a. The purchase, hire, or other acquisition of land or interest in land or servitude thereover outside the scheduled black areas
  - i. By a black from a person other than a black; but this prohibition does not apply to land in a resealed area (the Development Trust Act of 1936 provided that the South African Development Trust should gradually acquire more land in each of the provinces for black settlement. The land so acquired was not to exceed 7,25m morgen – about 6,21m hectares); and
  - ii. By a person other than a black from a black; and
- b. The acquisition of land in a scheduled black area by a person other than the South African Development Trust or a black from a black; but this prohibition does not

apply to a mortgagee who may acquire such land at a sale in execution; however, if he does so, he is obliged within one year to sell the land to a black.

(Report of the South African Institution of Race Relations 1987)

The impact of the Land Act of 1913 was nonetheless devastating. The cruelty and suffering imposed on African tenants are vividly described by Plaatjie (in Thwala 2006):

“The baas (boss in English) exacted from him the services of himself, his wife and his oxen, for wages of 30 shilling a month, whereas Kgobadi had been making over £100 a year, besides retaining the services of his wife and of his cattle for himself. When he refused the extortionate terms, the baas retaliated with a Dutch note, dated the 30<sup>th</sup> June 1913, which ordered him to betake himself from the farm of the undersigned, by sunset of the same day, failing which his stock would be seized and impounded, and himself handed over to the authorities for trespassing on the farm”.

The main reason why this Act was passed was to satisfy the demands of both the white farmers and the white mine owners. The other purpose of this Act was to allay the fears of white farmers - especially in the Transvaal and Orange Free State - about the amount of land purchased by Africans and to protect them against the competition of successful African peasants (Terreblanche 2005:260).

This Act, Terreblanche (2005:260 & 261) argues:

“... was extraordinarily successful in proletarianising the great majority of Africans and creating large reservoirs of cheap and docile African labor for white farmers and the mining industry. It was truly the rock on which not only the political alliance between a section of the Afrikaner farming elite and the British business elite was built, but also on which the ultra-exploitative system of racial capitalism was built and maintained until the 1970s”.

From the above arguments, one has to conclude that the whole concept of cheap labour in the form of Africans (natives) was started and developed from this period. This phenomenon of cheap labour, which became entrenched in apartheid South Africa, was to have long-term results and is still evident in present-day South Africa. Black people were classed as unskilled labourers and did unskilled jobs in the mines and on farms, and they could own no property (the definition of proletarian). The Act also created setbacks for black people in terms of economic independence. During this period black people were not allowed to do sharecropping, tenant farming and squatter farming in “white” South Africa (Terreblanche 2005:262).

## **2.4 THE NATIVE TRUST AND LAND ACT OF 1936**

In 1936, at the end of a 10-year campaign, the Union’s constitution was amended. Black voters, who had been on the common voters’ roll in the Cape, were placed on a separate roll and allowed to elect three white representatives to the Union parliament. At the same time, the Native Trust and Land Bill was passed. These laws extended the principle of territorial and political segregation in South Africa, and meant that black people in the Cape were deprived of

their right to purchase land outside the reserved areas and that policy towards black people was uniform throughout the Union (Unisa 2002:i).

In this period (between 1936 and 1937) there three important Acts were passed which developed the process of dispossession of land from black people further. These Acts were the following: the Representation of Blacks Act 12 of 1936, the Development Trust and Land Act 18 of 1936 and the Black Laws Amendment Act 46 of 1937. The first Act removed Africans voters in the Cape from the common voters' roll, and placed them on a separate roll; the second Act authorised the government to expand the "native reserves" to a total of 13,6 per cent of South African land; and the third prohibited Africans from acquiring land in urban areas, thus extending the Stallardist legislation of 1923 and taking a more aggressively Stallardist line in its quest to control the influx of Africans to urban areas (Terreblanche 2005:278).

According to Terreblanche, Section 4 of the Native Trust and Land Act of 1936 was designed to transform the remnants of labour tenancy on white farms into wage labour in order to finally end African squatting and give farmers greater control over African labourers. But this was not implemented immediately because they feared that there might be unrest from black people. Then the Smuts government dragged its heels on this issue during the war years, to the dismay of white farmers. As a result, black people continued to migrate from white farms to urban areas, thus intensifying the labour problems of white farmers (2005:278).

The following were the key provisions of the Native Trust and Land Act of 1936 (Terreblanche 2005:278):

- i. The Act integrated land identified by the 1913 Act into African reserves, and thereby formalized the separation of White and Black rural areas;
- ii. The Act established a South African Native Trust, which purchased all reserve land not yet owned by the state, and had responsibility for administering African reserve areas. The South African Native Trust imposed systems of control over livestock, introduced the division of arable and grazing land, and enforced residential planning and villagization under the guise of modernizing African agricultural systems;
- iii. An elaborate system for registering and controlling the distribution of labor tenants and squatters was introduced under the Act. With those provisions, any African unlawfully resident on White-owned land could be evicted; and
- iv. Areas in White South Africa where Black people owned land were declared “Black spots”, enabling the state to implement measures to remove the owners of this land to the reserves.

## **2.5 FORCED REMOVALS: 1950s TO 1980s**

Racial discrimination (although it existed before) was made an official policy by the National Party after they came into power in 1948. The National Party passed the Group Areas Act in 1950 to further the aims of apartheid (or separate development, according to Hendrik Verwoerd’s ideology). Most of the country was declared a “white group area” and any non-white who owned property or lived in the white areas were expropriated and forced to move to

their respective group area. This policy was used to relocate both urban and rural non-white people.

This apartheid legislation came after the 1948 election when Hendrik Verwoerd was appointed Minister of Native Affairs in 1950. The 1950 legislation was based on an ideology of complete racial segregation in South Africa, in both urban and rural areas. During Hendrik Verwoerd's term of office Bantustans (homelands) were established. The ideology of Bantustans was based on the (false) principles of "diversity", "ethnicity" and "the right of self-determination" of each separate group "to control its own affairs" (Serfontein 1982:9).

In the 1950s there was the Group Areas Act which stated that each racial group (African, coloured, Indian and white) had to have their own residential areas. It was a crime for a member of one group to live in a residential group of another racial group. Since the 1950s, thousands of black, coloured and Indian people were "removed" and "resettled" from areas where they had lived – often for decades and even centuries (Serfontein 1982:13).

This Act forcefully removed people from the places where their ancestors had been buried and from the places of their birth (where their umbilical cords had been buried). The removals were, as Davenport (1987:379) asserts:

"Carried out with the precision of a military operation, and left over a thousand "unlawful" residents of Johannesburg homeless. In Cape Town the city council boycotted a public hearing of the Group Areas Committee in August 1956, because of the many Colored homes and institutions affected, when it was proposed to zone the whole of the Table Mountain area to the west of the

suburban railway line from Cape Town to Muizenberg for white people, but the main features of this proposal were put into effect during the next few years, the loss to the Colored people of District Six and the Kalk Bay harbor settlements being particularly resented”.

The Report of the Southern African Anglican Theological Commissions (Unisa 2002:iii-v) states that according to this Act:

- i. Africans were not allowed to own land in towns and were discouraged from trading or building there: towns were viewed as white reserves, where Africans were permitted to stay only if they could be employed as servants. In 1952, Section 10 of the Native Laws Amendment Act limited Africans with the right to live permanently in urban areas to those who had been born there, or lived there continuously for fifteen years, or worked for the same employer for ten years.
- ii. In the same year (1952), the Natives (Abolition of Passes and Co-ordination of Documents) Act compelled all Africans to carry reference books and was designed to increase control over African movement into towns, which increased hardship in the reserves. Both laws contributed to the removal of hundreds of thousands of Africans from urban areas in the 1960s, 1970s and 1980s.
- iii. The 1954 Native Resettlement Act was passed to remove the right of Africans who in some areas had the right to own properties in towns and rezoned these areas for use by whites: in terms of this legislation, the African residents of Sophiatown were removed to Meadowlands in 1956.

- iv. Africans were removed from squatting and being labor tenants from white farms and they reduced the number of Africans who remained on farms outside the reserves. Thus in 1951, the Prevention of Illegal Squatting Act was passed to make the anti-squatting provisions of the 1936 Natives Trust and Land Act enforceable. With this Act the minister of Native Affairs could compel Africans to move off public or private land, and could authorize local authorities to establish camps where squatters could be settled.
- v. (In the Transvaal alone), 400 000 Africans were moved into reserves from white farms; 350 000 from urban areas; and 280 000 from “black spots” or areas of black-owned land, while 120 000 were moved in the interests of “territorial consolidation”.
- vi. (In Natal), three quarters of a million were moved between 1948 and 1982; nearly half had been living on white farms, while 100 000 came from “black spots”, where the land was legally owned by black farmers under individual tenure, so that by 1983, black freehold in Northern Natal had been destroyed.
- vii. Two measures were used to enforce this massive scheme: the 1964 Bantu Laws Amendment Act which allowed the government to prohibit labor tenancy, and the 1967 instructions to magistrates on the implementation of the 1951 Prevention of Illegal Squatting Act. This provided for removal of “surplus” “Bantu” from white farms, of the elderly, unfit, widows, women with dependent children, and families without residential rights in urban areas, as well as business and professional people.

- viii. Between 1960 and 1980, the population of the reserves increased from four and a half million to eleven million people. This created an enormous population density.

Thus, in 1955 the Freedom Charter which was adopted by Africans and it had certain demands that were a direct reaction to the laws that prevented Africans from owning land. The demands were based on consultation with farm workers, peasants and migrant labourers in the mines and industry, and contained a vision of land usage which contrasted sadly with the increasingly harsh South African reality. The following six points that are specifically related to land are worth mentioning, albeit briefly (Unisa 2002:iii):

- i. The Land shall be shared among those who work it.
- ii. Restriction of land ownership on a racial basis shall be ended, and all the land re-divided amongst those who work it, to banish famine and land hunger.
- iii. The state shall help the peasants with implements, seeds, tractors and dams to save the soil and assist the tillers.
- iv. Freedom of movement shall be guaranteed to all who work on the land
- v. All shall have the right to occupy land wherever they choose.
- vi. People shall not be robbed of their cattle, and forced labor and farm prisons shall be abolished.

According to Festenstein and Pickard-Cambridge (1987:4), segregation (also known as separate development) was imposed on Africans through separate laws:

“... this later ensured that they were affected only indirectly by the Group Areas Act of 1950. But the most significant provision was the Natives Land Act of 1913, which prevented Africans from legally acquiring rural land outside the 10m Morgan of land in the scheduled reserves. Together with the Development Trust and Land Act of 1936, which provided for the release of a further 7,25m Morgan for purchase or settlement by Africans, it enforced territorial segregation in rural areas. The nationwide segregation of urban Africans was provided for by the Natives (Urban Areas) Act of 1923, which, as later consolidated into the Blacks (Urban Areas) Consolidation Act 1945, was to ensure control over the movement and residential rights of Africans. The 1923 Act explicitly imposed segregation and aimed to clear Africans out or rehouse them in locations; together with anti-squatting provisions and the Blacks Resettlement Act of 1954, it was used to enforce removals of Africans. The Act also provided for a system of segregated local government: black “advisory boards” were to be established by white municipalities. The Group Areas Act in turn was to pave the way for the separate local representation of colored people, Indians, and whites”.

## **2.6 BLACK PEOPLE’S RESISTANCE TO LAND DISPOSSESSION**

### **2.6.1 Resistance from the Xhosas (the eastern frontier of the Cape Colony)**

The growth of the Cape Colony was not a smooth or uncontested process. This is because African people consistently resisted the dispossession of their territory. In the 17<sup>th</sup> century, the 18<sup>th</sup> century and most of the 19<sup>th</sup> century, there was ongoing conflict between the settlers (popularly known as the Europeans) and the indigenous peoples (natives). The conflict started

between the Khoisans and the Europeans and then spread to the Xhosas. The struggles for land (or resistance to dispossession) differed from the raids on settlers' livestock and included protracted periods of guerrilla resistance and open warfare (Davenport 1987:126 & 127).

Between 1799 and 1803, on the eastern frontier, the Khoisan and amaXhosa rose up in common resistance against the settlers' expansion. Davenport (1987:126) explains: "The saga of the Cape eastern frontier was a story of rivalry, conflict and peaceful contact which lasted from the earliest encounters between the southern Nguni in the eighteenth century to the incorporation of Pondoland in the Cape Colony in 1894." This resistance was different because it involved the Khoisan, who had lost their access to land and were already labourers on settler farms. The resistance sought not only to stem territorial expansion by European settlers, but to overthrow the settler society and drive the Europeans out of their region. But their resistance was crushed with policies which the Europeans started and applied to the natives. Davenport (1987:126 & 127) argues:

"Nine wars were fought between 1778 and 1878. Far more than any other frontier, it was one on which policies were thought out and applied. The blockhouse system and the military village; the buffer strip, the frontier of no outlets and the trading pass; the trade fair, mission station, hospital and school; the spoor law, the treaty system, the government agent, the magistrate - all these were tried in various combinations, in a bid to maintain order and peaceful coexistence at the meeting point of two disparate but completing cultures".

The resistance was also crushed by armed commandos and by the British army, which launched the first of several military attacks on the amaXhosa across the eastern frontier. The end result

was always the same – the indigenous people lost their land and livestock (Davenport 1987:126–129).

During the period from 1856 to 1857 there was again resistance from the natives. This resistance is dramatically illustrated by the cattle killing of 1857. Sir George Grey, who was the successor of Sir George Cathcart, came in and tried to bring about the maximum socio-economic integration of black and white people on the frontier, hoping to make the Xhosa “a part of ourselves, with a common faith and common interests, useful servants, consumers of our goods, contributors to our revenue”. He therefore proposed to fill British *Kaffraria* with “a considerable number of Europeans” who would settle among the indigenous black people, teach them the Christian religion and the arts of European farming, and give them an understanding of the white man’s law as well as a vested interest through the grant of individual title. His policy is described as “civilization by mingling”. Sir George Grey, with his policy, wanted to apply the land policy which he developed in New Zealand where land was plentiful in contrast to British *Kaffraria* where land was not plentiful. With this policy, Sir George Grey wanted to penetrate the tribal territory with white-owned farms and military roads that was widely resented (Davenport 1987:134 & 135).

The resentment, Davenport (1987:135) asserts, erupted in the cattle-killing tragedy of 1857, when (following the prophecy of a young girl, Nongqawuse) the Xhosa people slaughtered their stock and destroyed their crops in the expectation of an act of revenge by their ancestral spirits on the white man, accompanied by the provision of food from heaven.

## 2.6.2 Resistance from the Basotho (Moshoeshoe and the Boer trekkers)

The Basotho (under Moshweshwe) had established their base in the Caledon valley by the time the Paris Evangelical Society arrived in 1833 and, in association with the Paris missionaries, they dominated the whole length of the river from the Phutiatsana confluence between Mekoatleng and Cana to Bethulie, below the confluence with the Orange. In this area Moshweshwe was able, with imperial backing at crucial moments in the struggle, to fight a relatively successful rearguard battle and ultimately preserve in reduced form the territory which would eventually become the independent state of Lesotho in 1966 (Davenport 1987:148).

There was friction between the Boers and the Basotho, which was caused by the question of land “ownership”. This point is strengthened by Pheko when he argues:

“... the Boer trekkers were continuing to take possession of the land of the Africans. Moshoeshoe and his people maintained that the land to the Caledon River and to the Vaal River belonged to the Basotho Africans. Some trekkers had settled along the Caledon River with Moshoeshoe’s people, but later claimed the land as theirs. A view Moshoeshoe refused (see Pheko 1984:60). Moshoeshoe pointed out that the land had belonged to his ancestors for many years and that the law (that in African society there is not private ownership of the land) governing the use of land could not be changed by whites. Moshoeshoe went on to say that the Boer trekkers were his subjects as they had come to his land. The Boer trekkers did not accept this view. Because of this the Boers requested help from the British Colonial government in the Cape Colony to put pressure on Moshoeshoe to change his attitude (that the land didn’t belong to the Boers). The British Colonial government in the Cape colony drew up the Boundary line depicting which part

belonged to the Basotho people and which land belonged to the Boers. Moshoeshoe didn't accept this boundary line and this led to the so-called First Basotho War".

In the first war of resistance the Basotho scored a glorious victory. On 25 April 1858, the Basotho warriors drove the Boer trekkers away. The Basotho had been fortunate because they had managed to acquire some guns. According to Pheko, the Boer trekkers

"... left the African land defeated, crying "Let us go home" (see Pheko 1984:61). But this victory was temporary because the Boers won the support of the British and they mediated and drew up the Boundary line. The Basotho people were not satisfied with the new Boundary line but their leader Moshoeshoe feared that if they resisted the Boers (Orange Free State Boer Trekkers) would unite with the English settlers against him. But as early as 1865 Moshoeshoe ordered his people to occupy the districts of Winburg and Harrismith (the land which they had lost through the Boundary line) which were occupied by the Boer trekkers. With the aid of guns the Boers were attacked and most of the land was restored to the Basotho Africans".

The Boers trekkers, under their leader JH Brand, appealed to the British to mediate. The British mediated during the harvest time and Moshoeshoe did not want to show his dissatisfaction immediately; he wanted his people to harvest their land and then go to war. By May 1865, Moshoeshoe was ready for war. He refused to abandon his land in the districts of Winburg, Harrismith and elsewhere. In June 1865, JH Brand declared war on the Basotho Africans. He had the support of the Transvaal Boer trekkers. However, Moshoeshoe defeated the combined armies of the trekkers. The Boers were not satisfied with the victory of the Basotho people, so they again asked for help from the British. This time the British helped the Boers with arms,

while the Basotho people only relied on assegais and knobkieries. With superior weapons, the Boers defeated the Basotho people in 1866. The trekkers forced Moshoeshoe to abandon a large part of his land and the Basotho were left with only the mountains of Lesotho. In July 1867, the third war of the Basotho resistance erupted. This war lasted for more than 20 years and the Basotho people were defeated (Pheko 1984:62).

### **2.6.3 Resistance from the Bapedi**

The Bapedi (Maroteng), or northern Sotho, people were less successful in their conflicts with the white authorities in the Transvaal (Davenport 1987:156). Pheko (1984: 64 & 65) concurs with this view when he argues:

“... the Bapedi Africans put up little resistance to the trekkers’ invasion and establishment of the South African Republic in the Transvaal. These Africans weighed their assegai against the guns of the Boers. They realized that whether they fought or not, the trekkers would overthrow their government and seize their land. But many Bapedi Africans of Sekhukhuni had rushed to the mines after the whites discovered diamonds in the Transvaal. Here they managed to illicitly buy fire-arms and ammunition. Once armed, they decided to fight for the return of their land. The trekkers tried to seize land from the Bapedi and they launched a pre-emptive attack on the Bapedi ruler Sekhukhuni and his people. By this time, the Bapedi Africans were partly armed and the trekkers suffered a humiliating defeat. But the Boers with the help of the English defeated the Bapedi Africans around 1877”.

#### **2.6.4 Resistance from the Zulus**

After the death of Piet Retief, the trekkers regrouped and enlisted the support of the English traders and other Europeans from the Cape Colony. They fought several battles with king Dingane and his people. Though the Boers were able to drive some Africans from their homes, the Zulu army routed the Boers at every turn. It was in these battles that Boer trekkers like Piet Uys and Dirk Cornerlis were killed. The Zulus were angry at the provocation of *Amaboela* who had disturbed the peace of their country - Natal (Pheko 1984:50).

A running battle was fought all over the country. The Boer trekkers burnt and killed. At Ndodasuku, they burnt the huts and killed all the occupants. Throughout 1838, battles were fought, until the decisive Battle of Blood River (on 16 December) was won by the trekkers (Pheko 1984:50).

#### **2.6.5 Political resistance**

The political struggle for dispossession was a political awakening among the natives. According to Pheko (1984:71), the Battle of Isandhlwana in January 1879 was the last major battle of national resistance in South Africa that was fought against the settlers and their colonialism. By the early 1880s, Africans already realised that they needed something more powerful than assegais against the settlers' guns - so they decided to opt for a political struggle rather than a military campaign. The first people to move in this direction or who opted for political struggle

were Christians. A number of educated African Christians began to question the inequality of opportunities.

### **2.6.5.1 Political organisations that were formed**

The first political organisations emerged in the 1880s, largely among the Xhosa Africans of the Eastern Cape. Some of the first political organisations that were formed were (Pheko 1984:78):

- the Native Electoral Association
- *Imbumba Yama Afrika* (Organisation of United Africans)
- the African Political Organisation, which was a coloured organisation
- the Natal Native Congress, which was founded in Natal in 1900
- the Natal Indian Congress, which was founded by Mahatma Gandhi in 1869
- the South African Native National Congress, which was founded in the Eastern Cape in 1902
- the African National Congress, which was founded in 1912

### **2.6.5.2 The political organisations attempted to fight dispossession**

The formation of the African National Congress (ANC) in 1912 was historically significant because it gave the African people hope. In 1913 the ANC found themselves fighting the Land Act, which deprived Africans of large tracts of land. It was the beginning of the fight against dispossession and the ANC would continue to fight for the welfare of the African people. They

opposed the extension of pass laws to African women in 1919; they demanded higher wages and conditions of service for African people; and they fought for effective parliamentary representation (Pheko 1984:78).

Another political organisation that was powerful in fighting against land dispossession was the Pan Africanist Congress (PAC). The PAC rejected the myth that South Africa was independent. In his speech at the inaugural conference of the PAC that was held in the Orlando Community Hall in Soweto (Johannesburg) on 6 April 1959, PAC president Mangaliso Robert Sobukwe said:

“The Europeans are a foreign group which has exclusive control of political, economic, social and military power. It is the dominant group. It is the exploiting group, responsible for the pernicious doctrine of White Supremacy which has resulted in the humiliation and degradation of the indigenous African people. It is this group which has dispossessed the African people of their land and with arrogant conceit has set itself up as the “guardian” of Africans. It is this group which conceives of the African people as a child nation, composed of boys and girls, ranging in age from 120 years to one day. It is this which over 300 years can still state with brazen effrontery that the Native, the Bantu, the kaffir (sic) is still backward and savage etc. But they still want to remain “guardians”, “trustees”, and what have you, of the African people. In short, it is this group which has mismanaged affairs in South Africa. It is from this group that the most rabid race baiters and agitators come. It is members of this group who, whenever they meet in their Parliament, say things which agitate the ears of millions of peace-loving Africans. This is the group which turn out thousands of expects on that new South African – the Native Land” (Pheko 1984:87).

Sobukwe went on to say that they, as the PAC, aimed for the following:

- i. We aim, politically, at the government of the Africans by the Africans, for the Africans, with everybody who owes his only loyalty to Africa and who is prepared to accept the democratic rule of an African majority being regarded as an African. We guarantee no minority rights, because we think in terms of individuals, not groups.
- ii. Economically, we aim at the rapid extension of industrial development in order to alleviate pressure on the Land which is what progress means in terms of modern society. We stand committed to a policy of guaranteeing the most equitable distribution of wealth.
- iii. Socially, we aim at the full development of the human personality, and a ruthless outlawing of all forms of or manifestations of racial myth. To sum it up, we stand for an Africanist socialist democracy ... *Izwe lethu* (the country is ours).

(Pheko 1984:87).

## 2.7 CONCLUSION

The land question, as shown, is a controversial matter and its history is significant. Land dispossession had a negative impact on black people (as will be shown in more detail in the next chapter of this dissertation). History has shown that the limitation of land due to land dispossession has instilled the elements of violence and individual ownership of the land among the tribes or ethnic groups in South Africa. The laws which were passed caused the

dislocation of black people. In the next chapter the researcher looks at the effects of land dispossession and the importance of land to Africans. This is done to prove that land dispossession resulted in black people internalising oppression and thus fleeing from being black. Land, as already noted in the previous chapters, is very important to black people. They are deeply attached to it. Therefore, by being forcefully “de-attached” from it, black people have been led to doubt their humanness and to flee from their black identity.

# CHAPTER 3

## THE EFFECTS OF LAND DISPOSSESSION AND THE IMPORTANCE OF LAND TO AFRICANS

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### 3.1 INTRODUCTION

In this chapter the researcher illustrates the effects that land dispossession had on black people in particular. A number of facets are traced to crystallise this point. In line with the previous chapters, the emphasis in this chapter is once again that the land issue remains a theological and ethical matter. Landlessness is linked to poverty, which remains one of the most blatant examples of the effects of black land dispossession. The laws that were passed to justify land dispossession are alluded to. All of these form the central thesis of this chapter which suggests that one of the negative effects of land dispossession is enveloped in what can be called the internalisation of oppression by black people, which resulted in a feeling of dehumanisation in black people because of land dispossession.

### 3.2 LANDLESSNESS

Naturally, one of the effects of land dispossession in South Africa was lack of land for black people. Dispossession led to landlessness for black people because they did not have a right to occupy their rightful place. Through the process of land dispossession, which was strengthened

by the slaughter or shedding of blood of Africans and laws which were passed to benefit the white minority and disadvantage the black majority, black people were forcefully removed from their rightful land. This resulted in black people not having a place which they owned; their status changed from being owners into being tenants or slaves. To illustrate this argument, a story related by Fenwick and Rosenhain (1991:60) is used:

“Emma Mashinini was born in Johannesburg in 1929 and spent her early years in Prospect Township, a black suburb outside Johannesburg. In 1936, Prospect Deep was re-zoned for white occupation and the family was forced to move to Sophiatown, a racially mixed area. Sophiatown was then re-zoned white and became the suburb of Triomf. Emma grew up in Western Native Township, in a house with only one room and a kitchen. She married in 1947 and had six children, three of whom died soon after birth. In 1959, she left her husband and went to work in a clothing factory, going on to become Secretary of one of South Africa’s biggest trade unions – Commercial, Catering and Allied Workers’ Union of South Africa. In November 1981 she was arrested under Section 22 of the Terrorism Act and was held in prison without trial until May 1982, when she was released”.

From this illustration, one can infer the real effects which apartheid had on black people. This point is corroborated by Pheko (1984:1):

“Racism, separate development and freedom, Bantu homelands, whites only, native pass laws, racial discrimination and fascist minority settler rule over the indigenous African majority, is apartheid on the surface, but the root of apartheid is the story of a dispossessed people. The story of a stolen land, of bloodshed, colonialism and invasion. The story of indigenous African government overthrown, and white rule enforced by guns”.

In the above illustration of Emma, it can be seen that black people were not regarded as citizens but as workers because it was thought that they belonged in the homelands. The homelands were established to exclude black people from the economic system and as a result, black people were economically dependent on the white economic system. Black people had to work for white people in white-owned places. The homelands were regarded as not part of South Africa, hence black people worked and sometimes stayed in the white-owned places but they were not citizens of those places.

In the illustration Emma's family was forcedly moved because of the Group Areas Act of 1950. Under this Act, separate geographical areas were set aside for use by different racial groups. Some areas were re-zoned and families were removed if they were of the wrong group (Fenwick & Rosenhain 1991:70).

As a result of land dispossession, Bantustans were established. Bantustans (which are also known as black/African homelands or simply homelands) were territories which were set aside for black inhabitants in accordance with the policy of apartheid. Under apartheid, it was decided to rename the reserves (which were referred to in the previous chapter) and they became Bantustans and later native homelands.

All Africans were declared to belong to one of the 10 Bantustans, with native language and tribal origins the deciding factors. In this way, Africans were deprived of their South African citizenship and instead became citizens of the designated homeland. Thus they had no place or

rights in South Africa, but were simply regarded as migrant workers who, if unemployed, had to return to their Bantustans. The old, the young and the dependent wives were “sent back” to the Bantustans and whole communities who were living in South Africa (in the “black spots”) were forcibly uprooted and relocated (Fenwick & Rosenhain 1991:77).

As stated in the previous chapter, this policy (of the establishment of Bantustans) was based (according to the National Party) on the principles of “diversity”, “ethnicity” and the “right to self-determination” of each separate group “to control its own affairs”. The problem with the National Party’s idea of Bantustans (homelands) was that if black people needed separate development, they would have worked on developing the people. Clearly separate development was not part of their plan but was foreigners’ (white people) means to force segregation onto Africans.

Pheko (1984:1) argues: “South Africa is a Blackman’s country. It was once ruled by indigenous Africans: it was free and independent. The arrival of Jan van Riebeeck on the 6 April 1652 started the dispossession of the African people. The history of South Africa which followed is a tragic and social degradation of a people, unprecedented in the history of the civilized world.

Land in South Africa before the arrival of the white peoples was under the control of African chiefs and land dispossession weakened the position of the African chiefs. Land belonged to the whole community and with the arrival of the (white) foreigners, it was corruptly transferred to white people. This was done by inflicting the corrupt notion of individual ownership of the land on chiefs and some chiefs individually sold the land to white people” (Winberg 1996:10).

Land dispossession had a terrible impact upon Africans, because they lost ownership of their land; some of them were forced to live in the Bantustans, while others flocked to the townships.<sup>7</sup>

Festenstein and Pickard-Cambridge (1987:1) write:

“In 1950, two years after coming to power, the National Party (NP) government introduced the Group Areas Act, which imposed a rigid system of segregation on trading and residential property rights throughout South Africa ... The Act limited African property rights only indirectly, for Africans had been subjected to a different, and harsher, body of law which segregated them from whites long before the Group Areas Act was imposed. It was therefore the colored and Indian communities which directly bore the brunt of the 1950 law. However, it did affect Africans too: they were forcibly moved to make way for white, colored, and Indian townships and the Act was also used to deny them access to commercial and recreational facilities in white-designated areas”.

The policy of the Bantustans, a result of the long process of dispossession that caused landlessness, was rejected even though its architects said it was aimed at establishing independent black states and the promotion of Bantu self-government(which was passed as law in 1959). The following are some of the reasons why this policy was rejected by black people (Serfontein 1982:10):

- i. The ten Bantustans comprise only 13 percent of the total land area.
- ii. Only one-third of the citizens of the Bantustans are physically living there. The others are living in “white” rural and urban areas.

- iii. Economically, the Bantustans are impoverished disaster areas. Unemployment and malnutrition are rife.
- iv. These territories in 1976 contributed only three percent of South Africa's total domestic product.
- v. Bantustans are fragmented into dozens of areas with white areas in-between. Only the Transkei consists of an identifiable area which has been regarded as a separate administrative unit for 130 years.
- vi. To consolidate those fragmented areas into bigger more economically viable units will mean the buying up of white land - which will cost hundreds of millions of rands.
- vii. Directly contradicting its policy of political entities based on cultural language entities, the government has created two separate Xhosa-speaking states - Ciskei and Transkei - obviously for reasons of political expediency.
- viii. The Bantustans are heavily dependent on economic handouts by the South African government, which provides the bulk of their budgets. This is an effective lever to ensure that they behave themselves. It is also subtly used as an instrument to prod those Bantustans resisting independence into accepting it.
- ix. Migrant labor, with men having to work as *Gastarbeiters* and live without their families as foreigners in "white" South Africa is an important source of income for the Bantustans.
- x. It was only possible to establish the Bantustans with the assistance of conservative chiefs - a small minority group in each state - which was bought over politically and otherwise.

- xi. Without direct South African military and security support these “states” cannot exist. They are as free as the seven republics of the Soviet Union.
- xii. They have become a “dumping ground” for hundreds of thousands of Africans removed from “white” areas in terms of the policy of resettlement.

Bantustans had a negative impact on black people because not only did it inflict the internalisation of oppression, but it also caused land dispossession. Black people were forcibly moved from their ancestral land and this resulted in the corruption of the black self.

### **3.3 POVERTY**

Another effect of land dispossession is poverty.<sup>8</sup> After the establishment of the Bantustans, which resulted in the impoverishment of the black population in South Africa, black people were forced to live under impoverished conditions. Because the white economic system did not allow them to make ends meet independently of white people, black people were forced to leave their homes in the Bantustans to work in “white” South Africa. This impoverishment of black people which resulted from land dispossession was caused by the apartheid policy, which became entrenched after 1948. The apartheid policy was a divide and rule policy, since black people were divided and even alienated from their ancestral land so that the white system could rule over them. (This policy is discussed in more detail later in this chapter.) This division and alienation resulted in the internalisation of oppression and self-hate in black people, hence white people were able to rule over them as they doubted their humanness. This was done with

policies (as was observed in the previous chapter) which was aimed at alienating black people from their ancestral land. Accordingly, Pieterse (2001:47) argues:

“First there was the Group Areas Act, which was passed by Parliament in 1950. The Act was considerably modified and strengthened by the Group Act (77 of 1957), the Group Act Amendment Act (1957) and the Group Areas Amendment Act (1961). And as a result of these Acts, it was practically impossible for black people to migrate from their homelands to the cities where the jobs were. They were condemned to a subsistence economy in remote rural communities”.

From the above, one can assume that these policies were intentionally created to impoverish black people. These policies created economic boundaries for black people, who were destined by these policies to stay in the Bantustans which were economically poor; as a result, they were dependent upon the white economic system. These policies made black people aliens in their own land. They were made to belong to certain places which were regarded as not part of South Africa. The following are policies which contributed specifically to black people’s poverty.

### **3.3.1 The Land Policy of 1913**

This law was passed to prevent black people from being owners of the land. It destined black people to live in reserved areas which were later termed “Bantustans”. Black people in South Africa, before the arrival and the intrusion of white people, were owners of the land and were economically independent. But with the establishment of this policy, black people became economically dependent upon the white established economy. This policy made black people

aliens and slaves in their ancestral land. They now had to work as workers in the land which originally belonged to them. Hence Fenwick and Rosenhain (1991:52) argue:

“This law was known as the law of dispossession, because it was designed to force blacks to become part of the labor market by denying them the right to own land. This law had a tremendous effect on black people, because the land which was their source of life was taken away from them. This caused economic dependence, economic dependence in this regard refers to the dependence of black people on white people (economically). With the establishment of this law, the status of black people changed from being owners into being workers or slaves. This law provided for the establishment of native reserves amounting to 7.3 percent of the total land area. At this time, nearly 70 percent of the total population was black, so the reserves were not large enough to support that number of people. With this Act Africans could no longer own farms – other than within reserves – and any African owning land was forced to sell it to a white buyer or it was taken by force”.

From the above, one can deduce that black people were made slaves in their own country and were forced to stay in overcrowded places. They were corruptly instilled with the whole notion of individual ownership, which is not part of the African culture. Black people were also, again corruptly, instilled with violence.

### **3.3.2 The policy of apartheid**

The policy of apartheid, which was entrenched in 1948, had a tremendous effect on black people (especially economically). The whole idea of this policy of separating people caused poverty

among black people. This is because black people were disadvantaged by this policy; they were forced into rural areas that were far from economic opportunities. Fenwick and Rosenhain (1991:59 & 60) write:

“Apartheid was its goal: not just to separate the races, but to segregate them, each into their own housing, schools, shops, restaurants, beaches, even cemeteries. In South Africa, the black majority would not be citizens, but merely migrant workers, because each tribe would be given its own homeland and eventually its own independent black state. Marriages and sexual relationships between races would be illegal. Colored and Indian people could not be given their own lands, but would have their suburbs, beaches, schools, shops etc. They would not vote for parliament as the whites did, but would be listed on separate voters’ rolls to vote for Colored and Indian Assemblies. Blacks, because they were not citizens of South Africa, they would not be able to vote at all. This made necessary a system of racial classification, judged largely by appearance and racial origin”.

The apartheid policy was therefore intended to make some ethnic or racial groups feel more important than other ethnic or racial groups so that it could lead to further division. This is evident in the little privileges that were given to the coloureds and Indians, for example they could vote for their assemblies while black people did not have this privilege.

### **3.3.3 The Bantustans**

With the establishment of the Bantustans, poverty emerged among black people. This is because through the process of the establishment of the homelands, they were moved far away from

economic opportunities and were plunged into poverty. This process was based on the policy of apartheid (“diversity”, “ethnicity” and the “right of self-determination” of each separate group “to control its own affairs”). In reality, however, the homelands were not independent as the apartheid government said they would be because they remained dependent upon the white government. According to Serfontein (1982:10), the policy of the Bantustans was a divide and rule policy which deprived Africans of their South African citizenship – a legitimate “birthright”.

### **3.3.4 Bantu education**

Bantu education worsened things for black people; it created more poverty because black people were given an inferior education. This education system was geared towards indoctrinating black people so that they would not be able to think critically. They were made to study irrelevant, skewed history in order to move their attention away from the brutality and infiltration of white people in their land. This education system therefore served as a tool for continued mental oppression and resulted in black people internalising oppression and suppression. It corruptly instilled an inferiority complex in black people. Fenwick and Rosenhain (1991:74) write:

“The major thrust of government policy to do with black education was to centre it in the Bantustans and to abolish education facilities for blacks in “white” areas. The curriculum was designed to prepare students for life in the Bantustans and in the less skilled areas of the white economy. There was heavy emphasis on tree-planting, soil conservation and agricultural practice, religion, hygiene and local customs. Mother tongue instruction was initiated, where the tribal

language of the Bantustans was the teaching language for primary school, with English and Afrikaans taught as second language. After six, Afrikaans and English were used as the teaching language. Government attempts to force students to be taught in Afrikaans led to riots in Soweto in 1976”.

This policy aimed at instilling inferiority in black people because they were given an inferior education – as can be seen in the following assertion by Dr Verwoerd: “What is the use of teaching the Bantu child mathematics, when it cannot use it in practice? That is absurd ... There is no place for the Native in the European community above the level of certain forms of labor” (Fenwick & Rosenhain 1991:74).

The result of these policies, which emerged from land dispossession, was poverty. In referring to poverty, Pieterse (2001:30) argues that “[r]esearchers are more or less agreed on the following definition of poverty: the inability of individuals, households, or entire communities, to command sufficient resources to satisfy a socially acceptable minimum standard of living.”

Wilson and Ramphela (1986:67) argue that “poverty means not knowing where their (the poor’s) next meal is coming from, or fearing eviction from their meagre dwellings because they cannot pay the basic rental. There is also the fear that the breadwinner will also lose his or her job.” Poverty, which came as a result of policies which were enforced to pave the way for land dispossession, affected every aspect of the lives of black people. The description of poverty that is most given in the black community is economic poverty. After black people were dispossessed of their ancestral land, Bantustans were established in order to further impoverish

black people. The Bantustans were economically weak and hence they were poor. Taylor (2003:1) argues:

“Poverty is still a major global reality. It has many dimensions – material, social and psychological – and many side-effects. It is characterized above all by a lack of income and power. Wealth is the reverse of poverty and is just as great a problem unless and until it is shared by everyone and grows rich in moral, social and spiritual values”.

From the above, one can deduce that poverty has many dimensions: material, social and psychological. Poverty not only affects black people economically, but also socially in that their social status and social community-based structures were corrupted by land dispossession. Land dispossession which resulted in the impoverishment of black people also had a tremendous effect on their minds. Poverty which was caused by land dispossession resulted in black people internalising oppression and the dehumanisation of black people.

### **3.4 THE LOSS OF A SENSE OF BELONGING AND IDENTITY**

In the African tradition, the land plays an important role. The land is seen as the property of revered ancestral spirits who control the fertility of the land and care for their descendants (Mosoma 1991). In the African tradition, when a child was born, the umbilical cord was buried to symbolically unite the baby to the ancestral spirits. Land dispossession therefore meant that the relationship between the people and their ancestors, which was created with the umbilical cord, was destroyed. People lost their sense of belonging because their belonging was closely

connected to the land. They lost their identity because in the African tradition, identity is closely connected to the land and ancestors.

Mosoma (1991:25-26) makes this poignantly clear when he maintains: "Landlessness renders an African politically impotent and spiritually bankrupt, hence the problem of split identity. For Africans, history and identity are intimately bound with the land ... the history and identity of our people is intimately bound up with the land, therefore our history and self-understanding become meaningful only when they are related to our land".

There is strong link between history and identity. This link in this context is bound to the land. Africans come to understand their history and themselves through the land, which is where their ancestors are buried and where their history is. The land is central and important to our understanding of ourselves as Africans.

This point is further alluded to by Mosoma (1991:26) "When he argues that "[l]and is the primary means of our continuity as a people, and it connects our past with the present, and it is the hope our future". In the African tradition, the land is generational. This means that it cannot be bought or sold for it belongs to the living, the dead and the yet to be born. Every African should live off the land. The land took care of Africans as they took care of it.

### 3.5 THE BROKENNESS OF BLACK PERSONALITY

Land dispossession had a massive impact on the personality of black people. This is because land in Africa is linked to personality. Hence land dispossession contributed drastically to the internalisation of oppression and the dehumanisation of black people. Black people were made aliens in the land of their ancestors, thus their black self was corrupted.

Mosoma (1991:25) argues: "The persistent or constant demand for land return is necessitated in part by the black people's schizophrenic behavior - a behavior that reflects the brokenness of black personality conditioned by years of apartheid's mental and spiritual occupation. Their alienation from the land contributed drastically to a low self-image of black personality. The Bible says if you are in Christ you are a new creature. Blacks find it difficult to experience the new creaturely reality because of what they consider to be the political and social truncation of their humanity. The split personality syndrome of the black humanity is a direct consequence of the effects of apartheid's political uprooting and alienating praxis".

From this assertion, we can see that land dispossession had a tremendous effect on the personality of black people. Mosoma (1991:25) also says: "In the African traditional religion there is a close connection between the living and the 'living dead' ancestors. The reverence of the ancestors is inextricably bound with a high degree of land reverence."

One can therefore deduce that land dispossession resulted in the brokenness of the black personality. Personality is shaped by context, context has a great influence upon how a person

sees things (worldview), how a person behaves (whether good or bad) and how a person thinks. The same happens with regard to ethics: one regards something to be ethical or moral (good) lly according to what the context has taught one. Kretzschmar, Bentley and Van Niekerk (2009:16) argue: “All cultures and societies develop particular ways of living that they regard as morally acceptable, and to the benefit of the individuals and groups within the society. Immoral actions are those that conflict with the accepted moral norms and values and threaten the well-being of society”.

According to Kretzschmar et al (2009:26), to be morally formed is to be a person of moral character - one who can exercise moral responsibility and be a moral agent. But this is determined according to the norms and values of the context (community) to which one belongs. What this means is that a person becomes morally formed in accordance with his or her context and community. And people who are progressively formed morally are more able to expose what is evil and to promote what is good in their private lives and in society.

For Kretzschmar (2004), the following factors show how context influences one’s understanding and practice of theological ethics:

- i. The experiences of childhood have a major impact upon the human personality and there can be no doubt that family influences are deep and long lasting. The moral perceptions of adults can be traced back to childhood or teenage experiences.

- ii. There are a number of biblical examples of the moral and religious effects of family life on the individuals involved. Example: Jacob. He seemed to learn nothing from his own experience of parental favouritism and its resultant sibling slavery. He favoured the children of Rachel above those of Leah, with disastrous results.
- iii. People all over the world, including South Africans, live within a variety of religious and ecclesiastical contexts. These, naturally enough, affect their moral perceptions and judgement.

### **3.6 THE MURDER OF AFRICANS**

Through the process of land dispossession, Africans were murdered. Most of the Africans who were murdered were those who resisted land dispossession. Pheko (1984:1) says: "Racism, separate development and freedom, Bantu homelands, whites only, native pass laws, racial discrimination and fascist minority settler rule over the indigenous African majority. This was apartheid on the surface, but the root of apartheid is the story of a dispossessed people. The story of a stolen land, of bloodshed, colonialism and invasion. The story of indigenous African government overthrown, and white rule enforced by guns".

From this, it is clear that when Africans were dispossessed of their land, militant strategies were used to force them from their ancestral land. This had a terrible impact on black people, since they were forced to respond with militant force and violence and militancy were instilled in black people. Hence Pheko (1984:1) says:

“South Africa is a Blackman’s country. It was once ruled by indigenous Africans: it was free and independent. The arrival of Jan van Riebeeck on the 6<sup>th</sup> of April 1652 started the dispossession of the African people. The history of South Africa which followed is a tragic story of military suppression, political oppression, economic exploitation and social degradation of a people, unprecedented in the history of the civilised”.

### **3.7 THE IMPORTANCE OF LAND IN THE AFRICAN CONTEXT**

As was said earlier, in the African tradition the land plays an important role. It is seen as the property of revered ancestral spirits who control the fertility of the land and care for their descendants (Mosoma 1991:29). When a child was born, the umbilical cord was buried to symbolically unite the baby to the ancestral spirits. The process of land dispossession had a tremendous effect upon Africans and their identity, because it caused a split between them and their ancestors. Mosoma (1991:26) says: “The question as to whether or not the land is a gift from the ancestors is non-negotiable for the indigenous people and it forms the basis of their self-understanding and bondedness to the soil from whence they came and to which they shall return.”

The land is central and very important to African people, because it is where they came from and where they will be buried. There is a link between Africans and their ancestors who are buried in the same land. And in the same way that there is a link between Africans and their ancestors, there is a link between the land and the history of the African people. Mosoma

(1991:26) explains it as follows: "Land, for blacks, is sacred and central to their whole civilization. It cannot be bought or sold, for it belongs to the living, the dead and the yet unborn. It cannot be ravaged and exploited beyond its capacity for renewal, since it is the living link between the past memories and expectant future in which the new generation will actively participate".

The land is sacred in Africa because our ancestors are buried in it. Without the land, we cannot have a home for our ancestors. That is why we kneel barefooted next to the grave when we want to communicate with our ancestors; we show a lot of respect for the land in which our ancestors lie. In the African context, when there is death in a family, no one is allowed to till the land. After the funeral, in some cultures, we do not touch the soil with a hoe and we do not plough or till the land until a ritual of cleansing is performed by the family. Nyamiti (1984:16) writes:

"When ancestors are neglected or forgotten by their relatives, they are said to be angry with them and to send them misfortunes and punishment. Their anger is usually appeased through prayers and ritual in the form of food and drinks. The ancestors long for contact with their earthly kins; that is why they are supposed to visit often".

Africans are supposed to visit their ancestors often so that they can look after them. When African people are dispossessed of their land, which is where their ancestors are buried, it is difficult for them to visit their ancestors often and this is seen as resulting in the ancestors punishing them. In short, when Africans are dispossessed of their land, they neglect their

ancestors unintentionally. This has a tremendous effect upon them because the results of their negligence are punishment from the ancestors.

In the African context, the land is also valued as a resource of livelihood. The land produces food and water, which give life to all living things. Sunbird explains the link between the living, the land and the ancestors as follows:

“We become filled with the land and one day the land becomes filled with us. We also become filled with a deep love of it, the rocks and roots of the earth are in our blood, the air we breathe is full of magic, the spirits speak audibly through the rustling of leaves and the deep howl of the wind, through the waterfalls and the silence. Our ancestors were in love with this land. Deep in the soil laid bones of our ancestors, the first people to come to this island, the ones who are our greatest grandfathers and our greatest grandmothers. The bones of our ancestors have gone into the soil and now supply nutrients to the food we eat, and share their energy with the plants, trees, water and rocks, animals and soil. They are part of the land, so when we speak of the land, we speak of our ancestors. The land provides us with food, water, clothing, shelter and life. The energy of the land is in every grain of wheat and animals. As a plant grows it soaks up the water from the land and the rain, it feeds from the animals, plants, leaves and people that have gone before (died). Their spirits go into the ground. As the plants grows it feeds from the light of the sun. The land is our provider and we are made of the land, so the land is our mother”.

The land in the African context also served as a hunting ground. Hunting in the African context had some of the following functions:

- i. It was a day to day source of food.
- ii. It helped in developing life and survival skills in an ever-harsh environment.
- iii. It was a means whereby essential survival skills were passed from one generation to the next.
- iv. It was a means whereby parents helped to prepare their children for the challenges and responsibilities of adult life.
- v. It was a way to identify leadership. Future community leaders were identified on the basis of their skills, courage, strength, wisdom, and perceptivity in the service of others and the wider community as demonstrated during hunting.
- vi. In the African context land served as a source of shelter. It was a place Africans called home, where they belonged and where they could trace their roots.

### **3.8 CONCLUSION**

Land dispossession had disastrous effects on black people. Not only did it inflict self-hate in black people, but it also led to them internalising oppression and dehumanisation. Land dispossession in South Africa resulted in the corruption of the link between the land, black people and their ancestors. Hence the restoration of the stolen land can liberate black people from internalised oppression and dehumanisation. Land restitution can help in restoring the lost self in black people.

In the next chapter the Belhar Confession and land restitution are discussed. As it has already been proven in the previous chapters of this dissertation that land dispossession had a terrible

impact on black people and their livelihood, in the next chapter the conditions which gave rise to this and threatened the heart of the gospel message in South Africa are examined. These conditions required the Dutch Reformed Church in South Africa to confess its faith anew. The church produced a *status confessionis* - the Belhar Confession. In the next chapter the Belhar Confession is examined anew with respect to the three cardinal points of the confession, namely: reconciliation, justice and unity. In the past, only two cardinal points of the Belhar Confession (namely reconciliation and unity) were given much attention at the expense of the third cardinal point (namely justice). Therefore, in the next chapter the researcher looks at all three cardinal points in terms of the present-day land question in South Africa.

# CHAPTER 4

## THE BELHAR CONFSSION AND LAND RESTITUTION

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### 4.1 INTRODUCTION

In this chapter the researcher attempts to locate the Belhar Confession in an old tradition of Dutch Reformed theological responses when the gospel is at stake. A brief overview of the history of the Belhar Confession is provided and then the three cardinal issues that are confessed in the Belhar Confession are discussed. The reason why this is important for this study is because although the Belhar Confession does not deal specifically with the land question, it can be seen as providing an impetus for dealing with land restitution as a theological and Biblical command.

It will become clear in this chapter that land dispossession essentially created a dislocation not only of the relationship between black people and the land, but also of tarnished black self-identity. At the end of this chapter, a few comments are made with regard to the significance of reconciliation, justice and unity as means of addressing the well-being of a broken society.

## 4.2 A BRIEF OVERVIEW OF THE HISTORY OF THE BELHAR CONFESSION

The Belhar Confession was as a theological response to the theological and Biblical legitimacy that were given to the apartheid ideology. It would be arrogant to claim that this confession was the only theological response to the ideology of apartheid. Other significant theological responses to apartheid included the Message of the People of South Africa (1968), the Declaration of Faith for the Church in South Africa of the Presbyterian Church (1973), the Koinonia Declaration (1970), the Theological Declaration of the Broederkring of the Dutch Reformed Church (1979), the Five Articles of the Theological Basis of the Alliance of Black Reformed Christians in South Africa (ABRECSA) (1981) and the open letter of 123 ministers of the Dutch Reformed Church (1982) (Tshaka 2010:243).

The Belhar Confession must be seen in the light of age-old traditional Dutch Reformed responses when the gospel was under siege. The notions of *adiaphora* and *status confessionis* are of paramount importance if we are to truly comprehend the confession. The notion of *adiaphora* was applied to suggest that some matters could continue to be viewed as neutral because they did not threaten the heart of the gospel. The notion *status confessionis* stemmed from the conviction that the truthfulness of the gospel was threatened. Tshaka is of the view that the notion *status confessionis* had not been used since the time of interims.<sup>9</sup> It is proposed in the current study that apartheid in mainline Dutch Reformed circles was considered a neutral matter, similar to the Aryan paragraph<sup>10</sup> that necessitated the Barmen Declaration during the Nazi regime. The Dutch Reformed Christians held the view that apartheid was a

political matter and not necessarily a theological matter, and therefore it did not threaten the heart of the gospel. The *status confessionis* that questioned apartheid as a neutral matter was crystallised in the Belhar Confession.

The Belhar Confession therefore challenged apartheid as a so-called *adiaphora*. It made it clear that apartheid did threaten the gospel of Christ and for this reason; it was a sin and a heresy (Smit & Cloete 1984).

The Belhar Confession is regarded as a conversational product of the Barmen Declaration. For Smit (2006:1), there would have been no Belhar Declaration without the Barmen Declaration.<sup>11</sup> Both were a response to specific situations which threatened the heart of the gospel message, hence they are regarded as *status confessionis*.<sup>12</sup> The Belhar Confession was a product of the work of different Christian theologians and institutions.<sup>13</sup> It is important to note this point made by Smit, because a public confession is always a labour of the church and not of an individual as such.

The Belhar Confession confessed three critical issues, namely: reconciliation, justice and unity. Since the inception of this confession, the issue of unity has received much more attention than the other two equally important issues of reconciliation and justice because it is not as uncomfortable a matter as justice and true reconciliation (URCSA General Synod Agenda 2008). In this chapter the issues of justice are discussed, especially because they apply to the question of land restitution. It is the view of the researcher that the Belhar Confession does provide us with a means of calling for land restitution as an issue of justice. Like all other

confessions, the Belhar Confession is a temporal confession because it speaks to a particular situation in time (Barth 1961). Having said this, its temporality does not preclude opportunities of seeing how, in other instances, God's continued association is with those who are at the margins of societies. The key elements of the Belhar Confession are addressed in the next section.

### **4.3 LISTENING ANEW TO THE BELHAR CONFESSION IN THE QUEST FOR LAND RESTITUTION**

The issue of land restitution is very important for the well-being of South African society, especially in the light of the Belhar Confession's emphasis on justice, unity and reconciliation.

As has been indicated, because of its temporal nature, the Belhar Confession was not written as a confessional response to the question of land in South Africa; it was written as a confessional response to the apartheid system which paved the way for the vast land dispossession of black South Africans.<sup>14</sup> Tshaka (2010:185) argues that "the fact that the (South) African situation has changed and is continuing to change begs the Christian church to define a clear and responsible role of engaging its current theological and political context". The current problems are varied and include the question of land restitution. The Belhar Confession can therefore play a role in defining and addressing the land issue as it is a current theological and political issue (context). This is because in the Dutch Reformed Church or Dutch Reformed tradition, confessions are used as key tools in fighting against situations which threatened the heart of the gospel. Confessional theology is especially important for African Reformed Christians who feel a sense

of identity dislocation because of land dispossession. Tshaka (2010:184) writes the following about confessional theology:

“Confessional theology is a theology which stresses the centrality of the Word of God and acknowledges the essence of the church, its public witness of Jesus Christ to the world, the significance of the context in which this theology is done, as well as the ethics which is always implied in it. In realizing all these characteristics, confessional theology insists on the fallibility of those involved with it. The flexibility of confessional theology insists upon the idea that theology cannot be conducted in ways that ignores the humanness of those involved with it. By having this in view, confessional theology is prevented from succumbing to ideology”.

Confessional theology therefore emphasises the centrality of the Word of God. In the Dutch Reformed Tradition the Word of God is central, but (as the above argument contends) those who are involved in confessional theology are not infallible. Hence confessional theology is flexible and this prevents it from succumbing to ideology. This can be seen in the wrong use of the Bible in the past to affirm evil and immoral systems as systems ordained by God.

#### **4.3.1 Reconciliation and land restitution**

The Belhar Confession denotes reconciliation in a transformational manner, especially with reference to the church as the salt and the light of the world. The concepts of salt and light are transformational. Salt transforms bitter food (a bitter situation) and makes it tasty.; light transforms a dark situation into one of light. Hence the church, as stated in the Belhar Confession, has been entrusted with the task of transforming the world in a reconciliatory

manner. As was shown in the previous chapters of this dissertation, land dispossession brought about bitterness and darkness into the lives of black people. It corrupted black people's self-identity and encouraged them to flee from their black selves (Tatum 2003). The church has been entrusted with transforming these situations, to add salt to bitter black situations and to bring about light into the dark situation of black people.

According to the Belhar Confession, reconciliation is central to the gospel message. An important point that is mentioned in paragraph 3 of the confession is that the church is called to be the salt and light of the world (Matthew 5:9).<sup>15</sup> Salt and light are transformative agents. Therefore the Church has been entrusted with the task of transforming the world. It has been entrusted with adding transformational saltiness to the bitter situation of black people, who were forcefully robbed of their land and thus of their black identity. The church has been entrusted with bringing transformational light into the dark situation of black people, who were forcefully detached from their ancestors and motherland and whose identity (which is strongly linked to their ancestral motherland) was destroyed. Land dispossession seriously damaged black people and their black identity and soured the relationship between black people and white people. Hence the church, as a transformational agent, has been entrusted with the task of transformationally healing these damaged relationships. Van der Watt, Human and Steyn (2005:55) argue:

“The concept reconciliation has meaning in many contexts, and applies to everyday human relations and situations. It is a concept, however, which in particular has religious overtones. Reconciliation has to do with relationships which for some or other reason were damaged or scarred. The need normally exists to mend these damaged relationships and to restore it to its

former ideal state. The process to restore this relationship is converged in the concept reconciliation. When a relationship between two parties was damaged or harmed, it needs to be reconciled”.

Reconciliation can have many meanings in different contexts, but it is essentially centered on relations. The relationships of black people with their black selves and between black people and white people have to be restored to their original state or condition. These damaged relationships resulted from land dispossession and the perpetuation of that dislocation continues today as black people have become most susceptible to a consumerist and materialistic culture.<sup>16</sup> Land dispossession also burdened black people with immoral ideologies. They had the foreign ideology of individual ownership and the ideology of violence imposed upon them.<sup>17</sup> Hence reconciliation is necessary to restore black people to their original state or condition, when land belonged to the community and no one had to fight over it. Barth (1961: 3) argues:

“Reconciliation in the sense of the Christian confession and the message of the Christian community is God’s active and superior Yes to man. It is God’s active Yes to man as it is the fulfillment of the eternal election in which God has determined, determines and will again determine Himself for man to be his God, and man for Himself to be his man. It is God’s superior Yes to man as it is the overcoming, in God’s omnipotent mercy, of the No, the contraction, the opposition, the disruption in which man, if he were left he were left to achieve it, would necessarily destroy his relationship to God and his fellows, and therefore himself. God does not permit him to execute this No of his, this contradiction and opposition. God does not abandon him to the mortal peril to which he thereby exposes himself. He takes the lists against man and

therefore for him, for his salvation and for His own glory. He stands by His Yes. He accomplishes its actualization. This is the work of God the Reconciler”.

Reconciliation has to do with fixing up broken relationships, between man<sup>18</sup> and man or between God and man. This study is more concerned with true reconciliation between black and white people as well as reconciliation among black people themselves and black people with themselves. Taking into consideration the painful history of South Africa (specifically the history of land dispossession), it is clear that many relationships have been broken, especially the relationship between the white and black people in South Africa. Land dispossession has degraded black people. The following story of an old granny is a telling illustration of how black people have been degraded.

“In the past, we have suffered a lot, you know. We have suffered when we were taken from our land and have been dumped elsewhere; we have suffered when the police and many white showed us we were less than animals to them. I always found it strange: In the past, you could see a lot of these cans at the cashier desk where white people were throwing money for suffering animals, and animals they did not want to see disappearing from the earth, like this one bear. But I never saw them putting money in cans for suffering blacks, never, never, never. You know, we were that low in their esteem [sic], in the esteem of the whites, I mean, that often we ourselves also lost self-esteem. We had no more relationships; everything was broken, no more land, the graves of our ancestors on a land which we couldn’t enter, no more livestock and no more surviving on our fields. And no more contact with the whites. God tells us that we are all brothers and sisters, but we were not at that time, we were aliens to each other, we didn’t tell each other our dreams and we didn’t tell each other our suffering. It was like completely different stories” (Frochtling 1998: 23 & 24).

From this, one can gather that land dispossession not only had a painful and negative impact upon the relationships between black and white people, but it also had an impact on the blackness of black people. The old granny refers to the fact that black people viewed themselves as being less than animals. Land dispossession resulted in black people doubting their humanness. The strong link between black people and the land where their ancestors were laid to rest was brutally severed. Black people were forced to separate from their ancestors. It must be remembered that land dispossession also viciously destroyed the black economic system. It must be remembered that policies were put in place to pave the way for land dispossession and therefore to disrupt the economic system that was functional for black people. Bantustans were therefore directly aimed at making black people dependent upon white people.

For Barth (1961:3 & 4), reconciliation is intrinsically linked to the covenant between God and humanity. He argues:

“Reconciliation in the Christian sense of the word – the reconciliation of which we have the attestation in the Holy Scriptures of the Old and New Testament, and in the recognition and proclamation of which the Christian community has its existence – is the history in which God concludes and confirms His covenant with man, maintaining and carrying it to its goal in spite of every threat. It is the history in which God in His own person and act takes to Himself His disobedient creature accursed in its disobedience, His unfaithful covenant-partner lost in his unfaithfulness. He does this as He abases and sets Himself at the side of man, yet also exalts man and sets him at His own side; as He both vindicates Himself in face of man and man in face of

Himself. Reconciliation thus means and signifies Emmanuel, God with us, namely, God in the peace which He has between Himself and us but also between us and Himself”.

Reconciliation is central to the whole idea of the covenant theology which we find in the Old and New Testaments. God has a covenant and thus a relationship with humanity. This covenant is usually spelled out in the phrase “I am your God and you are my people”. However, it must be acknowledged that this covenant and relationship have been broken because of the disobedience of man. Yet, in spite of this disobedience, God remains faithful to His covenant and has always wanted to reconcile Himself with His people, from the time of the Old Testament and to the coming of Jesus Christ in the New Testament to fully bring about reconciliation between man and man and between man and God.

Hence it is confessionally argued in the Belhar Confession that the church is entrusted with this task of reconciling people, with healing and restoring broken relationships. But this healing and restoring must not be superficial. Consequently the Belhar Confession refers to reconciliation in a transformational manner. In the reconciliation process, it has to be acknowledged that black people have suffered emotionally, socially, psychologically, economically, spiritually and physically – and thus reconciliation has to restore and heal black people emotionally, socially, psychologically, economically, spiritually and physically. Koopman (2007:97) argues:

“The reconciliation that is confessed in the Belhar Confession reflects the two dimensions of reconciliation in Pauline thought. Reconciliation as *hilasmos* has to do with the expiration of wrongs and stumbling-blocks to atonement (at-one-ment). Reconciliation as *katalasso* refers to harmony in the relationship with the other. The reconciliation of Belhar has in mind the embrace

that Miroslav Volf refers to: the embrace of different races, tribes, nationalities, socio-economic groups, genders, sexual orientations, and age groups, “normal” and disabled people. The reconciliation of Belhar pleads for the removal of stumbling blocks in the way of peaceful living, in the way of the embrace. Reconciliation therefore implies opposition to injustices like racism, tribalism, xenophobia, classism, misogyny, ageism and handicappism”.

For Koopman, the reconciliation that is confessed in the Belhar Confession is atonement reconciliation. Atonement describes the process of restoring the broken relationship between the people and God. Reconciliation has the following steps: confession, repentance, justice and forgiveness (Andrews 2000:76). The first step that is needed with regard to reconciliation and the land question is that the perpetrators have to come to the fore and confess that they robbed black people of their land and thus brutally destroyed their black self-identity. They need to give all the details of what happened. Secondly, the perpetrators have to repent of their wrongdoing. Thirdly, justice has to take its place and, lastly, there should be forgiveness. The sentiments alluded to tally well with McGrath’s assertion that the foundation of salvation is the cross of Christ (McGrath 2001:410–430). He explains that salvation (atonement) is centred on at least three key issues: (1) the cross as sacrifice, (2) the cross as victory and (3) the cross as a moral example. For McGrath, reconciliation as atonement is solely based on the cross of Christ.

Reconciliation on the land question in South Africa should be based on atonement and McGrath’s three key points. Firstly, with regard to the cross as sacrifice, we can learn that there should be sacrifices with regard to the land question in South Africa. Black people will have to acknowledge the fact that some of their ancestral land is now used for industrial purposes and it would be difficult to restore it to them as agricultural land. White people should therefore

restore agricultural land to black people in a sacrificial manner; they will have to accept sacrificially the present “willing seller and buyer policy” (Koopman 2007:97). Secondly, with regard to the cross as victory, we can learn that the injustices of the past have been victoriously conquered by the cross. But this should not be superficial, in that it has to be acknowledged that the injustices of the past have had a terrible impact upon the economy, psychology, spirituality and physicality of black people. Thus the damaged relationships that resulted from land dispossession in South Africa should victoriously be restored by restoring the land to its original inhabitants. Thirdly, with regard to the cross as a moral example, we can solve the land question in South Africa by making love central. But this love should not be superficial and misused. It has to be centred on justice, which is at the centre of the Biblical teachings in the Old and New Testaments. This love should be used to restore the brutally damaged relationships which resulted from land dispossession. Hence Koopman says: “Reconciliation as embrace of the other” – embracing each other should be justifiably on an equal basis.

The embrace of the other should be based on love and justice as taught by Jesus Christ. However, the fact that apartheid racially dictated inequality between the races in South Africa and that black people internalised oppression and hated their blackness as a result of land dispossession should be acknowledged. Restoring the land will restore the humanity of black people so that black and white people in South Africa can be truly equal and can embrace each other. Koopman (2008:34 & 35) argues:

“Belhar’s thinking about reconciliation is informed by the teaching of the long Christian tradition about reconciliation. Reconciliation therefore, is viewed as the work of redemption of the Triune

God which is done for us in Jesus Christ; reconciliation refers to the transformation that the love of the Triune God brings about in our lives; and reconciliation refers to the victory of Christ over the cosmic powers of evil and our consequent liberation from them”.

An important point which Koopman stresses is the fact that reconciliation means embracing the other. When you embrace someone, you bring the particular person closer. Therefore, when a victim(s) and a perpetrator(s) embrace, it is a sacrificial step whereby the victim returns humanity to the perpetrator and vice versa. This sacrificial step refers to the fact that the victim is willing to embrace someone who sought destroyed him or her, but without taking things lightly or for granted.

The Belhar Confession was aimed at bringing about reconciliation or an embrace between the victim and the perpetrator. But this embrace should be centred on restitution. Even though reconciliation is central to the Belhar Confession, the wrongs that happened during the process of land dispossession, and its baleful consequences, should be taken into consideration.

It is for this reason that we have to guard against cheap reconciliation. Cheap reconciliation that is not centred on justice and restitution, which was one of the failures of the Truth and Reconciliation Commission – as Boesak (2008:636) would say, does not link reconciliation with justice. This is because many people in South Africa did not really deal with the injustices of the past. It is disturbing to see that even after 16 years of democracy in South Africa, people are still struggle to get their land back. The process of land restitution in South Africa is going slowly. We are still faced with the structural injustices of the past. Hence Lenkabula (2005:104) argues:

“Ten years following the downfall of apartheid and the establishment of democracy, we are faced with a dialectical situation. On the one hand, we are happy that we have overcome structural oppression in the form of apartheid. We are hopeful that the impact and legacies of apartheid will one day be overcome, and that peace, reconciliation, unity and justice will prevail. On the other hand, however, we are also worried and disillusioned. This is because our life experiences reveal that very little has changed in the area of economic and social justice. Many of our relations in this sphere are still, to a large extent, shaped by apartheid hierarchical relations”.

It is our view that reconciliation in South Africa has been a quick fix, and this can be seen as a form of cheap reconciliation. Dietrich Bonhoeffer, a leader of the confessing church in Germany during the Second World War, differentiated between cheap grace and costly grace. For him, cheap grace is preaching forgiveness without requiring repentance, baptism without church discipline, communion without confession and absolution without personal confession. Cheap grace is grace without discipleship, grace without the cross, grace without Jesus Christ living and incarnated (Bonhoeffer 1995) What Bonhoeffer meant was that grace is free, but it is not cheap. The same is true with regard to reconciliation: as Christians, we need to be reconciled with ourselves and with God, yet this reconciliation is not cheap.

Therefore, in trying to reach a costly reconciliation in South Africa, a reconciliation that will restore justice is needed. This justice will give special attention to restitution. Fray Pedro (in Mosoma 1991:25) argues:

“As medicine is necessary to help repair the wounds which we suffer in our flesh and to put the body back in its pristine condition of health, so also is restitution necessary to close up the wounds caused by a violation of the virtue of justice, to put once again in their original condition of balance and equity”.

This affirms that costly reconciliation and political healing should be effected by restitution as an act of restorative or communicative justice. More importantly, according to Mosoma (1991:25), it reveals two things:

- i. It acknowledges that the act of taking another’s property or belongings (this includes identity) causes or inflicts wounds.
- ii. Those wounds cannot be wished away, but have to be nursed. In other words, it calls for appropriate restitutionary measures. Tutu once said that if you have my pen, it is ludicrous to say let us reconcile before you return my pen. For Tutu, genuine reconciliation can only take place if the object that is taken is returned (Mosoma 1991:25).

#### **4.3.2 Justice and land restitution**

To a great extent, the people who drew up the Belhar Confession were aware of the gross injustice that had been perpetrated against black people in the name of the Christian gospel. It is for this reason that in the Belhar Confession (in paragraph 3) reference is made to God as the God of justice. It is confessed that God is in a special way the God of the destitute, the poor and the wronged – the God of justice gives special attention to the destitute, the poor and the wronged. The marginalisation and deprivation of black people are rightly used to illustrate

God's preferential care for black people, who have been and in many ways still are the victims of apartheid.

For Koopman, the justice that is confessed in Belhar might be described as compassionate justice. Koopman refers to both the sacrificial and forensic dimensions of justice when referring to the Belhar's Confession justice. Through the work of redemption of Jesus Christ, God declares us just. People who are justified by the grace of God participate in the quest for justice in the world. Justified people- people who are made right by the Triune God, i.e. right humans- seek human rights in our broken world (Koopman 2008: 32 & 33).

The Belhar Confession favours an image of God that honours God as the God of justice. Hence Russel Botman (in Landman 2006:285) grasps in this an explicit call on the church to discipleship: "God is revealed in a special way as the God of justice ... and God calls the church to stand where God is standing". This, for Botman, is "praxeology, which in the Belhar has received confessional status within the church. For Willie Jonker the Belharian image of the just God not only calls the church, but the whole of society, to duty".

Botman points to the very point of standing where God stands against injustice. But the justice that is referred to here is the true justice that is transformative and restitutorial at heart. The church has confessed and prophesied a justice that focuses upon individual conversion, which in a sense forgets that injustice is also structural (see Villa-Vicencio 1986:258).

The injustices in South Africa were not only individual injustices, but also structural injustices. When dealing with addressing the injustices of the past, we need to acknowledge the fact that the injustices were deeply structural. The injustices that resulted from apartheid were implemented to be generational. Hence, when dealing with the injustices, we need to deal also with the structural injustices and the fact that true justice, God's justice, demands a radical change of structures. God does not bring justice through strategies that are introduced by the oppressors. The land question in South Africa is a deeply-rooted structural problem. Consequently, when dealing with this problem, the structural systems of apartheid have to be destabilised. The same applies to the strategies that the oppressors offer as solutions to the land question in South Africa.

Black people were forcefully and brutally removed from their ancestral motherland through man-made policies. These policies were structural and caused a lot of generational harm. For this reason, Boesak (2008:7) argues:

“Belhar helps us because it affirms that unalterable biblical truth that the God of Jesus Christ is in a special way the God of the poor, the weak, the destitute and the wronged. This is the claim of the exodus, of the commandments, of the prophets and song writers of the Hebrew Bible; and this is the song of Hannah, of Mary the Magnificent, and the message and life of Jesus of Nazareth. Next, it helps us to understand that the poor are not poor because of some historical accident, genetic traits or because it is the will of God. The poor are poor because they are wronged. They are poor because of injustice. They are victims, not of an act of God, but of deliberate historical, political, economic decisions through injustices that were done to them, in a systematized and systematic fashion”.

These decisions, according to Boesak, were and are still made by human beings in positions of power who fully understand the consequences of their actions. Boesak further says that it should be recognised that the struggle for the poor is the struggle for the rights of the poor; they are not just deprived of livelihood and dignity, they are also deprived of their rights. Hence the Belhar Confession confesses the same God of justice as the prophetic tradition of the Old and New Testaments. According to the prophetic tradition, God was on the side of the wronged and always defended them. Therefore, the Belhar Confession confesses the God who sides with the wronged, the poor and the marginalised (including those who have been dispossessed or forcefully removed from the land of their birth). It calls upon the church to stand by people in any form of suffering and need; the church has to stand against any form of injustice. Land dispossession unjustly destroyed black people and thus the church is challenged to fight against this. The church should therefore help black people by restoring their ancestral land and their self-identity. Boesak (2008:19) argues:

“... the Belhar confession helps us to continue to remember that we are the possession of God and therefore driven by God’s love and compassionate love, to continue to remember who we are and what we are called for; to reclaim in our life and work that spirituality without which we cannot face the challenges before us, to bring about the transformation that reaches out for justice, human dignity and freedom; for the responsibility for the earth, for the very things most necessary in our global reality. It is a spirituality that is not captive to triumphalism, not dependent upon earthly powers to gain acceptance in the world. It is not locked up in a desire to escape the realities of this world, a privatized, inner experience of God while shutting out the voices of pain. It is the trembling of the soul before God, so that we are sent out to seek the glory

of God and the Lordship of Jesus Christ in all areas of life. It leaves us open to the woundedness of others and makes us take the risk of vulnerability ourselves. It is sharing the pain of God in the pain of humanity, but it is also sharing the rage of God against injustice and all forms of inhumanity”.

From the above argument, one can deduce the important point that we are the possession of God and we are driven by God’s love. But we need to acknowledge that previously in South Africa this “us” who are the possession of God and who are driven by the love of God was interpreted differently. Black people were taught by the apartheid regime, which was affirmed by the Dutch Reformed Church as a God-ordained system, that God was their God and they were the chosen nation. This came as result of their pseudo-misinterpretation of the gospel. White people misused God and the Bible to dispossess black people of their ancestral land. For this reason, the church is challenged to transform structural problems which resulted in the unjust brutality of land dispossession.

#### **4.3.3 Unity and land restitution**

The apartheid system, which was aimed at separating people on the basis of race, disunited people. The establishment of the Bantustans forcefully and immorally disunited people. The same happened in the church. The Dutch Reformed Church, with its mission history, cannot be divorced from this history of disuniting people on the basis of race. It had a booming mission history, until economic and racism percolated their mission interests. It is confessed in paragraph 1 of the Belhar Confession: , “We believe in one holy, universal Christian Church, the communion of saints called from the entire human family” .

The Belhar Confession refers to one holy, universal Christian church. In order for us to understand this statement, we need to demarcate and understand the four marks of the church. The first mark of the church is that the church is “one”. The unity of the church has been of central importance to Christian thinking on the subject. The World Council of Churches, one of the more important agencies in the modern period that is concerned with Christian unity, defines itself as “a fellowship of Churches, which confess our Lord Jesus Christ as God and Savior”. Yet this very definition concedes the existence of a plurality of churches (McGrath 2001:497).

God created all humanity in His own image, thus making us equal and united. But due to our human evilness, inequality and disunity were engineered for reasons already alluded to. Black people in South Africa, as a result of land dispossession, were taught that they were lesser human beings and they internalised oppression and ended up hating their black selves. Boesak (2008:16) argues:

“Belhar refocuses us on our inescapable bond of and call to unity – its source the triune God; its reality the one, visible body of Christ; its life: sharing and receiving the gifts of the Spirit; its driving force the love of Christ; its goal: “so that the world may believe”. It destroys our sense of self-sufficient, opinionated, self-deluding isolation. It seeks to engrave upon the faces of the brothers and sisters the face of Christ, so that, to speak again with John Calvin, “none (of them) can be injured, despised, rejected, abused or in any way be offended by us, without at the same time inuring, despising, and abusing Christ by the wrongs we do ... that we cannot love Christ without loving him in the brothers (and sisters) ... for they are members of our (own) body”.

We can deduce that we cannot love Christ without loving Him through the people with whom we live. The apartheid system divided people on the basis of race and thus made it difficult and unlawful for people of different races to meet. The Belhar Confession reminds that we cannot talk of our love to Christ while we hate the people we live with. But this love should not be manipulated by those in power; this love is centred on justice and transformational restitution. The establishment of the Bantustans resulted in black people being dumped into reserves, making their human status less than that of white people. Hence the original bond of human beings, which is God-ordained, was destroyed. Hence, in paragraph 2, the Belhar Confession confessionally challenges the church and reminds it that it has been entrusted with the message of reconciliation.

In paragraph 2 of the Belhar Confession it is confessionally argued that unity should be attained through reconciliation as in the work of Christ, thus becoming a binding force. But for this to happen, the history of the believers whom it tries to unite through reconciliation should be taken seriously. The fact that in South Africa we come from a past where people were separated into groups and some people were disadvantaged while others were advantaged should be taken into consideration.

The church should take into consideration that the believers whom it tries to unite are believers who suffered under or benefited from the rule of apartheid. It has to take into consideration the issue of land restitution, which is central to the problems encountered under the rule of apartheid. Land restitution should therefore be central to true reconciliation in South Africa.

Many of the country's problems resulted from land dispossession. Therefore, in trying to fix the legacy of the past, land restitution should be central in finding solutions to South Africa's problems. The issue of the land is not only an economic, developmental or structural problem; it is also a faith-based problem or spiritual problem. The reason for this is because anything that disturbs order in society or that is unjust threatens the heart of the gospel. And anything that threatens the heart of the gospel is heretic. Tshaka alludes to this when he refers to the fact that contextual theology has to take the context serious. He writes: "The fact that the (South) African situation has changed and is continuing to change begs the Christian church to define a clear and responsible role of engaging its current theological and political context" (Tshaka 2001:186).

By a "changed" and "changing" context, Tshaka refers to the South African democratic dispensation after 1994. He continues: In doing this the church has to remain mindful of and draw significant insights from its past. Being mindful of its past does not imply that it ought to deify its history. By being attentive of its history, it is suggested that the church should appreciate where it came from, and with this gratefulness continue to yearn to be the vanguard of combating the possibility of the re-emergence of past atrocities. As a faithful community that is aware of the intricacies of the Lordless powers, this community ought to understand more than any other community that victory over one Lordless power does not imply victory over all. It therefore ought to comprehend the perspicacity with which these powers function, which is especially illustrated in their metamorphosis (2005:9).

It can be deduced that we need to take into consideration the context in which the church finds itself today. The church needs to be aware of the past and its consequences. Black people were

brutally and immorally robbed of their ancestral motherland, thus robbing them of their future.

Boesak (2008:16 & 17) argues:

“Belhar helps us to understand that in standing where God stands, the church in a particular situation, however pressed or isolated, never stands alone. We are ensconced in the womb of the church universal, bound together by the Spirit of the Lord in a solidarity and love that knows no borders – cultural, political, socio-economic, or physical. In discovering the heart of the gospel, we discover the communion of the saints and found ourselves opened for their listening, correction, support and love”.

The church, as noted in the above argument, should stand where God stands – against injustices. But in standing against injustices, the church never stands alone. Therefore the church is challenged to strive and fight for the unity of the believers.

#### **4.4 CONCLUSION**

In this chapter three cardinal issues of the Belhar Confession were discussed, namely: reconciliation, justice and unity. The aim was to relate these issues to the current land problem. Land dispossession had tremendous effects upon black people and their black self-identity, thus threatening their faith. It was argued in this chapter that apartheid was not a neutral matter, especially as it had as one of its objectives the aim of letting black people internalise a second-class citizenship mentality. The researcher tried to illustrate that the dislocation that was brought about by the brutal land dispossessions contributed to black people becoming

estranged from their black selves, which is being assisted by the consumerist and materialist culture that preys particularly on black people.

There is no doubt that land dispossession threatened the heart of the gospel message. Seen in this light, the South African Dutch Reformed Christian community should find means of restoring justice to those who were dislocated from their land and therefore from themselves. The Belhar Confession continues to provide us with the blueprint for choosing to stand where God stands in the quest for land restitution. This is so because this confession was formulated as a response to a particular situation and that situation cannot be fully understood unless the question of land has been addressed not only as a political, economic and cultural matter but also and especially as a theological matter.

# CHAPTER 5

## CONCLUSION

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The need for land restitution in South Africa is necessary today because it does not only relate to the issues of faith and identity, but it is also economic. The consequences of the dispossession of land in the past are still evident in present-day South Africa. Land dispossession has had a terrible impact upon the faith of black people, whose faith is strongly linked to land (place). Faith and belonging are interrelated.

The restoration of land to black people is necessary to reconcile black people with their faith and consequently with themselves. In some of the chapters, the notion of the flight from the black self (which was precipitated by among other things black people's dispossession of land) was discussed critically. It remains the view of the researcher that land restoration will reconcile black people with their black selves, an identity which was destroyed when black people were forcefully removed from their ancestral motherland. Land dispossession destroyed the God-ordained and created bond between black people and their black selves. Land restitution is necessary therefore in present-day South Africa so that black people's identity can be restored.

Land dispossession also had a terrible economic impact upon black people. As pointed out in chapters 2 and 3, Bantustans were established as a result of land dispossession. These black areas were economically disadvantaged and black people were forced to live in impoverished conditions. Land, which was a primary source of life for black people, was brutally taken away

from them. Consequently, black people were forced to leave the Bantustans in search for employment in “white” South Africa. Because of this, they were made slaves and labourers in the country of their birth. The Bantustans were not considered to be part of South Africa; hence black people were aliens in their ancestral motherland.

The black communal economic system was destroyed as a result of land dispossession. (The black communal economic system refers to an economic system where everyone works the land and thus benefits economically from the land.) The results of this are still seen in present-day South Africa. The majority of black people are still living at the margins of society because in the past, they were made subservient and dependent on white people to survive economically. Since apartheid was a system that was sustained on cheap black labour, this dependency on the white economy was systemic and generational. It is for this very reason that we see the very disproportionate face of the economy today. In an attempt to arrest the imbalance, the restoration of land to black people is inevitable. It is only then that black people will be liberated from being overly dependent on white people for their survival.

Land dispossession had a terrible impact upon the identity and “blackness” of black people; black people internalised oppression as a result of the apartheid system, which was affirmed by the Dutch Reformed Church as a God-ordained system. This system officially paved the way and was used as the vehicle for land dispossession in South Africa; it destroyed black people and it is therefore not by chance that black people have become the greatest consumers. The identity of black people is deeply rooted in their ancestral motherland and land dispossession had a brutal impact upon the blackness of black people. Black people, as a result of land

dispossession, started to doubt their humanness. The restoration of the land to black people will reconcile them to their humanness.

Land dispossession also had a dreadful impact upon the relationships of black people with themselves and the relationships between white people and black people. These relationships were immorally and officially damaged by the apartheid system, which was deeply structural. Thus when dealing with the land question in South Africa, the fact that it is deeply structural should be kept in mind. The church is entrusted with the task of reconciling the damaged relationships in a transformational manner. This can only be done when black people and white people engage and embrace each other on an equal basis. But black people and white people in South Africa cannot be on an equal basis as long as structural divisions which still advantage some and disadvantage others are not dealt with in a transformational manner.

The Belhar Confession, as noted in chapter 4 of this study, emphasises that the church is entrusted with the task of reconciling people in a transformational manner. This reconciliation, which is centred on justice that is in turn centred on restitution, acknowledges that reconciliation is central to the gospel message. In true reconciliation, the wrongdoers should acknowledge that relationships were damaged and people suffered terrible consequences. Black people suffered emotional, psychologically, physically and spiritually; therefore, when the church takes on the mission to reconcile the people of South Africa, it should keep these factors in mind. True reconciliation is centred upon justice, restitutive justice. Therefore, land restitution is necessary so that people can be reconciled in a transformative manner in present-day South Africa.

The researcher acknowledges the fact that not all land can be restored to black people, because some land is presently being used for industrial purposes. Thus it is proposed that in cases like this, black people who were forcefully removed from the land should be integrated economically on an equal basis with regard to such land.

Black people, as a result of the establishment of the Bantustans, were generationally impoverished. They were never part of the white economic system, which was based on white-owned land. This had a terrible impact upon the economical, psychological, spiritual and physical well-being of black people. The restoration of land to black people will slowly but surely close the economic gap between black people and white people. It will slowly but surely put black people and white people on an equal footing and they will be able to engage with, reconcile and embrace each other as equals.

It is significant that much emphasis is placed on restorative justice and reconciliation in the Bible. This is simply because of the opportunistic hermeneutics which came into play in attempts to justify the dispossession of black land by white people. To this extent, this study concedes to the fact that the Bible in some instances is part of the problem in South Africa and inversely the very solution to land dispossession. It is the contention in this study that the Bible in the past was abused as a powerful tool to dispossess black of their ancestral motherland, thus destroying their identity as black people. Hence restoring the land to black people will restore the Bible to its liberative state. Justice and restitution are central in Biblical theology. Hence the

church in this study is challenged to take the lead in promoting justice and restitution in the present day, democratic South Africa.

The church is entrusted with the duty of proclaiming and confessing anew a prophetic message of liberative and restitutive justice. This liberative and restitutive justice should not only be preached and confessed, but should also be acted upon. Therefore the church should actively bring about justice to those who have suffered and in many cases are still suffering from the injustices of the past. The results of the injustices of the past are still visible in present-day South Africa. Black people, as already noted, are still at the margins of society. Black people are still living in impoverished conditions. Therefore, this justice will restore black people to the centre of the economy in South Africa.

It was argued that before the arrival of white people in South Africa, the land belonged to the community even though it was under the supervision of the African chiefs. Therefore, land dispossession also destroyed the position and status of African chiefs. Land dispossession in South African brutally inflicted the immoral ideology of individual ownership.

As a result of land dispossession, black people started to want land for themselves and for their clans and family; thus violence was inflicted on the minds of black people. Land dispossession resulted in the murderous massacre of black people; brutal force and manipulation was used to rob black people of their ancestral motherland; and the foreign concept of individual ownership was inflicted on black people.

Previously the land belonged to the community; no one had the right to sell the land because black people are closely connected to the land. With the arrival of white people in South Africa, black people were forced to sell their land or to give away their land, thus selling and giving away their black self. Therefore, the restoration of the land to black people will also restore their self-identity. The restoration of the land to black people will, in some places, also restore the chiefs to their rightful places.

Land dispossession had a terrible impact upon the family structures of black people. Black people are community-based people. The establishment of the Bantustans destroyed their sense of community and family structures. Black people had to be dependent economically on white people, thus they had to leave the Bantustans to look for job opportunities far away from their families and clans. This destroyed their family and community structures, because children were either brought up by one parent or not even by one parent. The restoration of land to black people will therefore also restore their sense of family and community .

The Belhar Confession as engaged in this study helped us to realise that we must stand where God stands that is against injustice. Hence the church is challenged to stand against injustice. God is in a special way, in the side of the destitute, poor and wronged. Hence the Belhar Confession is centred on three key issues: reconciliation, justice and unity. True reconciliation is not cheap; it is costly.

Costly reconciliation is centred on justice and reconciliation. True reconciliation heals. Hence, with regard to the land question in South Africa, black people and their self-identity, and black

people and white people, have to be truly reconciled. This will only be achieved if the land is restored to black people. The Belhar Confession challenges the church to strive for justice. True and just justice is achieved when things are restored to their original state or condition. Hence land should be restored to black people. The Belhar Confession furthermore challenges the church to strive for unity. But this unity should be on a just and equal basis. Just and equal unity can only be achieved if the land is restored to black people, who are the rightful inhabitants of it.

The Dutch Reformed Church should also take responsibility for the land problems in South Africa. The Dutch Reformed Church affirmed apartheid and its immoral policies as God-ordained, thus contributing to land dispossession. Hence some of the land in present-day South Africa is still in the hands of the Dutch Reformed Church. The Uniting Reformed Church is still struggling to get some of their land back, which is still in the hands of the Dutch Reformed Church. This puts a strain on the mission and work of the Uniting Reformed Church.

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