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Representation and Recognition: The Politics of Housing in South Africa

By

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A dissertation submitted in partial satisfaction of the

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University of California, Berkeley

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Representation and Recognition: The Politics of Housing in South Africa

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by Zachary B. Levenson

## Abstract

## Representation and Recognition: The Politics of Housing in South Africa

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Zachary B. Levenson

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How do postcolonies manage the sudden urbanization of surplus populations in the years following democratization? In post-apartheid South Africa, the government has delivered more free, single-family homes than any other democracy in modern history; yet over the same quarter century, the number of informal settlements has grown more than nine-fold. During the apartheid period, the South African state could simply shift populations at will. But the post-apartheid state does not have this option, as it must simultaneously resolve its housing crisis and reproduce its own legitimacy as a democracy in the eyes of its newly integrated, racialized subjects. As new informal settlements emerge – what I call *land occupations* – city governments must manage the rapid urbanization of surplus populations without appearing authoritarian. My dissertation explores municipal strategies for managing land occupations in post-apartheid Cape Town. I conducted 17 months of fieldwork combining participant observation, interviews, and archival research in two such occupations in Mitchell's Plain, Cape Town's second largest township. Through a careful study of eviction targeting, I demonstrate empirically how squatters' informal politics affect the outcome of municipal urban policies.

One of these occupations, Rivenland, began with a thousand Colored squatters erecting shacks on a publicly owned field far from any major thoroughfare. They did so in a Colored area, and many of them were supporters of the majority political party in Mitchell's Plain. No nearby neighbors demanded their removal. By contrast, a second occupation, Holfield, began just a couple of kilometers down the road on two contiguous plots of private property. After a few dozen squatters built shacks, hundreds more arrived every day until there were soon 6000 residents. Most of them were Black in a Colored area, and many of them were presumed to be hostile to the ruling party. Holfield sits along the road connecting one of Mitchell's Plain's middle class neighborhoods to the city center, and this neighborhood's residents mobilized continually to demand Holfield's eradication. After a year, Rivenland was evicted, but Holfield was allowed by the High Court to stay put. Today it contains more than 8000 people by the City's count. How should we understand this counterintuitive outcome?

This is where I turn to residents' own politics as a means of explanation. In Holfield, residents were able to organize a coherent settlement committee prior to their eviction hearing. This largely had to do with the way that their leaders framed the occupation as a social



movement, with unified action articulated as the most strategic approach to obtaining official toleration. By contrast, the Rivenland occupation was mired in factionalism, with residents aligning with outside organizations – charities, NGOs, political parties – and competing with one another for access to their lawyers and the court. They did this because their occupation was framed as the distribution of plots of land to potential homeowners; this is what I call the politics of petty proprietorship. The extent of this infighting prompted judges to view the Rivenland occupation as opportunistic. The same court ruled the Holfield occupation legitimate, describing the occupiers as “homeless people in need.”

In order to explain this contrast, I develop the concepts of *struggles over representation* and *struggles over recognition*. Without the resolution of struggles over representation and the formation of a unified settlement committee, factionalism will persist, and this, I argue, means that eviction is the most likely outcome. But these factions do not merely reflect preexisting divisions along lines of race, religion, or neighborhood; it is precisely through the formation of representative committees – through the process of representation – that divisions emerge and are concretized. Struggles over representation directly impact how occupations are viewed by the municipal government and High Court judges. When struggles over representation are resolved, judges are likely to recognize occupiers as part of a legible and legitimate population. But when struggles over representation are left unresolved as in Rivenland, judges will fail to recognize occupiers as having any legitimate moral claim to the land. Instead, they will likely view them not as a coherent population, but as individual opportunists attempting to bypass the government’s housing distribution program. In short, the moralizing distinction between homeless people in need on the one hand, and opportunistic queue jumpers on the other, emerges from struggles over representation.

In bringing the insights of political sociology to bear upon urban studies, I break with the prevailing explanation that evictions are most likely in sites planned for development and are driven solely by profit motive. Instead, I conceive of the state not as a coherent institutional entity that simply enacts policies upon populations, but instead as a social relation. The government did not simply design eviction policies and then implement them upon populations; it was through complex relations with residents that eviction outcomes were determined. Only in this way – that is, by seeing the state as a relation, as the condensation of a relationship of forces – can we begin to understand how it was that squatters were evicted from Rivenland and not from Holfield.

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“In actual reality civil society and State are one and the same.”

– Antonio Gramsci, *Prison Notebooks* (1971 [1933]:160)

“Daily life masks the state level while referring the reflective consciousness to it. Likewise, security measures, which are simultaneously fictitious and real, refer to menaces that are no less fictitious and no less real. Daily life conceals and contains the state, but the two taken together mask the tragic element they contain.”

– Henri Lefebvre, *Critique of Everyday Life, Vol. 3* (2014 [1981]:833)

“The State is neither the instrumental depository (object) of a power-essence held by the dominant class, nor a subject possessing a quantity of power equal to the quantity it takes from the classes which face it: the State is rather the strategic site of organization of the dominant class in relation to the dominated classes. It is a *site* and a *centre* of the exercise of power, but it possesses no power of its own.”

– Nicos Poulantzas, *State, Power, Socialism* (1978:148)

## Preface: Two Land Occupations, One Eviction

Rivenland<sup>1</sup> is a municipally owned field located on the periphery of Cape Town's second largest township, Mitchell's Plain (See Figure 1). When South Africa was formally segregated under apartheid, townships were urban areas reserved for any populations defined as "non-white." While democratization entailed *de jure* desegregation, South African cities remain highly segregated, with peripherally located townships still nearly entirely non-white. Today they contain tens of thousands, if not hundreds of thousands, of residents, and each contains a number of distinct neighborhoods. In the particular neighborhood in which Rivenland is located, the unemployment rate has been climbing at a faster pace than elsewhere, though the official rate for the entire township is higher than South Africa's average of nearly 27 percent. Local politicians in this ward have been promising new affordable housing developments for nearly two decades now, but they remain just that: promises.

In the immediate vicinity of Rivenland, there isn't much in the way of middle class housing. There are some working class homes constructed by the late apartheid state a few minutes walk from the field and quite a few more another couple hundred meters away, but it would be a stretch to claim that Rivenland abuts a sizable residential area. Plus, the homes that are nearby are located in the poorest section of the poorest ward in the entire township.

Rivenland is also fairly out of sight. In order to get there, I would drive a kilometer or so down a long road flanked by trash-strewn fields on both sides. These fields stood as buffers between a nature reserve on the township's southern coast and the residential area above the road, but it could hardly be construed as a major thoroughfare. Indeed, it abruptly ended in a cul-de-sac at Rivenland. The only reason there was a road at all is because the field is adjacent to the final stop on Cape Town's commuter rail line connecting this township to the city center.

While there are plenty of other public transportation options in the city, Metrorail is the cheapest (albeit least reliable) option. Lines are frequently down, cars are overcrowded and dangerous, and this line in particular is a last resort for many commuters. Most of my contacts in the neighborhood would rather suffer the indignity of asking for a few rands for a shared taxi to town than risk the ride on Metrorail, which may or may not actually get them to work. A recent *Sunday Times* headline put it quite aptly: "Metrorail's Own Stats Show How Bad Its Service Is" (Payne and Washinyira 2017). These certainly weren't commuters who were going to complain if the adjacent field wasn't regularly maintained.

And so it shouldn't come as a surprise that there wasn't any immediate outcry when a thousand squatters moved onto the Rivenland plot in the early hours of a chilly late autumn morning. None of the structures that they erected impeded the railroad tracks, nor did they come particularly close to doing so. And their neighbors in the formal houses a few hundred meters away didn't seem to mind. They certainly didn't demand their removal in any case.

Aisha and her husband Muhammad were among this group of squatters. They'd been living in a single-room shack in Aisha's parents' backyard before they decided to participate in the Rivenland occupation in May 2011. Both were in their early 40s, and they each grew up in

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<sup>1</sup> The names of both occupations, as well as all of their participants, are pseudonyms.

**Figure 1: Rivenland and Holfield in Relation to Cape Town's Central Business District**



formal houses in the same township. They wound up in the township after each spending their first few years in a neighborhood adjacent to Cape Town's central business district called District Six, once the cultural heart of Cape Colored<sup>2</sup> life (Beyers 2009; Rassool 2007; Trotter 2009;

<sup>2</sup> "Colored" refers to a distinct ethno-racial category in South Africa, the majority population in the Western Cape in general and Cape Town in particular. Nationally, however, they only constitute 9 percent

Western 1996:75). In 1966, District Six was declared an exclusively white zone in accordance with the 1950 Group Areas Act (Hart 1988; Mabin 1992; Maharaj 1994), and nearly every one of its residents was forcibly removed to newly constructed townships on the Cape Flats, the sprawling sandy plains southeast of the city center. Between 1968 and 1982, 60,000 Colored residents were evicted from their neighborhood and resettled in townships like theirs. Today, the majority of Capetonians live on the Flats.

Even though their township is one of the ten largest in the country, and easily South Africa's largest Colored township, housing construction there didn't begin until the mid-1970s. As with thousands of other Colored evictees, Aisha's parents received a rent-to-own structure from the apartheid government. They were required to pay a small sum each month, and after 25 years they became homeowners. But their house quickly became overcrowded, with Aisha and her three siblings beginning families of their own – but without any subsidized housing comparable to what their parents received. In theory they were eligible for the government's formal housing distribution program, but they'd all been on the waiting list for ages. They could only wait so long (Levenson 2018; Oldfield and Greyling 2015; Tissington et al. 2013). Aisha's father built a small concrete extension onto the place, but this only gave them a combination dining room, laundry room, and storage unit; there were still only three bedrooms for what soon became five nuclear families. Two of her siblings were able to obtain steady work and soon moved out; but Aisha and one of her brothers could not, and they had nowhere else to go.

Frustrated with the lack of space, Aisha and Muhammad obtained a plywood structure from a friend and erected it in Aisha's parents' backyard, just large enough to park three small cars. But this arrangement quickly grew overcrowded as well. Between the two of them, they had six children. Muhammad's two sons live with their biological mother about a half-mile away, but it's difficult for him to visit them, as their mother lives in Americans territory. While no longer an active member, Muhammad used to be affiliated to the Nice Time Kids, the Americans' chief rivals in the area, and so visiting them after dark could be tricky. As a result, they'd often stay the night. Then Aisha had four kids from two previous marriages. If the father of her first two children was presumed to be the victim of murder, the father of her two youngest was its perpetrator. She was never able to recover her first husband's body, and her second husband was facing an extended sentence on gang-related murder charges in a maximum-security prison. So there were these six children, as well as a seventh – the youngest – whose mother had recently relapsed on meth. Aisha and Muhammad had taken her in. And then there were two family friends who typically stayed with them, and sometimes one of those friend's mothers as well.

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of South Africa's population. While the term was popularized by the apartheid government, it has come into common use today, though not without a bit of awkwardness and controversy. Some people prefer to use "so-called Colored," though for the purposes of writing, this proves tedious. Those who practice Islam, including most of my contacts in the area, frequently identify as "Cape Malay," though this remains a contested term as well, emphasizing Asian ancestry as a means of disavowing blackness. In any case, "Colored" refers to descendants of a number of distinct groups that reproductively intermixed beginning in the late 17<sup>th</sup> century. Most notably, this includes the indigenous population of the Western Cape (the Khoikhoi and the San), Malagasy and Batavian slaves imported by the Dutch, white settler colonists, and amaXhosas. Often the term is thought by foreigners to identify people of mixed black and white descent, but in reality, the group retains a distinct cultural identity and might be more aptly compared to a category like "Latino" in the American context.

Plus their eldest child, a daughter, was pregnant, and her husband frequently stayed over; and soon there'd be a grandchild.

"We wanted a home," Aisha told me. "We didn't want to be by my ma and pa any longer. We wanted *our* place." Their motivation was dignity. The age-old distinction between deserving and undeserving poor, once emanating from the state, has now been internalized by residents. Aisha viewed her backyard shack as no place for raising her children. This was not only because of the difficulties this arrangement posed to her family's daily routine, but also due to the shack signifying her continued dependency on her own parents and inability to secure a home of her own. Indeed, her participation in the Rivenland occupation meant that her housing would become more precarious for the year, but this wasn't the point. She wanted a place of her own so as to demonstrate her worthiness as a parent. Her parents were able to raise her in a relatively consistent environment, but she and Muhammad struggled to do the same for their children. At best, they had a small shack to call their own. As they would tell me often, this made it very difficult to provide for their entire family, let alone keep it together in what amounted to a single room.

Most residents on Aisha's parents block described the neighborhood to me as working class in order to distinguish it from the next neighborhood over – the poorer neighborhood in which Rivenland was situated. But even this label "working class" is a bit of a misnomer, as the official unemployment rate for Colored residents in their ward, who comprise 95 percent of its population, is approaching 30 percent. In the adjacent poorer neighborhood, home to Rivenland, the figure is closer to 40 percent, and in both neighborhoods, the real unemployment rate is much higher. Since neither Aisha nor Muhammad are formally employed or actively looking for work, they would not be included in the 30 percent figure. And so working class, maybe; but working? Absolutely not.

When they joined the Rivenland occupation, they were part of an overwhelmingly Colored group of backyarders trying to secure new homes, or at least land upon which to build informal housing. The bulk of them came from backyards in the surrounding area, or else in Aisha and Muhammad's neighborhood, both of which were overwhelmingly Colored. Of course there was no legal ban on Black<sup>3</sup> residents moving into a predominantly Colored area, but there was quite a bit of anti-Black sentiment in these areas. Many Colored residents associated blackness with poverty, as if they weren't poor themselves, or else with criminality, as if this Colored neighborhood wasn't characterized by some of the highest rates of gang membership and incarceration in the country. This meant that sometimes when Black squatters occupied land in Colored areas, neighbors would protest their presence. Usually this meant that residents would

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<sup>3</sup> Here I use "Black" to describe the group categorized as "African" by the apartheid state. Of course all South Africans are African insofar as they were born on the continent, or at least live there, so I don't reproduce this apartheid label here. Many Black South Africans self-identify not as Black, but as members of various ethno-linguistic groups — Xhosa, Zulu, Venda, Pedi, and so forth. But as people have internalized apartheid categories over the course of generations of segregation and apartheid rule, non-Blacks often deploy the term when describing those who are not phenotypically white, Colored, or Asian. On the shift from race to ethnicity and back again, see MacDonald (2006). Note that my usage here differs from the more inclusive Black Consciousness definition, which describes all non-white South Africans as "Black." While I may sympathize with elements of these politics, I also need a term to accurately capture the ongoing racialization of populations, and so whatever baggage it may retain, I employ "Black" for this purpose.

mobilize against the occupiers and demand that the municipality evict them. But occasionally homeowners would violently confront squatters, typically deploying racist rhetoric in the process. But none of this happened in the case of Rivenland, as the squatters were predominantly Colored, and formally housed residents didn't even voice a demand for eviction in class terms, i.e. as homeowners protecting their property value.

Nor did residents articulate opposition in partisan terms. In Cape Town, the overwhelming majority of Colored voters support the Democratic Alliance (DA), the African National Congress' (ANC) chief rival. While the ANC has retained power of the national government since the transition to democracy in 1994, they began to lose municipalities in the 2000s. Cape Town was the first major municipality to fall, with the DA ruling in coalition in 2006 and with a clear majority by 2009. Also by 2009, the party had gained control of the Western Cape government, the province in which Cape Town is located. And after the 2016 local elections, the DA came to power in four of the nation's six largest municipalities. More generally, the ANC's share of the national vote slipped below 60 percent for the first time in the last elections, and so tensions run high.

Sometimes land occupations are an attempt to gerrymander in reverse, bringing supporters of one party into another party's territory in order to affect election outcomes. If a large number of Black squatters were to suddenly move onto the Rivenland field, for example, DA party operatives might assume that an ANC front group had convinced a group of potential supporters to accept land in exchange for votes. DA-affiliated ward councilors and other local officials might then try to mobilize their supporters against the occupiers, tarring them as ANC voters. More than 80 percent of the population of the ward in which Rivenland is located voted for the DA in the last election; this was firmly DA territory. While many of the Rivenland occupiers were less firm in their support for one party or another than those living in formal homes, no one would mistake a field full of Colored residents born and raised in this township for ANC supporters. There was little reason to believe that they posed some sort of political threat, at least in partisan terms.

The combination of all of these factors makes Rivenland an unlikely candidate for eviction, or so we'd think. It was hardly visible to passersby, and in any case the land was municipally owned; no homeowners mobilized against the squatters; the occupiers were predominantly Colored in a Colored area; and there was no reason to suspect that they weren't DA supporters moving around within DA territory. But early one morning, not a week into the occupation, a sheriff arrived on the field. "You are here illegally!" he barked through his vehicle's bullhorn, addressing the thousand squatters living under makeshift structures. "Everyone has five minutes to vacate the land!" As he read out the eviction order, armored vehicles began to surround the settlement, both from the City's Anti-Land Invasion Unit (ALIU) and the South African Police Service (SAPS).

Aisha described the episode: "They gave us an interdict" – meaning that a judge had authorized the eviction – "and gave us 5 minutes to vacate the land. Once again they removed whatever we had." Every day ALIU and SAPS had been visiting the occupation, confiscating building materials, broadly construed. "People lost their IDs, their papers, their dentures," she explained. "There was a lot of things people lost while law enforcement and land invasion units removed our structures."

Despite their material loss, residents refused to vacate the premises. They rebuilt their shacks, and when these were confiscated, they began to disassemble them every morning and



hide building materials in bushes. When these were discovered and seized by ALIU and SAPS, many of them tried living under alternative structures, assuming these wouldn't qualify as evictable "homes." But they did. Residents living under overturned shopping carts draped in tarps were just as culpable as squatters who built shacks on the land, and even these rudimentary materials were impounded by the authorities. Many gave up along the way, and the occupation shrank dramatically after the first month. By mid-June, there were only 150 or so residents left on the field, but they refused to leave. Some of them dug homes into the ground, laying wooden planks across the openings to partially shield against the elements and protect their limited belongings – not to mention for safety. They were effectively living in holes. But these too the police deemed to be "structures," kicking them full of sandy earth. While a judge had not yet authorized the arrest of any of the occupiers, ALIU and SAPS could certainly make life difficult for those who remained, and this they did.

A year after the occupation began, residents finally had their day in court. Aisha was distraught, acutely aware that she and her fellow occupiers didn't face a chance at gaining recognition as a legitimate settlement from the City of Cape Town. In a journal she kept at the time, she jotted down her thoughts: "[We] weren't prepared. We never even spoke about what's going to happen if we get evicted. We don't speak about things like that anymore." Things had broken down in the settlement over the course of the year. Residents initially occupied as if they were receiving plots of land, becoming homeowners in the process. On the very first day, they marked out each individual plot with wooden stakes and bits of string. This orientation toward the land – as if they owned private property – tended to produce factions. Small alliances formed among "owners," and they'd work on securing donations or building materials or access to their *pro bono* lawyer for their clique, but to the exclusion of all others groupings. While sometimes activists like to represent land occupations as social movements, idealizing them as coherent organizations with a shared politics and certain rapport, the Rivenland occupation didn't conform to this image. Indeed, Aisha and Muhammad wished it did, even trying to build a movement among the occupiers. But many of the squatters viewed their project with suspicion. In the end, no shared vision was concretized; instead, Rivenland was characterized by multiple contending alliances all vying with one another for access to distribution networks of information and basic necessities.

Aisha continued: "There is more fighting, swearing, and arguments. Everybody is trying to prove that everybody else is doing something wrong instead of focusing on the real issue and why we really are there. I look at the kids and it makes me sad to think there is a possibility they might be homeless tomorrow. We might get evicted. And I can't even convince their parents to take part in doing something to avoid getting evicted." Aisha was convinced that unity in the face of the municipal government's attempt to evict them was their best bet, but she was unsuccessful in actually bringing the occupiers together. They had been hailed to the occupation as prospective homeowners, not as participants in a social movement, and so they didn't find forming a political organization to be particularly relevant.

Sure enough, the City government's chief lawyer dismissed the squatters as opportunists. He referred to them as "queue jumpers," suggesting that they weren't patiently waiting their turn for housing like proper democratic subjects should. Each municipality ran a housing waiting list, and if residents just waited long enough, he suggested, they would eventually gain access to formal homes. They participated in a land occupation not because they didn't have other options, but because they were attempting to force the City to include them in a new housing project. Of

course, none of the Rivenland squatters framed it to me in this way. Most of them legitimately appeared to want the City to leave them be. They weren't asking for formal housing, but simply wanted access to land upon which they could erect their shacks. Yet by constituting themselves in multiple contending factions, the City and the High Court judge failed to read them as a coherent community to be tolerated as a legitimate informal settlement. Instead, they were dismissed as disorderly obstacles to the realization of the City's housing program and evicted from the field. Aisha, Muhammad, and their hundred and fifty neighbors had to evacuate Rivenland immediately, lest they face arrest.



Rivenland was not a likely candidate for eviction, as far as land occupations go. It was far flung, out of sight, and located on public land, and the composition of the participants posed no threat to the established social order in the neighborhood. No one in the immediate vicinity demanded their removal, and there was no indication that their encroachment changed political dynamics in their ward. But maybe judges authorize the evictions of all new land occupations in South African cities?

How then could we explain the case of Holfield? Within a year of the occupation of Rivenland, a second group of squatters set up shop less than a mile westward in the same township. Unlike Rivenland, which was on public land, the Holfield occupation straddled two different plots of private property: one was held by an absentee landlord and the other was used by a sand mining company to dump waste. And whereas Rivenland was fairly peripheral and out of sight, Holfield was located along the major thoroughfare connecting the township to the city center. It wasn't a poor area either. In fact, across the street from the occupation was the closest thing the township had to a middle class neighborhood. While we would probably read it as a working class area in an American context, its residents were almost entirely formally housed, with relatively few backyarders in the vicinity. This neighborhood has a third as many people living in shacks as the area around Rivenland<sup>4</sup>, and its household income is nearly double that neighborhood's. People actually have green lawns – a rarity in most other parts of this township, especially in drought-stricken Cape Town – and there's a vibrant residents' association in the area. This wasn't the sort of neighborhood where you'd expect the City to tolerate an occupation.

This is especially the case given the social composition of the Holfield occupation. It's rare in South African cities to find multiracial settlements, but this one was initially about three-quarters isiXhosa-speaking Black and a quarter Afrikaans-speaking Colored. Regardless, it was perceived by the residents across the road as Black and immediately stigmatized as such. Were these ANC footsoldiers being unwittingly dumped in DA territory? Or were they active supporters of the then recently founded Economic Freedom Fighters, a Black nationalist party that is South Africa's third largest in terms of representation in Parliament? And would they bring more crime to the area? The township was already plagued by numerous gang wars; did they really need another potential source of violence? Colored homeowners immediately began to mobilize, holding public meetings with municipal officials in community centers and even organizing marches. "Hoot if you want them relocated!" read one local resident's placard, as he

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<sup>4</sup> I am relying on per capita estimates instead of absolute measures. All demographic information in this paragraph comes from the 2011 census and includes updates from the 2016 General Social Survey where applicable.

marched down the major road separating the occupation from the houses, imploring passersby to honk in approval. A woman stood behind him with a large piece of posterboard, simply stating, “Move Holfield!” Residents were clear: they wanted the squatters out of their neighborhood. And if they weren’t clear enough in their signage, they certainly were at the community meetings. When Holfield residents tried to attend, police had to hold angry homeowners back, who proceeded to lob a series of South Africa-specific racial slurs at the squatters. They didn’t just view them as squatters then, but as *Black* squatters who had no place in their neighborhood. And they wanted them gone.

Holfield then would appear to be an obvious case: it was on private property, highly visible along a main road, adjacent to a mobilized middle class neighborhood, an instance of Black squatters in Colored space, and a potential case of the ANC or EFF trying to make inroads in DA territory. And whereas Rivenland began with a thousand squatters and pretty quickly tapered off, Holfield began with a few dozen and within days there were hundreds of residents, and soon thousands. By the time their case was heard in court, there were over 6000 people living on the field. After Aisha and Muhammad were evicted from Rivenland, they decided to try their luck at Holfield. I asked them how many structures were there when they moved in. It was still the very beginning. “There were fifty shacks,” Aisha recalled.

Muhammad interjected: “But every day – that’s *every* day – you could literally see that there’s more shacks.”

Aisha agreed with him. “People were building,” she added. Yet despite the rapid pace of construction and the clear indications that the settlement would only expand if left unregulated, it was ultimately tolerated by the courts. Even though both the City government and the private landowners wanted the squatters gone – not to mention their neighbors – the judge would not grant them an eviction interdict. Why? What made Holfield different from Rivenland, which was fully evicted within a year?

A major clue is the way in which participants in the Holfield occupation were hailed by the occupation’s organizers. They presented the undertaking not as the distribution of plots of land, of ersatz private property, to residents, but as a collective political project of realizing their constitutionally guaranteed right to housing. When the Rivenland squatters were facing eviction, a contingent of occupiers from Holfield made the trek to the field and invited them to join their settlement. This mode of engagement came as a pleasant surprise to Aisha, who immediately contrasted it with the factionalism that divided Rivenland. “What is different,” she noted in her diary at the time, “is that they are allowing more and more people to come, [as] opposed to how people are in [Rivenland] and the boundaries and split groups trying to keep people away and calling the cops.” The politics of petty proprietorship in Rivenland was characterized by its exclusivist orientation. Small alliances formed and attempted to secure material benefits and access to information for its members, but at the expense of other squatters in competing blocs. This was starkly different from Holfield, whose leadership actively tried to expand its ranks and draw in as many people as possible. This was closer to the model of a social movement.

“Within days there were a 1000 shacks and serious people,” Aisha continued, “and unlike our occupation which is all I have known where we ended up there accidentally these people are clear – they need houses and they are taking the land. This new group with new energy is doing what it has felt impossible to do in [Rivenland].” But it wasn’t quite a social movement. The success of the Holfield occupiers in gaining the right to stay put was not the product of residents collectively applying political leverage on the government, or else some sort of potential for

violence. Cape Town housing officials provided no indication that they felt threatened by the squatters. The only reason they weren't forcibly removed from the land was because the post-apartheid Constitution<sup>5</sup> guarantees freedom from evictions unless otherwise authorized by a court. And so it's up to a judge to decide which occupations to tolerate and conversely, which to evict.

This brings us to our second major clue: the High Court judge accepted the City advocate's language in the Rivenland case, concurring that the squatters are "opportunists" who pose a threat to the order required for the government's housing program to even function. This is part of a broader understanding of post-apartheid democratization and how government officials see their own roles in this project. Post-apartheid democratization in this self-understanding is about reversing the material wrongs wrought by the apartheid regime, not to mention the centuries of colonization and segregation preceding the election of this government in 1948. But this mode of democratization is a technocratic one in which goods and services are distributed by a state to populations from on high. And so hypothetically, residents seizing land and building their own homes threatens the democratization project. If the government is to successfully distribute housing to residents in need, it must organize them into discrete populations so that it can approach this endeavor systemically. But people can't wait forever and at some point need to take matters into their own hands. This is the part that frustrates housing officials.

But there's a problem with the technocratic formulation. Theorizing the delivery of goods and services from above treats recipient populations as if they were always constituted *as* populations. Central to the argument of this dissertation is that population is not a given, but is itself variable, contingent upon intra-settlement struggles over representation. Achieving an understanding of the post-apartheid state requires ethnographic investigation into the ways in which representative bodies are formed, how they contend with one another, and how various strategies of representation affect the likelihood of recognition by the courts as a legitimate recipient of homes, goods, and services. Without access to formal political institutions, land occupiers create informal political institutions where they don't already exist. Struggles over representation within an occupation then are inseparable from the search for official recognition. The outcome has much to do with the interactive processes through which squatters' politics and formal governmental politics are conceptually inextricable and come to affect (and co-constitute) policy outcomes. Evictions are no exception.

And so in Holfield, Aisha's hunch was correct. In remaining united under the leadership of a single representative committee, residents were able to beat their eviction case. The owners of the land fought arduously to get them evicted, but with a unified representative body, it was difficult to represent squatters in court as an illegitimate population. The City tried of course, explicitly distinguishing the occupiers from truly deserving recipients of emergency housing and attempting to paint them as opportunists as they did in Rivenland. But it was ultimately unsuccessful in doing so. It couldn't sustain the argument that these occupiers posed a threat to the democratization project when they were self-constituted as a legitimate population that was legible to the state and had its own elected representatives, however informal these may've been.

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<sup>5</sup> From Section 26(3) of the 1996 Constitution's Bill of Rights: "No one may be evicted from their home, or have their home demolished, without an order of court made after considering all the relevant circumstances. No legislation may permit arbitrary evictions."

In trying to explain state-driven urban change, we can't then simply represent the state as some monolithic entity remaking the city in its own image, or in the image of capital. This isn't to say that municipal governments don't try to render the city "world class" or implement policies that privilege real estate value over the immediate needs of their citizens. But this only captures the general orientation of governments. What it doesn't do is allow us to explain variation *within* cities. Why was Rivenland targeted for eviction but Holfield ultimately tolerated? After all, Holfield was the more visible of the two, the one located on private property, the one that posed the least apparent threat to local politicians, the one that threatened the post-apartheid racial order, and not least, the one whose neighbors most stridently organized to have them removed. And even after the clearance of Rivenland, now more than five years later, nothing has been done with the land, which remains an empty field adjacent to the Metrorail stop. Understanding how state-driven urban change proceeds requires a careful interrogation of how we understand the state as a site of struggle. State visions are not immediately translated into reality equally in all places; proletarian forms of struggle, organization, and above all *representation* affect the outcome of policies as actually implemented. The state does not find populations read-to-hand. Only in actively constituting themselves *as* populations, resolving intra-settlement struggles over representation, do occupations become recognized as legitimate settlements by municipal governments.

This dissertation explains how these struggles over representation within settlements are inextricably bound up with struggles for recognition by the state. If the authoritarian state controlled by the National Party could simply shift populations at will, the post-apartheid state is democratic and can therefore no longer do so. It must reproduce its democratic legitimacy, actively breaking with apartheid modes of population management, and as such, it needs to channel decisions regarding land dispossession through its legal apparatus. In examining the sociological bases of these legal determinations, we can begin to understand how postcolonial democracies balance these two needs: they manage their surplus populations, controlling their location in urban space, but they do so without impinging upon their status as nascent democracies. What then are these social bases? How are these decisions made? It is to this question that we now turn.

## Acknowledgements

When I began this project some seven years ago, I encountered a man in Cape Town who transformed the way I view housing politics. Michael Blake was a housing researcher at the International Labour Research and Information Group (ILRIG), an NGO that emerged from the anti-apartheid union movement of the 1980s. Mike was himself a leader in a number of organizations at the time, not least among them the Cape Areas Housing Action Committees (CAHAC), one of the first organizations active in the United Democratic Front (UDF), perhaps the most crucial alliance in the subsequent defeat of apartheid. Whereas a number of UDF activists hung up their red t-shirts as soon as the *ancien régime* fell, Mike decided that he would be buried in his. He was a founding member of Cape Town's Anti-Eviction Campaign in the 2000s and of its successor organization the Housing Assembly in the 2010s. It was through Mike that I first made contact with the participants in the Rivenland and Holfield occupations, and so it is to him that I owe the possibility of writing this dissertation. He steadfastly believed that occupations were the most effective strategy for decommodifying urban land. I know he'd scoff at Cyril Ramaphosa's ongoing call for "expropriation without compensation," however much it made the business press wince. He'd tell me it's yet another dog whistle to the ANC's base in the face of hemorrhaging electoral support, and that South Africa's only hope for just and equitable land reform would have to come from a self-organized working class, by which he meant coordinated land occupations. But Mike never got to witness the end of the Zuma years: he suddenly and unexpectedly passed away in late 2017 as I was putting the finishing touches on another round of dissertation revisions. He was far too young, not yet 65, but his impact on this project cannot be overstated. And so it is to Mike that I dedicate this dissertation. *Hamba kahle*, comrade. You won't soon be forgotten.

Of course there are many, many others without whom this project would be inconceivable. Above all, I owe the deepest gratitude to a number of pseudonymous participants in both occupations who I only wish I could name here. You know who you are. Above all though, I owe everything to Aisha and Muhammad, who humored me as I asked them to explain countless Afrikaaps (which is not the same as Afrikaans) slang terms, who let me crash in their shack despite the fact that there weren't even enough beds for their own families, and who are those rare organic intellectuals who were both of and for the class. There is a real sense in which they are my coauthors, though of course all errors, omissions, and shortcomings are my own.

I also need to express my gratitude to the members of the Housing Assembly, who gave me a real sense of housing politics in townships across the Cape Flats. While this dissertation largely focuses on Mitchell's Plain, the Housing Assembly includes members active in nearly every one of Cape Town's townships, and without these long-term friendships, I would have no basis of comparison. In particular, I'd like to thank Xolile Masoqoza, Thembelani Maqwazima, Evelyn Greeves, Faeza Meyer, Ebrahiem Fourie, Joann Cupido, Amanda Makolwa, Eve Muller, Kashiefa Achmat, Yolanda Anderson, Kenneth Matlawe, Sharol van Reenen, Eleanor Hoedemaker, Abdul Karriem Matthews, Stephane Frederiks, Meagan Biggs, Fuad Arnold, Bevel Lucas, and many others who are too numerous to name here. I'd also like to extend a special thanks to my ILRIG family, the NGO where Mike worked. While I was never formally affiliated, a number of ILRIG researchers allowed me to plunder their library, use their offices, and attend their events over more than a half-decade. In addition to Mike, I'm particularly grateful to Judy

Kennedy, Anele Selekwa, and Koni Benson. The latter deserves special mention, not only for her brilliant feminist work on the politics of land occupations, but for her tireless pedagogical and political work (which are often identical) with the communities she studies. I'm thrilled she's now a member of the history faculty at the University of the Western Cape. And thanks to Judy for giving me a window into neighborhood politics in Bonteheuwel. I'll never forget the way she laughs when I pronounce the name of her township exactly as it's written.

Back in Berkeley, no one deserves as much praise as Michael Burawoy, who was a tireless advocate of this project through its many iterations. Above all, it is Michael who finally forced me to examine the politics of dispossession from a recognizably sociological standpoint, and an ethnographic one at that. His imprints should be visible throughout this project, and I can think of no other sociologist – not in the US at least – who could so seamlessly blend ethnographic methods with a critical deductive approach to research. He always read my fieldnote and chapter drafts within days, and to be honest, I still don't know how he does it. But above all, Michael taught me how to be a generative critic. The feedback I received in his dissertation group made those bimonthly gatherings easily the best experience of my graduate school career, and I am thankful to all of its participants over the years: Julia Chuang, Fidan Elcioglu, Siri Colom, Elise Herrala, Herbert Docena, Josh Seim, Ben Shestakofsky, Andy Chang, Shannon Ikebe, Andrew Jaeger, Aya Fabros, Thomas Peng, and Shelly Steward.

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As will be immediately apparent, this project is an interdisciplinary one, drawing heavily on methods and literature from Geography. I am therefore incredibly thankful to have had my two favorite Africanist geographers on my committee. First, Gillian Hart, who is like a second advisor to me. Gill taught me three important things: one, be wary of positivism and empiricism in all their guises; two, dialectics is about internal relations, not an expressive totality imprinting itself from without, and no one can tell her otherwise; and three, reading voraciously is a method. I'll never forget the countless reading groups Gill organized over the years, as well as her hospitality both in Berkeley and in Durban.

Second, Michael Watts. I remember sitting wide-eyed in one of his seminars, listening to him seamlessly move from Preobrazhinsky's defense of the NEP to the latest academic ethnographies of enclosure and back again. Who was this guy, and why had he read everything? It was in Michael's seminar – not the last one I took with him, I should add – that I decided to shift my work on urban land dispossession from Myanmar to South Africa. I haven't looked back since.

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More than anyone else, I want to thank my partner Astrid for putting up with my neuroses and anxieties on a daily basis. Writing a dissertation isn't particularly conducive to keeping normal business hours, let alone a regular daily regimen, but Astrid was both understanding and supportive throughout. More importantly, she forced me to live something approximating a normal life while I wrote this thing up, and so I have primarily her to thank for whatever semblance of my sanity remains.

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## Chapter 1 Introduction

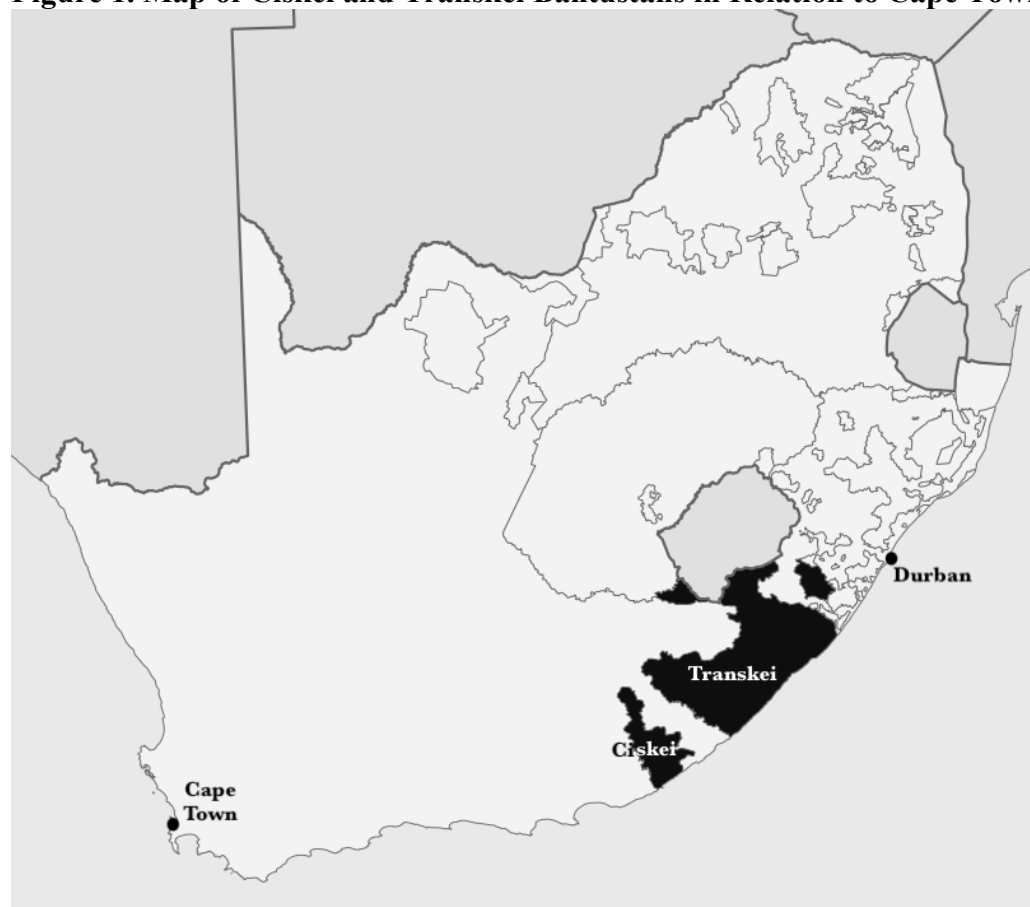
Like most iterations of colonial rule, apartheid entailed the violent shifting of racialized, ethnicized, and tribalized populations to fit the high modernist designs of the colonial imagination. The case of settler colonialism in South Africa was particularly extreme, with the National Party – the party of apartheid – passing the Group Areas Act within two years of its election in 1948. This law defined the most developed areas of cities as white spaces, or “group areas,” relegating other racialized populations to peripherally located townships and less desirable areas of the city. Within a few years, these forced removals would entail the formal expulsion of Black residents from cities altogether, relegating them to rural reserves called “Bantustans,” sometimes euphemized as “homelands” – as if these far-flung areas were the authentic *patria* of South Africa’s Black ethnic groups. According to the most conservative estimates, 3.5 million people were forcibly relocated under apartheid, with the overwhelming majority expelled to Bantustans (Platzky and Walker 1985). The National Party attempted to engineer the realization – and augmentation – of the 1913 Natives Land Act, which nearly four decades earlier had prohibited Black South Africans from owning land in 93 percent of the country. The geography of the 7 percent of the country in which they could obtain title deeds – the so-called native reserves – roughly predict the location of the Bantustans created by the apartheid regime. It was on the occasion of the passage of the Natives Land Act that Sol Plaatje, a founding member of the African National Congress (ANC) – the ruling party in South Africa today – famously proclaimed, “Awaking on Friday morning, June 20th, 1913, the South African Native found himself, not actually a slave, but a pariah in the land of his birth” (Plaatje 1982 [1916]:21).

The case of Cape Town was particularly egregious, with the city defined as a Colored Labor Preference Area. In other words, with the exception of a couple of smaller Black townships constructed in the 1920s, Black people would be expelled from the city altogether; Colored residents would comprise this urban economy’s cheap labor force, and they would work the farms just beyond the city limits. If in a large city like Durban on South Africa’s east coast, Black residents were removed to Bantustans about a half-day’s walk from the central business district, in Cape Town, they were forced more than 1000 kilometers eastward to two large Bantustans then called the Ciskei – “this side of the Kei River” – and the Transkei – “that side.” Both are substantially closer to Durban than Cape Town (see Figure 1) but were defined as the independent homeland of the Xhosa people, the predominant Black ethnicity in both the Western Cape, where Cape Town is located, and in the Eastern Cape, where both Bantustans existed until the end of apartheid in 1994. Forced removal then was framed by the apartheid state as the return of a people to its rightful homeland, rather than as the expulsion of all Black Capetonians against their will to underdeveloped rural areas that they had never actually known.

As with any high modernist project, however, the state failed to realize its designs in their entirety. A marked lack of livelihood opportunities in the Eastern Cape, for example, led a number of Black Capetonians to return to the city following their expulsion in search of employment. The government couldn’t indiscriminately block urban influx, so it opted to manage it instead. Policy-as-formulated gave way to policy-as-implemented. Just as importantly, the state lacked the capacity to evict everyone, and besides, a conflict within the National Party was simmering just below the surface (O’Meara 1996). While certainly its troglodyte racist wing

wanted to banish racialized populations as far away as possible, its industrial and agrarian capitalist fractions were gaining power over the course of apartheid's development. As employers, they wanted cheap unskilled and semi-skilled labor, and they didn't want dogmatic racists cutting into their profits. By the 1970s, this pitted proponents of liberalization – people we might broadly describe today as “neoliberals” – against racists and defenders of “racial Fordism” (Gelb 1987, 1990, 1991; Rogerson 1991), those who wanted to reserve all decent employment opportunities for whites. A welfare state for the best, spatial relegation for the rest, they insisted. But there were plenty of jobs that whites wouldn't carry out, and so from the very beginning the apartheid state began to tolerate Black workers living in peri-urban space. In the period following World War II as South African cities began to industrialize in earnest, Black residents constructed shantytowns on urban fringes around the country (Bonner 1990, 1995; Stadler 1979). In order to access spaces defined as white, they had to possess a *dompas* – an internal passport really – and needed to obtain stamps from authorized white employers. While the passbook system dates back to the late 18<sup>th</sup> century, it wasn't formalized until a series of laws passed in 1923, 1945, and 1952 extended it to all Black South Africans over the age of 16. As of 1952, they could no longer legally reside in a white group area for more than 72 continuous hours, unless they'd maintained the same job there for a decade, lived there continuously for a decade and a half, or were born there and had never left (Hindson 1987; Levy 1982). This was a classic case of being grandfathered out.

**Figure 1. Map of Ciskei and Transkei Bantustans in Relation to Cape Town**



Things were a bit easier for Cape Town's Colored population, but not much. As discussed in the Prolegomenon, District Six, Cape Town's most celebrated Colored neighborhood, was razed in order to make room for a university – today the site of the Cape Peninsula University of Technology. District Six, which was immediately adjacent to the city center, was redefined as a white group area, and all of its residents were forcibly relocated to newly constructed townships on the Cape Flats – Aisha and Muhammad among them. Today a museum commemorates what the neighborhood once was and explains what happened to the 60,000 people who once lived there. In 2014 I visited the District Six Museum with Muhammad, who immediately located two pictures of his father and began to reminisce. He was a small child when his parents were evicted from their home, which was subsequently demolished. “First they squatted in Belgravia for some years,” he told me, referencing a largely Muslim area about halfway between the city center and where they ended up. “But after waiting for those years, they got a house — a formal house in Mitchell's Plain.” It was located in the same working class neighborhood as Rivenland, which includes a substantial number of relocatees and their families.

“My uncle still lives in that house!” Muhammad told me. But with his extended family calling the place home, it was hardly a sufficient place for him to start a family. He moved into another house with his first wife, but lost it after they separated. Meanwhile, Aisha's parents' house was even more overcrowded. She was one of four, and most of her siblings had children. Not only was every bed in the house occupied, but they were often claimed by multiple people. The idea of starting a new family in that house wasn't particularly appealing. Besides, her parents micromanaged her family life, which she especially resented. She was in her early 40s and had no desire to be treated like a child.

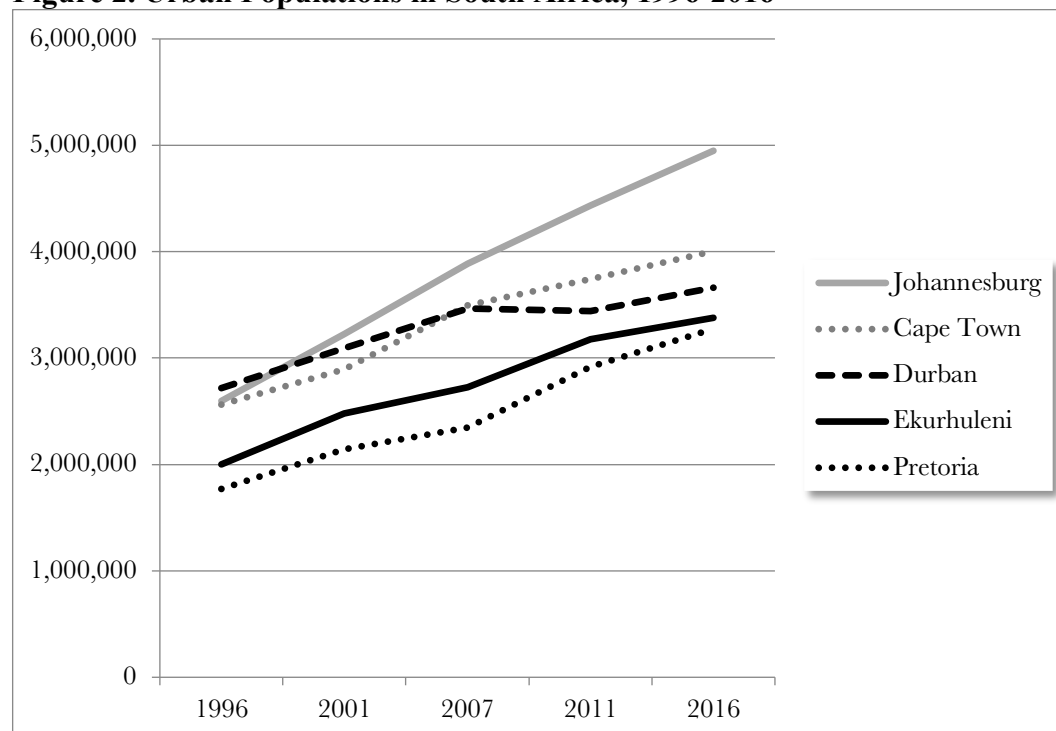
### **Delivery and Dispossession**

By the mid-1980s, anti-apartheid struggles reached their peak. This was particularly true on the Cape Flats. Indeed, it was in a neighborhood in Mitchell's Plain, just up the road from Holfield, where the decade's most iconic struggle organization, the United Democratic Front (UDF), had its origins (Seekings 2000; van Kessel 2000; cf. Kelly 2009). But as the UDF and a slew of aligned organizations campaigned against apartheid rule, other Cape Flats residents had to wage a more immediate sort of struggle: against evictions. Black urbanization was ultimately legalized during this period, culminating in the abrogation of influx controls in 1986 (Crankshaw 1993; Crankshaw and Parnell 1996; Ogura 1996; Parnell 2005; Smith 1992; Swilling et al. 1991). But this wasn't a gradual or progressive process; apartheid urban policy often oscillated between extreme repression and bursts of toleration, and even during its more lenient moments, the repressive apparatus would still rear its head. Black squatters were typically criminalized and either arrested, or else their homes were demolished and they were left to fend for themselves. Making things even more difficult, these struggles were often refracted through competing factions on the ground. In one of the larger Black townships of the time, for example, the UDF-affiliated settlement leadership became embroiled in a civil war with a Black vigilante group called the *witdoeke* [“white cloths”], named for the strips of white cloth they used to identify themselves (Cole 1987). The *witdoeke* were informally aligned with the apartheid police and helped facilitate the demolition of UDF-aligned shacks.

But informal urbanization prevailed. Despite the inevitable violence faced by squatters, both from the government and from contending factions, the final years of apartheid saw Black

residents returning to cities en masse. This trend continued into the post-apartheid period, with the proliferation of new shack settlements occurring at an unprecedented rate (Freund 2010; Harrison, Todes, and Watson 2008; Hunter and Posel 2012; Murray 2008; Saff 1994; Todes 2012; Turok 2001). Judging by population growth (see Figure 2), Johannesburg more than doubled in size between the first post-apartheid census (1996) and the most recent social survey (2016), and two nearby cities (Pretoria and Ekurhuleni) came close to doing so. Cape Town, which was roughly the size of Johannesburg at the time of the transition, is today South Africa's second largest city with a population of 4 million, having overtaken Durban by the mid-00s.

**Figure 2. Urban Populations in South Africa, 1996-2016**



Source: StatsSA

We can observe a similar trend for the population living in informal housing over the same period. The government's official count<sup>6</sup> for shacks nationwide has nearly doubled since the transition, now standing at 2 million, with 1.3 million of these living in informal settlements, and another 700,000 residing in shacks in the backyards of formal houses – a practice colloquially known as “backyarding”. By one measure, this is still an improvement, as informal housing as a percentage of total households declined from 16 percent in the 1996 census to 13 percent in the most recent social survey (2016), despite a brief uptick in the early 2000s. On the other hand, when we use a different measure, these results aren't as clear. In addition to debates about substantial undercounting in the 2011 census (Tempelhoff 2014; Wilkinson 2014), we can examine national and provincial figures on what the Department of Human Settlements – South

<sup>6</sup> These figures come from the Department of Human Settlements and were graciously provided to me by Steve Topham, who was at the time the Technical Team Leader for the National Upgrading Support Program (NUSP).

Africa's housing ministry – calls the housing backlog: those officially in need of formal housing. The national backlog stood at 1.4 million at the time of the transition and within seven years had climbed to nearly 2.5 million (Tissington 2011). While it dipped below 2 million in the early 2000s, by 2005 it was back to 2.5 million, and today it currently hovers between 2.1 and 2.7 million (Tomlinson 2015). In the Western Cape, where Cape Town makes up the bulk of the backlog, an even more pronounced trend is observable over the first decade of democratization: just over 165,000 in 1996, up to 230,000 the following year, and leveling off in the low 200,000s until about 2005 (Tissington 2011). Then in 2006, the figure nearly doubles to more than 400,000 as new Capetonians are formally included in the housing program (Wilkinson 2015). Today it oscillates between 300 and 400,000 – which of course represents more than a doubling of the backlog since the moment of transition.

This is particularly surprising given the scale of housing distribution after apartheid. In some sense, South Africa has long had a large-scale formal housing delivery program, with the construction of new peripherally located townships in the 1970s and 80s underpinning its forced relocations. Especially in the period following the Durban strikes (1973) and the Soweto Uprising (1976), after which point popular opposition to the apartheid regime never again subsided, the government began to use housing distribution as a technology of pacification, so to speak. Representatives of industrial and financial capital in the ruling coalition gained an upper hand over its more straightforwardly racist wing, with a newly formed free-market think tank called the Urban Foundation<sup>7</sup> spearheading a novel set of urban policies (Barchiesi 2011; Bond 2000, 2014 [2000]). Foremost among these was a housing delivery program in peri-urban townships, often in the form of rent-to-own homes – much like Aisha's parent's home as described in the Prolegomenon. The idea was to foster the emergence of Black and Colored homeownership, the creation of a nascent property-owning class against a background of racialized dispossession (O'Meara 1996:184-6). In so doing, the government could potentially undermine Black and Colored unity, with the hope that new homeowners would be more interested in defending their property than risking losing it by participating in anti-state activities. There was also the hope that this would stratify and therefore polarize Black and Colored neighborhoods, in which homeowners would resent informal settlements as threats to their property value, and squatters would begrudge those in formal houses.

Clearly the strategy wasn't successful. As we've already seen, rapid urban influx accompanied the liberalization of apartheid mobility controls in the 1980s, and debates over how to manage the sudden urbanization of racialized surplus populations occupied a central place in transitional talks (Mabin 1995; Smith 1992; Swilling et al. 1992; Turok 1994a; Turok 1994b). In

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<sup>7</sup> The Urban Foundation was founded in 1977 by Harry Oppenheimer, former chairperson of both the Anglo-American Corporation and De Beers and one of the wealthiest individuals in the world until his death in 2000. He was a major funder of an apartheid-era opposition party called the Progressive Federal Party, which would subsequently merge with a number of small opposition parties to form the Democratic Party (DP) soon after the transition. Curiously enough, the DP then incorporated the rump of the post-apartheid iteration of the National Party – imaginatively named the New National Party (NNP) – into the Democratic Alliance (DA), which is today the largest opposition party to the ANC. Even if the NNP quickly left the DA, most of its former members remained in the new party, which has governed Cape Town in coalition since 2006 and as a majority since 2009. And while the ANC still retains national power, the DA won most of the largest municipalities in the 2016 local elections, which it now governs either in coalition or outright.

1992, the ANC worked with apartheid era opposition leaders, policy analysts, and private sector consultants to form the National Housing Forum (NHF)<sup>8</sup> in order to discuss policy options for addressing this emergent crisis of informal urbanization. But the NHF was quickly dominated by the Urban Foundation, the neoliberal think tank discussed above (Barchiesi 2011; Bond 2014 [2000]), which effectively kept public housing off the table. The group produced the Housing White Paper in 1994, which contains the first proper mention of the post-apartheid government's plan to build one million formal houses within the first five years of democracy. The ANC pronounced this project as in line with its inaugural social spending program, the Reconstruction and Development Program (RDP),<sup>9</sup> but for the first seven years of democracy, most housing was actually constructed by private developers (Tissington et al. 2013:13).

After 2001, however, new housing projects were primarily public-sector driven (ibid.:15). Today more than 4 million subsidies had been released for RDP houses (Tomlinson 2015). According to the national Department of Human Settlements' (DHS) data, which tracks how many homes have been distributed, at the end of fiscal year 2016-17, nearly 3.1 million formal ("RDP") houses had been delivered since 1994, and more than a million additional "housing opportunities" – hence the total exceeding 4 million. A "housing opportunity," language popularized in DHS documents in the early 2000s, describes the provision of a partial top-structure and a plot on a greenfield site – though the extent to which these structures resembles housing has been progressively reduced over time, with the current iteration of "housing opportunity" closer to the old site-and-services approach, i.e. accent on the opportunity, not on the housing itself. In any case, in examining the DHS' annual figures, we can note a couple of major trends (Figure 3). First, if the ANC promised a million houses in its first five years, we see it scrambling to meet this promise in 1998-99, followed by a drop-off and leveling out to between 130,000 and 170,000 formal homes annually. Second, we should note the increased reliance on site-and-services beginning in the early 2000s, allowing the DHS to boast total figures – RDP houses and "housing opportunities" combined – exceeding all but the exceptional period 1997-99.

Third, we see a steady decline beginning in 2010-11, with a steep drop-off in the most recent fiscal year. While it's too soon to tell whether this most recent fiscal year is the beginning of a downward trend or simply an aberration, the secular decline in housing provision since 2010-11 may reflect a larger skepticism on the part of national DHS about the financial sustainability of the government's housing delivery program. Human Settlements Minister

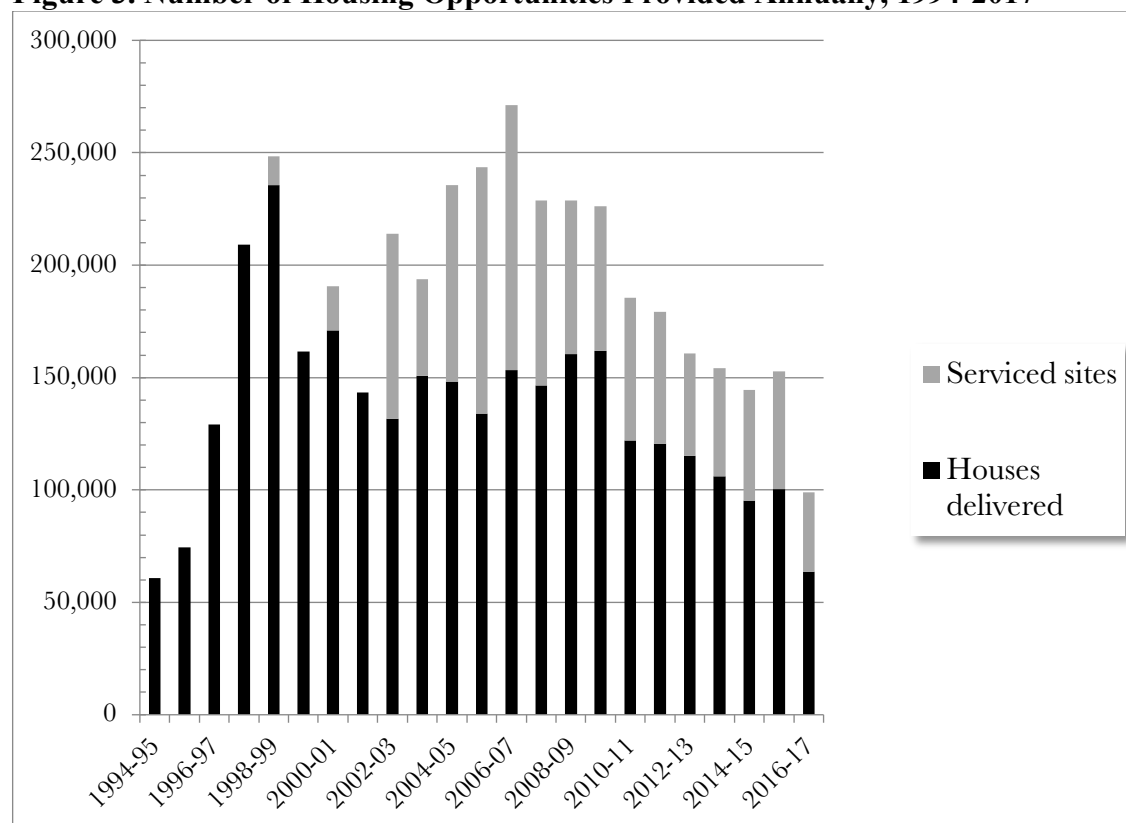
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<sup>8</sup> The NHF was the multi-stakeholder body in charge of devising new housing policies during the transition (Rust and Rubenstein 1996). Bond (2014 [2000]:133-6) characterizes the NHF's dominant bloc as advocating a "warmed-over neoliberalism," blaming them for limiting post-apartheid housing delivery to individually owned sites rather than public rental stock.

<sup>9</sup> To this day, most South Africans continue to refer to state-delivered homes as "RDP houses," despite the closure of the RDP office within two years. After a major housing policy shift in 2006 called Breaking New Ground (BNG), the Department of Human Settlements began officially referring to government-provisioned homes as "BNG houses," but the term never caught on. All of my contacts on the Cape Flats continued to refer to these structures as "RDP houses" – more than twenty years after the demise of the RDP itself! For critical examinations of BNG, refer to Charlton and Kihato (2006), Huchzermeyer (2006, 2009, 2010, 2011), Rust, Zack, and Napier (2009), and Pithouse (2009a).

Lindiwe Sisulu<sup>10</sup> notoriously associated housing delivery with freeloading, insisting, “I don’t know of a country that gives free houses to young people. Free housing in a few years will be something of the past” (Msimang 2014). She was drawing a line in the sand between those dispossessed under apartheid, whose socio-spatial relegation the RDP housing program was designed to aid; and those born after 1994, who, she insisted, do not qualify as victims of apartheid.

**Figure 3. Number of Housing Opportunities Provided Annually, 1994-2017**



**Source:** *Department of Human Settlements*

Tokyo Sexwale, who succeeded Sisulu as Minister of Human Settlements after her first appointment, made a similar statement in 2011: “The solution will come not from free housing. There has to be a cut-off date for discussing that.” Of course, he added the qualifier, “But we can’t cut off the poor right now, particularly in the current national economic environment,” suggesting a hesitance to actually realize his plan to wind down the housing program. Likewise, when confronted about remarks Sisulu made at the United Nation’s Habitat III conference in Quito in 2016 about the limits of housing delivery, she responded, “The Department of Human Settlements will continue creating housing opportunities for all needy South Africans as part of

<sup>10</sup> Sisulu was Thabo Mbeki’s Minister of Human Settlements from 2004 until 2009 (though the position was called Minister of Housing during her first appointment), and again under Jacob Zuma from 2014 until Zuma suddenly resigned in 2018. His successor, Cyril Ramaphosa, appointed her Minister of International Relations and Cooperation, akin to the position of Secretary of State in an American context.



living up to our ethos of respecting human rights and our people's dignity." Whether these scattered remarks represent an impending phase-out of the housing program remains to be seen, but according to my interviews with provincial and municipal DHS officials in Cape Town, Durban, and Johannesburg, this isn't being discussed in the immediate term.

In any case, according to these figures, South Africa has distributed more free, formal homes than any other democratic government in the modern period.<sup>11</sup> Yet despite the scale of delivery, the rate of urbanization after apartheid means that supply is continuously outstripped by demand. This means that municipalities are unable to make a dent in their housing backlogs, most of which have climbed slightly since 1994. And as we've seen, the number of shacks in the country has doubled since the transition, with informal settlements proliferating widely after the end of apartheid. While municipalities tend to reluctantly recognize this fact, the national DHS refuses to acknowledge it and recalibrate policies accordingly. As Sisulu proudly declared at the ANC's Policy Conference in 2017, "We've done exceedingly well, when you look at the latest stats from Stats SA in the delivery of formal housing whether by the government or the individuals themselves," referencing the social survey figures (2016). "We stand at something like 79 percent of people in this country are in formal housing," she beamed. But this represents no improvement from 1994!

### **Managing Surplus Populations**

When the government first conceived of housing distribution in its 1994 Housing White paper, it went to great pains to emphasize the impartiality of its program. Against the backdrop of "the specter of Zimbabwe" (Hart 2002:305, 2006:984) just next door, a case of redistribution rife with nepotism, not to mention the contentious debates over land reform during the transition at home (Greenberg 2003; Hall 2004; Levin and Weiner 1996; Walker 2003), the transitional team did what it could to reduce the risk of local politicians using free homes as a means of securing political loyalty. While such cases are not unknown (Rubin 2011), control over distribution was centralized in provincial and municipal governments through the development of what is popularly known as the "waiting list." In its current iteration, registering on the waiting list requires the completion of a form at a local branch office of the DHS. Residents can typically find these offices in their own neighborhoods. Applicants must produce a government-issued identification card and provide basic personal information. The receipt they receive, called a "C- Form," contains the date of registration, the key datum for ordering registrants. When a registrant is selected, the DHS releases a subsidy in her name to the contractor assigned to the given RDP housing project. The municipal DHS advertises tenders in local newspapers, and

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<sup>11</sup> Prior to the de facto 2016 coup that forced out the Workers Party (PT) government in Brazil, the Minha Casa, Minha Vida (MCMV) program was on track to overtake South Africa's housing delivery program by 2018, despite being less than a decade old. But the Temer regime quickly put an end to the program. Brazil makes for some interesting parallels with South Africa. If in the latter, the notion of *house* in "free house" is increasingly being redefined by the courts (allowing serviced sites to meet constitutional requirements for housing provision), in Brazil, emphasis remains on diminishing the *free*. MCMV houses only required a 5 percent recipient contribution from 2009-11, but they required 40 percent from 2011-14 (Gonçalves dos Santos and Miranda de Souza 2015). The final phase of the program required a 20 percent down payment. Thus it remains unclear whether the MCMV program is really comparable to South Africa's free, formal housing delivery program.

through a process of public procurement, applicants (both public- and private-sector) are selected to construct RDP developments funded by municipal subsidies.

But this program is far from seamless. During the course of my fieldwork, I encountered numerous residents in Cape Flats townships who produced documentation proving to me that they had been on the waiting list for over thirty years, meaning that they registered with the old apartheid system.<sup>12</sup> Some people would wait for decades, while others would seemingly receive homes in a matter of years, contributing to perceptions of corruption, or else to the view that no waiting list actually exists (Tissington et al. 2013). More recently, Stuart Wilson, co-founder and director of the Socio-Economic Rights Institute, told a group of squatters in Cape Town that he estimates the current waiting period in that city at roughly sixty years (Maregele 2017) – and that’s assuming no one else registers for housing. In addition to these interminable waiting periods, municipalities sometimes make exceptions to the formal rationality of the list, including squatters viewed as potentially problematic into new housing developments – even if they aren’t next in line (Levenson 2017c). While DHS officials tend to balk at these exceptions, they are typically requested by elected politicians – mayors and city council members, most frequently – for reasons of political expediency. Perhaps they made a direct promise to squatter constituents from another party and hope to win them over, or else a group of formally housed residents or a private developer saw an adjacent informal settlement as a threat; or maybe a new occupation impedes a government development project, and transferring residents to state-provisioned housing is the most expedient route to getting them out of the way.

All of this tends to produce heightened skepticism about the waiting list. Even those residents who are confident that it both exists and functions impartially are rarely able to wait the decades required for a home. Some of these are relatively recent returnees from the Eastern Cape, having been expelled to Bantustans as “Africans” under apartheid; others, as we’ve seen, are from elsewhere in the city, having grown up in houses delivered by the apartheid state, but without anywhere to expand their families. Housing delivery was an initial attempt to manage these migrants, both rural-urban and intra-urban, though of course it was hardly sufficient. As demand overwhelmed supply, self-provisioning became residents’ only viable alternative in the meantime. And this took the form of land occupations: the typically collective (though occasionally individual) auto-construction of housing on a plot of land to which the residents do not have legal title<sup>13</sup>.

An enormous literature characterizes the post-apartheid state as “neoliberal,” whether in

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<sup>12</sup> Apartheid era waiting lists were typically consolidated into unified municipal lists. As the Cape Town municipality expanded to incorporate previously independent jurisdictions (Lemanski 2007; Miraftab 2007; Turok 2001; Turok and Watson 2001), these previously autonomous municipalities’ waiting lists were amalgamated with Cape Town’s to create a master “demand database” for the newly expanded municipality (interview with Brian Shelton, September 2013). So even those on apartheid-era lists were incorporated into the post-apartheid system.

<sup>13</sup> It is essential, however, that we do not inadvertently grant occupations a monopoly over illegality. If there is anything approximating a consensus in the past two decades of research on urban informality, it is that automatically associating the informal with poverty and illegality was the horrible misstep of previous formulations. As numerous scholars have demonstrated, middle class and even luxurious housing is often informal and illegal insofar as it fails to comply with building and zoning regulations and frequently involves bribes, exceptions, and the like (Bayat 2004; Bhan 2016; Caldeira 2017; Holston 2008; Roy 2005; Varley 2013; Yiftachel 2009).

terms of social policy retrenchment, liberalization of capital controls, indiscriminate privatization, industrial restructuring, or some combination (Alexander 2002; Ashman, Fine, and Newman 2011a; Bond 2014 [2000], 2003; Marais 2011; McDonald 2008; McDonald and Pape 2002; Miraftab 2004; Narsiah 2002; Peet 2002; Satgar 2008; Saul and Bond 2014; Terreblanche 2003). But if the South African state were truly and ideal-typically neoliberal, we would expect it to tolerate (and even encourage) some degree of self-provisioning when this didn't impede ongoing development projects, affect labor force dynamics, or lead to the depreciation of nearby real estate values. Yet in the cases I observed in Cape Town between 2011 and 2017, a different dynamic was in play. In the case of Rivenland, for example, a thousand residents build homes on a municipally owned plot of land that was out of sight, wasn't contested by neighbors, and conformed to the general racial and political demographics of the vicinity. In short, it would seem to be the ideal solution from the perspective of a neoliberal state intent upon shifting from a strategy of formal housing distribution to the provision of serviced greenfield sites ("housing opportunities"). But City government deployed the Anti-Land Invasion Unit (ALIU) to monitor the occupation, issue legal threats, and encourage the squatters to leave, and the South African Police Service (SAPS) regularly confiscated building materials and threatened to arrest residents pending a court interdict allowing them to do so. And after a year of legal battles, all residents were evicted and the occupation was eradicated. But why?

If we think about the clearance of land occupations as an instance of managing surplus populations in the context of a crisis of rapid urbanization, we need to ask why a government might devote so much in the way of energy and resources to regulating the social geography of poverty on the Cape Flats. If the first technology of spatial regulation is housing delivery, this always functions in tandem with a second: dispossession. I understand dispossession to be the physical separation of residents from their homes, land, and social networks. Eviction and relocation constitutes a moment of dispossession insofar as residents' new homes are divorced from established networks, lack access to expected services, and are further from employment opportunities. In its classical Marxian iteration, dispossession was theorized as coerced separation from the means of production (de Angelis 2007; Glassman 2006; Perelman 2000). But this limited definition doesn't do much for us here, as its analytic power is trained upon the creation or reproduction of a formally free wage labor force. But all of the participants in the occupations I studied were already formally free. In the neighborhood in which Rivenland was located, the real unemployment rate approached 60 percent. A functionalist conception of evictions as necessary for continual proletarianization is patently ridiculous in a context in which an enormous percentage of the population is actively searching for work.

Another rationale for dispossession does not so much concern the people removed from the land as the land itself. Residents are removed so that land can be "developed" in order for its potential capitalization to be realized. This is what sociologist Michael Levien (2018, 2012) describes in an Indian context as dispossession driven by land speculation. And while certainly this is in line with what much of what the recent "land grab" literature identifies as a shift in development strategy from labor to land (Borras Jr. et al. 2011; Daniel 2012; De Schutter 2011; Dwyer 2013; Hall 2013; Lavers 2012; Li 2011; McMichael 2012; Peters 2013; Zoomers 2010), it doesn't accurately capture dynamics in post-apartheid cities. The Holfield occupation was officially tolerated even though it was highly visible, clearly growing, and across the road from a well-organized middle class neighborhood that wanted the squatters removed. And Rivenland, which unlike Holfield was not located on private property, was evicted in 2012, but nothing has

been done with the land since, and no plans are in place for its private use. Far from an anomalous case, this is a fairly regular outcome. An occupation four times the size of Rivenland was organized just a kilometer down the road in the same week. It too was located on public land and didn't threaten any neighbors. After all 4000 occupiers were evicted in 2012, it lay vacant for years – and remains so today.

These evictions then were not sanctioned to recover valuable real estate, nor were they about creating more labor power in a context of an already oversaturated labor market. Instead, they were part of a larger pattern of state-driven dispossession that involved managing the rapid urbanization of surplus populations following the demise of apartheid. Indeed, rapid urbanization during the waning of authoritarian rule occurs in many (if not most) postcolonial contexts. In the South African case, the envisioned solution of market liberalization came with a corollary: the liberalization of labor, and therefore of movement. And so the post-apartheid state needed way to deal with this crisis of sudden urbanization, but it could no longer simply shift them around at will. It was a democratic state, after all.

Without any economic resolution of the question of unemployment, dispossession is the post-apartheid state's primary strategy of containment – a holding pattern so to speak. This doesn't mean we need to adopt a formulation in which state actors are involved in some strategy of counterinsurgency. While a number of authors characterize the South African subproletariat as an insurgent force (e.g. Alexander 2010; Desai 2002; Desai and Pithouse 2004; Gibson 2011; Majavu 2011; Pithouse 2006a, 2006b, 2008), it doesn't currently pose a credible threat to the ruling party. If anything, their frustration with the ANC (and in Cape Town, with the DA) manifests in declining electoral support<sup>14</sup>, but evicting these populations would make them even less likely to support the ruling party in their respective municipalities. Clearing land occupations is less a conscious strategy on the part of an instrumental state, and more of an attempt to implement stopgap measures. In South Africa, this means dispersing disorganized squatters, who are viewed by housing officials as impediments to realizing the goals of social policy. Whether this is the distribution of free or affordable housing, the provision of health care, or the coordination of labor markets, state projects of distribution require order. The local state demands formal rationality, but disorganized residents remain illegible to the delivery apparatus. It can't see them as its potential beneficiaries, for only organized populations qualify for this status. Instead, disorganized squatters are perceived as a threat to the very functioning of this apparatus, and they are dealt with accordingly. Eviction then is a means of dispersing these potential threats in the only way local states know how: legally justified coercion.

### **The Double Movement Is Not a Pendulum**

As discussed in the literature, dispossession is typically associated with processes identified as “neoliberal,” or at the very least with the retrenchment of social spending coupled with a real estate driven economic strategy. In this formulation, social spending – “the welfare

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<sup>14</sup> In the August 2016 municipal elections, the ANC only won 53.9 percent of the votes cast – its first result below 60 percent since the advent of democracy. The party also lost control of Nelson Mandela City (Port Elizabeth), Tshwane (Pretoria), and Johannesburg to the DA, which now governs these municipalities in coalition. Unsurprisingly, the DA also retained control of Cape Town. On the other hand, declining electoral support isn't a concern for the DA, which had its best national showing ever in 2016 and only increased its majority in Cape Town.

state” – is assumed to be the antidote, with increased expenditure having a necessarily remedial function. We can read this into the Polanyian paradigm of the “double movement” for example (Polanyi 2001 [1944]), in which the subjection of land, labor, and money to the whims of the free market produces widespread social dislocation, destroying the very fabric of society. Polanyi argues that society automatically – “spontaneously,” to use his word – responds to this destruction by protecting itself, blocking subsequent marketization, and re-embedding the market in society. And sociologists have tended to associate this process of re-embedding with increased social expenditure on the part of the state (Block 2007; Evans 2005, 2008; Sandbrook 2011; cf. Burawoy 2010). But does dispossession, akin to social dislocation as I discuss it here, necessarily result from marketization? And does an augmented welfare state ineludibly counteract this dislocation?

In this dissertation, I reject this neo-Polanyian framing, which traffics in ideal-typical conceptions of “neoliberalism” and “welfarism.” This is a problem because it obfuscates the potential emergence of hybrid forms that may not be so easily distinguishable as either neoliberal *or* welfarist; indeed, the 21<sup>st</sup> century developmentalist state may very well be both neoliberal *and* welfarist. Thinking about dislocation solely as a consequence of marketization means that whenever analysts observe dispossession, their impulse is to identify a regime of neoliberal governance.<sup>15</sup> Conversely, whenever empirical evidence is marshaled in order to demonstrate the augmentation of social spending, dispossession is all but ignored.

In the former iteration of this argument, dispossession is assumed to be a phenomenon associated with a neoliberal strategy of capital accumulation. According to Mike Davis (2006), structural adjustment programs and urban evictions go hand-in-hand, with forced peripheralization and socio-spatial containment as central components of the most recent round of neoliberal urban policy. This is in line with the research program established by David Harvey (2003) in which “accumulation by dispossession” attributes social dislocation to the profit motive, with coercion one of the chief means of facilitating surplus extraction under neoliberal capitalism. Both Harvey (2005) and his critic Loïc Wacquant<sup>16</sup> (2009, 2010) actually both make the same point: militarism, policing, and other extra-economic means have become absolutely central to the project of maintaining profitability.

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<sup>15</sup> The archetype of this framework is David Harvey’s (2003) characterization of neoliberal regimes as pursuing strategies of “accumulation by dispossession.” While he of course self-identifies as a Marxist, it’s interesting to note the parallels between Harvey’s formulation and the Keynesian politics of most readings of Polanyi’s “double movement.” Indeed, Harvey ends his account by calling for a “new New Deal.”

<sup>16</sup> Wacquant (2010:216) complains that “for [Harvey] the state ‘intervenes’ through coercion only when the neoliberal order breaks down, to repair economic transactions, ward off challenges to capital, and resolve social crises. By contrast, [I] argue that the present penal activism of the state—translating into carceral bulimia in the United States and policing frenzy throughout Western Europe—is an ongoing, routine feature of neoliberalism.” While Wacquant is of course correct that there’s not even a passing mention of the carceral boom or the rise of workfare in Harvey’s writings on neoliberalism, his critique is too narrowly trained on the latter’s *Brief History of Neoliberalism* (2005). The notion that Harvey’s neoliberal state only exceptionally resorts to coercion would come as news to that author, who titled the closing chapter of his previous book (2003) “From Consent to Coercion.” Indeed, Wacquant’s Euro-American penal state and Harvey’s regime of accumulation by dispossession both continually deploy coercion, albeit in the service of different ends.

Following the gentrification debates of the 1990s (Hackworth 2007; Ley 1996; Slater 2006; Smith 1996), a number of urban scholars advocated extending the concept to analyze developments in Southern cities (Atkinson and Bridge 2004; Butler 2007; Lees, Shin, and López-Morales 2015, 2016; Lees, Slater, and Wyly 2008; Slater 2017; Smith 2002). “No longer isolated or restricted to Europe, North America, or Oceania, the impulse behind gentrification is now generalized,” proclaimed the late geographer Neil Smith (2002:80), identifying it as a fundamental component of neoliberal restructuring (cf. Brenner and Theodore 2003). As quick as Atkinson and Bridge are to proclaim gentrification “the new urban colonialism,” however, there is but a single chapter in their edited volume dealing with a Southern city (Rubino 2005). In the context of Cape Town, Visser and Kotze (2008:2573; cf. McDonald 2008) argue that the gentrification model becomes relevant “when local economic development in the context of clearly stated neo-liberal national macroeconomic policy frameworks is linked up into the circuits of global capital flows.” But what if these neoliberal policy frameworks are not in fact so clearly stated, as in the case of the growth of the welfare apparatus in many middle-income Southern countries over the past two decades?

For example, a group of scholars skeptical of the neoliberalization thesis points out that rather than retrenchment, the past two decades have witnessed the augmentation of social spending as part of a broader trend in Africa, Asia, and Latin America (Burdick, Oxfhorn, and Roberts 2009; Evans 2005; Sandbrook et al. 2007), bringing with it “a new politics of distribution” (Ferguson 2015), “a global turn...to the use of direct cash payments” (Breckenridge 2014:188), and a “‘welfare first’ approach to development” (Harris and Scully 2015). For Harris and Scully (ibid.), this constitutes a veritable revival of the welfare state, which they identify as a Polanyian double movement to highlight the structural significance of this shift.

As with the ideal-typically neoliberal state, however, the ideal-typical welfare state also has its analytic limits. Harris and Scully diligently document the expansion of social spending to be sure, but in doing so they show that this expansion long predates the 2008 economic crisis, to which they represent the welfare state as a counter-movement. More generally, the metaphor of the double movement can obscure more than it reveals. Rather than a return to one of the three worlds of welfare capitalism (Esping-Andersen 1990), what if an emergent social policy regime cannot neatly be located between neoliberal and welfarist poles on a continuum? In South Africa for example, it is precisely in the period in which housing distribution is augmented that social movements contesting dispossession begin to arise<sup>17</sup>. Should we identify this then as a welfare state owing to increased social spending, or as a neoliberal state insofar as it initiates a new wave of evictions? And should we simply focus on quantitative measures like the amount of social spending or the magnitude of resources distributed without examining the effects of these policies<sup>18</sup>? Many of these recent studies of a resurgent Southern welfare state focus overwhelmingly on cash disbursement programs – basic income grants, child support grants, old

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<sup>17</sup> For further reading, refer to footnote 23, below.

<sup>18</sup> Quinn Slobodian (2018:7) makes a complementary point when he argues that “it makes little sense to think of the state in quantitative rather than qualitative terms; the question of ‘how much’ state should be replaced by ‘what kind’ of state.” While this chapter was written well before Slobodian’s book *Globalists* was published, his critique of Polanyi and revisionist intellectual history of neoliberalism remains deeply influential on my thinking. Above all, I’m indebted to his critique of contemporary sociological uses of “embeddedness.” As he points out, reserving “embedded” markets for social democracies misses the point, as even Hayek conceived of markets as socially embedded (cf. Migone 2011).

age pensions, and the like. The notion of a welfare state is thereby reduced to poverty alleviation, and really only extreme poverty alleviation. Little attention is paid to other major components of any actually existing welfare state, such as affordable access to health care, public housing distribution (whether mass or freestanding), employment programs, decent public education, and so forth.

In the bulk of these accounts, South Africa forms the chief site of inquiry, largely because, as Seekings and Natrass (2015:15) observe, it “remained one of the most redistributive countries in the world in terms of cash transfers.” Indeed, if we are to emphasize the scale of distribution, we need only to examine the post-apartheid state’s housing delivery record. Yet these accounts typically focus on cash disbursement as the point of departure for theorizing about the new welfare state (Barchiesi 2007; Ferguson 2007, 2015; Seekings 2002; Seekings and Natrass 2015; Standing 2008). At one extreme, political scientist Adam Habib calls this a “drift towards a neo-Keynesian economic agenda [which] has of course also been enabled by a similar shift globally” (2013:103). Even if he provides no evidence for this counterintuitive claim, his argument that “social expenditure expanded massively” and “state intervention came back into vogue” remains noteworthy as part of a larger analytic tendency (*ibid.*:88).

In stark contrast, anthropologist James Ferguson (2015:32; cf. Barchiesi 2011; Weeks 2011) sees the increasing provision of basic income grants as having the potential to sever consumption from the need to work. Yet the eradication of extreme poverty in the country with the world’s highest unemployment rate would have little effect on the organization of work, let alone facilitate the wholesale decommodification of labor-power. The overstatement of this presumed decommodification effect plagues Polanyian accounts as well, in which “free” (basic income grant, housing delivery, service provision, etc.) is posed as commodification’s antithesis. But housing delivery in South Africa is a perfect example of the limits<sup>19</sup> of this formulation: rather than decommodifying housing stock, the municipal government contracts a private sector firm to construct housing, and almost without exception, this is located on peripherally located land far from any potential centers of employment and without affordable transport options.

As Cape Town DHS’ head of land acquisition put it to me in an interview<sup>20</sup>, land proximal to the city center is too valuable for subsidized housing and therefore cuts into the City’s limited resources; in order to increase the scale of delivery, the City needs to acquire cheaper land, which is invariably located near the urban edge. And far from contributing to the decommodification of residents’ labor power, housing delivery, as she envisioned it, was a means of channeling workers to places where their services were underappreciated: “I mean, the people who are living in shacks are actually low-skilled and they’re not in the service industries,” she told me. “They’re actually domestics, they are laborers, and people like that. So to suggest to me that they live in the CBD [central business district] is nonsense. You know, they often work close to areas where they live, which is the farm areas in Philippi, just casual laborers or gardeners or whatever. They’re not necessarily far away from places of employment just because they’re sitting on the periphery.” Whether we’re talking about land or labor, the notion that

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<sup>19</sup> Another illustrative case is that of social grants. As Erin Torkelson’s (n.d., 2017a, 2017b, 2017c) work on cash transfers in South Africa demonstrates so powerfully, private companies regularly use these funds as collateral for loans, actually deducting repayments from grants that are supposed to allow recipients to merely subsist. Decommodified indeed! For a related argument framed in terms of in/security rather than de/commodification, see the recent work of Natasha Vally (2016).

<sup>20</sup> Interview with Marlize Odendal, October 2, 2013.

housing distribution in its current iteration could constitute a moment of decommodification appears far-fetched.

And so we see the limits of characterizing the post-apartheid state as either neoliberal or welfarist – as if we must simply choose one. Once we consider the scale of redistribution of income through cash grants and the expansion of housing delivery, it would be empirically inaccurate to simply dismiss national policies as “neoliberal,” if by that word we mean the retrenchment of social spending.<sup>21</sup> But bending the stick and simply selecting the alternative, labeling these policies as “welfarist,” would be equally obfuscatory. As we’ve already seen, many of the scholars in the “new kind of welfare state” camp equate extreme poverty alleviation policies – above all, cash disbursements – with the wholesale decommodification of basic services. But typically people’s access to goods and services remains fully commodified, increased scale of delivery notwithstanding.

This conflation of augmented distribution with decommodification *tout court* is on full display in sociologist Jeremy Seekings and economist Nicoli Nattrass’ comprehensive overview of post-apartheid social policies (2015). They rightly critique proponents of the neoliberalization thesis for focusing on government policy rhetoric rather than the outcome of these policies, but they then refuse to take an alternative position. Instead, they oscillate between the claim that South Africa is some kind of amalgam of both neoliberalism and social democracy on the one hand, and the notion that it is actually quite social democratic on the other. For example, they open their discussion of housing delivery with the claim that “the provision of public housing after 1994 entailed massive decommodification” (ibid.:181), but they conclude it with a contrary statement: “The provision of new state-subsidized housing thus entailed a mix of ‘decommodification’ and ‘commodification’” (ibid.:183). This is in line with some of Seekings and Nattrass’ larger claims about the post-apartheid welfare state. On the one hand, they want to highlight success in income redistribution and service and housing provision, pointing to the extent of decommodification. But on the other, they deploy murky analytic constructs such as “semi-social insurance” (ibid.:141) and “semi-Keynesian macroeconomic policies” (ibid.:19) in order to capture the contradictory nature of South African social democracy. When jobs become “work opportunities” and workfare becomes a preferred means of income redistribution (ibid.:143-4); when workers are instructed not to resent their declining public sector wages because “these minimum wages were higher than the *actual* wage rates paid in many informal activities” (ibid.:145); and when “[n]ew houses were built through the market in that development and construction were contracted out to private developers, the size of the house depended on what additional resources the beneficiary is able to contribute (at the time or later), and ownership was transferred to the beneficiary” (ibid.:183), it’s hard not to see a classic instance of the neoliberalization of the welfare state – precisely the analysis that Seekings and Nattrass are at pains to refute.

Instead, as the case of post-apartheid housing distribution demonstrates, dispossession and augmented social spending can (and often do) proceed in tandem. Adopting the language of

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<sup>21</sup> This is of course only one meaning of “neoliberal.” Both Foucault (2010; cf. Brown 2006) and his critics (e.g. Dardot and Laval 2014; Mirowski 2014; Peck 2013) alternatively describe neoliberalism as an interventionist project of refashioning self-government after the competitive enterprise. And even among those theorists of the concept who are more concerned with political economy than subjectivation, the notion that neoliberalism is simply about retrenchment has come under fire from both Marxian (e.g. Peck and Tickell 2002) and Bourdieusian (e.g. Wacquant 2009, 2010) quarters.



de- and re-commodification doesn't make sense when elements of both are observable in housing, service delivery, workfare, and cash disbursement programs. And it certainly doesn't make sense when extreme poverty alleviation is taken as an index of decommodification. "Decommodification" in these accounts typically means that allocations are governed by bureaucratic rather than market means (Szelényi 1983). The material effects of this mode of distribution can be either pro-poor or affect them adversely (Ferguson 2007, 2015; Seekings and Nattrass 2015). Describing the post-apartheid welfare apparatus as a force of decommodification doesn't make much sense when in terms of services, education, and housing, there is little sense in which these goods and services are no longer commodities as such.

While the project of poverty alleviation and income redistribution proceeds apace, the mass delivery of housing has yielded a less certain outcome. In general, housing has only cursorily been treated in existing studies of post-apartheid social spending – largely because the Department of Human Settlements' (DHS) delivery data are notoriously unreliable and hard to come by, whereas data on service provision and cash grants are more comprehensive and immediately available. In any analysis of Southern welfare states, the omission of housing is a huge oversight – especially in South Africa, where government spending on housing approximates a full third of social grant expenditure as a percentage of GDP. And as with cash disbursements, the total volume distributed actually increased following the implementation of the Growth, Equity, and Redistribution (GEAR)<sup>22</sup> macroeconomic framework in 1996, the period most frequently labeled "neoliberal" (Donnelly 2014). And it's not just about total expenditures; housing is equally central in popular pressures on the state. After inadequate access to services, it is the primary grievance of protesters in the country (Alexander, Runciman, and Ngwane 2014; Powell, O'Donovan, and De Visser 2014). Yet while we've seen an enormous literature emerge on "service delivery protests" (e.g. Alexander 2010; Langa and Kiguwa 2013; Mottiar 2013), there has been limited analysis of these quotidian struggles over access to housing.<sup>23</sup> When housing distribution is discussed, it's usually framed in the terms of the state's own self-understanding: as a delivery apparatus, a technocratic machine that coordinates supply and demand and has no space for politics. This is precisely what this dissertation aims to remedy.

## **Beyond the Instrumentalist Paradigm**

As we've seen, both analysts of neoliberalism and welfarism adopt a one-sided view of the state. In the former case, it tends to be theorized as an instrumental state that acts unilaterally to

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<sup>22</sup> In most accounts, GEAR represents the textbook neoliberal policy framework. A standard narrative of post-apartheid social policy goes something like this: the ANC's Reconstruction and Development Program (RDP) – equated with the social democratic ideal-type – was abandoned within two years of the transition, with the passage of GEAR signaling a shift toward ideal-typical neoliberalism, complete with deficit reduction, inflation targeting, and the liberalization of capital flows (e.g. Desai 2003; Marais 2011 [2001]; Terreblanche 2002).

<sup>23</sup> There is a large literature on housing-oriented social movements (Gibson 2006, 2011; Levenson 2017a; Miraftab 2006; Miraftab and Wills 2005; Oldfield and Stokke 2006; Patel 2008; Pithouse 2006a, 2006b, 2009b; Pointer 2004), but this isn't the case for less systematically organized struggles over access to housing. A notable exception is the work of geographer Sophie Oldfield (Bénit-Gbaffou and Oldfield 2011; Oldfield and Stokke 2007; Thorn and Oldfield 2011).

maximize profitability in the secondary circuit of capital as deindustrialization proceeds apace.<sup>24</sup> On one side, evictions work to reproduce land's status as a commodity, protecting private property against the unruly incursions of land occupiers. On the other, these occupations are viewed as politically charged movements for decommodification. By contrast, our second camp – analysts of the welfare state – largely ignore occupations, or else they treat them as aberrations. In doing so, they reproduce the vantage point of state administrators, putting faith in a housing delivery system that shows no sign of closing the backlog and which has only marginally – and even this is arguable – diminished the number of new informal settlements in South African cities. As such, the welfarists too theorize the state as instrumental: it acts not to realize profitability, but instead access to housing for all. But then they have no way of explaining dispossession, other than by adopting the state's own immediate explanation of evictions in which they serve to “order” populations, thereby facilitating the process of delivery.

Instead, this dissertation rejects both ideal-typical characterizations and therefore breaks with theories of the state as instrumental. The notion that evictions are carried out in accordance with a comprehensive and intentional plan does not capture the way housing politics typically unfold in post-apartheid cities. When I began this project, my intention was to obtain data on evictions from municipalities and using GIS software, to map them and discern patterns. Inspired by the work of Neil Smith (1996) on gentrification frontiers, I had hoped to do something similar with data on evictions, tracing ever-receding limits and explaining them as part of a coordinated strategy of state-driven development. In line with decades of geographically inflected research on urban change, I would then argue that this strategy is part of the larger shift David Harvey (1985) identified as the urbanization of capital: urban investment as an outlet for surplus capital.

My email inbox was constantly inundated with press releases from major movements in Durban, Cape Town, and Johannesburg suggesting that this was precisely what was going on in post-apartheid cities. “[R]ich capitalists have been evicting people without even following proper procedures and have used their power to remove the poor to the outskirts of the City,” read one statement distributed by the Cape Town-based Anti-Eviction Campaign.<sup>25</sup> This view accorded nicely with the academic literature on gentrification and world-class city making, with much of this work focused on Cape Town (McDonald 2008; Samara 2011). Increasingly, however, I began to notice that evictions and informal settlement eradication were being assimilated to the narrative of gentrification, or at the very least, to a narrative in which the city is being remade in the image of capital. The state in this formulation was assumed to be acting in the interest of maximizing a city's value, whether this was by creating an image of the city that might attract investment, or else by bolstering property values through a “revitalization” campaign, clearing unsightly debris such as shack settlements and informal works in the process. The existing literature on evictions in informal settlements, however sparse, accorded with this narrative as well: it was these neighborhoods' visibility that made them likely candidates for eradication (Huchzermeyer 2006; Pithouse 2006b).

Of course, in Smith's pathbreaking account, he's able to largely avoid the problem of the instrumentalist state. His key actors are developers, and he goes out of his way to refute explanations for gentrification rooted in intentionality. Rather than attributing the process to the

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<sup>24</sup> For the classic statement of this shift from primary to secondary circuit in the 1970s, see Harvey (1978). For an updated version in the context of the 2008 subprime mortgage crisis in the United States, see sociologist Kevin Fox Gotham's recent work (2006, 2009).

<sup>25</sup> Western Cape Anti-Eviction Campaign press release, March 18, 2009.

consumption choices of yuppies or a creative class (cf. Ley 1996), the reclaiming of the city center by these actors is an *effect* of reinvestment rather than its cause. Smith's entire explanation is predicated upon a theory of the rent gap in which developers buy when cheap and therefore act to facilitate this cheapening. This is the moment of devalorization. Once real estate loses its value, developers buy properties by the dozen, coordinating a massive marketing campaign<sup>26</sup> in order to rebrand the city center as amenable to middle class lifestyles. This is the moment of revalorization. The difference between actual and potential capitalization – the rent gap – governs the geography of investment and divestment. Certainly city governments partner with developers in order to expand their tax bases, but there's little in the way of a state-initiated gentrification scheme in Smith's account.

After Smith, however, gentrification research took a state-centered turn, heralding the rise of a "global, state-led process of gentrification via the promotion of social or tenure 'mixing' (or 'social diversity' or 'social balance') in formerly disinvested neighbourhoods populated by working-class and/or low-income tenants" (Slater 2006:749-50). Initially analysts focused on increasingly frequent public-private partnerships, coalitions in which "local governmental powers...try and attract external sources of funding" for development projects (Harvey 1989:7), or in some cases, provide partial funding themselves "to offset risks posed to real estate capital" (Hackworth 2007:170). This could take the form of jointly financing a mega-project in a central business district under the banner of "revitalization," or it might assume less visible forms, as in the cases of increased state involvement in gentrification (Smith 2002:94) or the closely related strategic stigmatization of properties targeted for redevelopment (Weber 2002). In the case of the latter, local capital helps finance the renovation or even demolition of areas that the local state actively constructs as "blight," whether public housing (Hackworth 2007:72-3), buildings occupied by stigmatized groups (Weber 2002:525-6), or public parks serving the homeless (Mitchell 2003). Even the penal wing of the state makes an appearance, "quash[ing] opposition and mak[ing] the streets safe for gentrification" (Smith 2002:95; cf. Hackworth and Smith 2001; Lees, Slater, and Wiley 2008:249; Wacquant 2008a, 2009). In sum, these researchers argued that the promotion of economic development, whether through publicly financed public relations campaigns or the rebranding of "revitalized" neighborhoods, is with less frequency being left to the initiative of independent developers and is increasingly being seen as the responsibility of municipal governments (Hackworth 2007; Lees, Slater, and Wyly 2008:39-41).

Given some of the claims made by gentrification researchers about its global applicability (Atkinson and Bridge 2004; Butler 2007; Lees, Shin, and López-Moreales 2015, 2016; Lees, Slater, and Wyly 2008; Slater 2017; Smith 2002), tying it to a larger process of neoliberalization, it was only a matter of time before state-initiated development frameworks were brought to bear upon Southern cities. An initial wave of ethnographic literature on urban informality in cities of the South emphasized the agency of squatters (Holston 2008; Murray 2008; Nuttal and Mbembe 2008; Perlman 2010; Roy and AlSayyad 2004; Roy 2002, 2005; Simone and Abouhany 2005; Simone 2004, 2009; Zhang 2002), but social scientists soon began to analyze the social contexts

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<sup>26</sup> Most people in my neighborhood in Oakland, California simply call the area "North Oakland," or else "Longfellow" if they want to be a bit more specific. As of a few years ago, flags hanging on every streetlight began to inform my neighbors and me that it's now to be called "KONO": Koreatown North Oakland. On the other hand, this is far less objectionable than the time developers attempted to rebrand Cape Town's District Six – the site of the mass removals described above – as "the Creative Quarter" (Levenson 2013).

in which these survival strategies were exerted. A current wave of ethnographic and policy-inflected work emphasizes state rationales for informal settlement eradication drives (Bhan 2016; Ghertner 2015; Huchzermeyer 2004, 2011; Roy and Ong 2011; Weinstein 2014), especially in the crisis-ridden BRICS countries. While these works represent a major advance over simply exporting the gentrification framework to Southern cities, they tend to retain an instrumentalist theory of the state. National and municipal governments raze shack settlements in the name of world-class city making. Sometimes their rationale is humanitarian, purportedly complying with the UN's Millennium Development Goals and its attendant program of "cities without slums" (Huchzermeyer 2011; Levenson 2012). Other times attracting foreign capital might be stated up front as a development strategy, or else this might be tied to a megaevent, as in recent World Cup competitions in South Africa and Brazil (Cornelissen 2012; Mahon 2007; Pillay and Bass 2008; Schausteck de Almeida et al. 2015; Zirin 2016).

In South Africa, the literature on such clearances remains sparse, despite the pervasiveness of land occupations and their frequent evictions. Much more substantial is the literature on social movements fighting these evictions.<sup>27</sup> The most comprehensive work providing an overview of clearances themselves (Huchzermeyer 2011) identifies a calculated project of world-class city making, a totalizing scheme in which shack eradication is tied to the image of the city. Sometimes this is linked to the tourism industry (Cottle 2011; Newton 2009; Pillay, Tomlinson, and du Toit 2007; Visser and Kotze 2008), or else to attracting foreign investment (Ashman, Fine, and Newman 2011b; Ashman and Fine 2013). In both cases, the key variable determining which settlements will be targeted is visibility (Huchzermeyer 2006; Pithouse 2006b): those settlements most visible from major highways are the first to go.

The state in this telling, whether municipal or national, is described as intentionally targeting shacks as part of a comprehensive accumulation strategy. As in most accounts of this nature, empirical support is thin beyond national-level DHS statements and press releases.<sup>28</sup> Certainly South African cities publish citywide and sub-municipal redevelopment strategies, but these have yet to be concretely linked to any systematic dispossession. In Cape Town, for example, many of the sites allegedly cleared in order to create a *cordon sanitaire* in the run-up to the 2010 World Cup were actually targeted years earlier, often as part of national upgrading projects. The point is that these instrumentalist narratives only arise *ex post facto*; there is often little support for the claim that eradication is part of a citywide accumulation strategy. There is no question that the peripheralization of urban surplus populations perpetuates apartheid-era geographies of relegation, but this is quite distinct from the claim that most dispossession in South African cities is tied to an identifiably state-led accumulation strategy.

## The Politics of Engagement

More generally, claims involving an instrumentalist state tend to play out at the citywide level. They might allow us to make general observations about a municipality's housing program, but they don't facilitate explanations of divergent outcomes *within* a city. There is an

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<sup>27</sup> For sample references, refer to footnote 16, this chapter.

<sup>28</sup> Municipal DHS branches, not the national DHS, coordinates evictions, even if the national ministry might attempt to influence municipal policies. Occasionally the provincial DHS may claim jurisdictional authority when the land or housing project in question is theirs, but typically it is the municipality that oversees the process.

unwillingness in this framework to theorize what determines which settlements are targeted for eviction, and conversely, which are ultimately tolerated. World-class city making, gentrification, and other dominant explanations are all rooted in a monolithic and instrumentalist understanding of the state. While such accounts serve their purpose for general overviews and for cases of indiscriminate dispossession<sup>29</sup>, they don't offer a way to explain why democratic states target certain settlements and not others. The obvious explanation would be visibility, but my fieldwork demonstrated to me that it didn't quite do the trick. If you recall from the Prolegomenon, the Rivenland occupation was completely out of the way, far less visible than Holfield, but it was the latter settlement that was ultimately tolerated and that remains standing to this day (see Table 1).

In addition to being more visible, Holfield is located on privately owned land. It actually sprawled across two adjacent plots with two different corporate owners. By contrast, Rivenland took place on public land owned by the City. According to the gentrification literature and above all, followers of Neil Smith, we would expect governments to facilitate evictions where occupations interfered with the cultivation of privately held real estate. Yet here too, we observe a counterintuitive outcome: the Holfield occupation was tolerated, but the Rivenland occupation was eradicated. Cape Town's government didn't appear to be straightforwardly facilitating private development. Instead, something else was at work.

Perhaps it was rooted in race, and more specifically, in processes of racialization. Both occupations are located in a township that is more than 95 percent Colored. But the majority of the tolerated Holfield occupiers were actually Black – most of them spoke a language called isiXhosa in a Colored, Afrikaans-speaking neighborhood. For this reason, I suspected Holfield might be viewed as “matter out of place” by the municipal government and dealt with accordingly (Douglas 2002 [1966]; cf. Thorn and Oldfield 2011). But it wasn't; it was the mostly Colored occupation at Rivenland that was evicted.

Further complicating the scenario were the Holfield occupiers' neighbors in formal houses just across the road. These residents were all Colored and middle class. Under apartheid, Colored South Africans were racialized to be sure, but they were also definitively ranked above Black South Africans in the official hierarchy (Adhikari 2005; Posel 2001). Much of the literature on Colored identity documents the internalization of this racial hierarchy, with Colored people disavowing their Africanness and embracing their Southeast Asia ancestry (Adhikari 2005, 2009; Erasmus 2001; Goldin 1987; Lee 2006; Lewis 1987; Wicomb 1998). In Cape Town, many of them openly identify as “Cape Malay,” for example. And when Black residents are viewed as encroaching on Colored territory, things can get tense. When Black squatters established Holfield, they did so across the street from a large middle-class Colored neighborhood. These Colored residents would regularly hold demonstrations in the road, wielding signs demanding Holfield's relocation. They organized massive neighborhood association meetings that even drew in Mayor Patricia De Lille. I thought that the City government might evict this occupation in order to reduce the potential for interracial violence – but of course it was tolerated. Meanwhile, Rivenland had no immediate neighbors, and the closest ones never protested the squatters' presence, let alone organized against them. Besides, they were mostly Colored in a Colored area. Yet they were evicted.

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<sup>29</sup> Cases of indiscriminate dispossession are typically limited to authoritarian contexts in which a government clears an entire section of a city without differentiating between deserving and undeserving residents. Urban clearances under apartheid are a case in point.

**Table 1. Two Land Occupations in Cape Town**

|                              | <b>Rivenland</b>                     | <b>Holfield</b>   |
|------------------------------|--------------------------------------|---|
| <b>Land type</b>             | Municipally owned                    | Private property  |
| <b>Visibility</b>            | Very peripheral                      | Along major thoroughfare  |
| <b>Racial classification</b> | Mostly Afrikaans-speaking<br>Colored | Majority isiXhosa-speaking<br>(Black “African”)   |
| <b>Interpersonal racism</b>  | No neighbors complained              | Across road from middle-class<br>Colored neighborhood that<br>mobilized against occupiers |
| <b>Party affiliation</b>     | Assumed to be DA                     | Assumed to be ANC   |

Finally, I thought if racial classification, interpersonal racism, property value, and visibility couldn’t explain the outcome that party affiliation might. In Cape Town, Colored residents vote overwhelmingly for the City’s ruling party, the Democratic Alliance (DA).<sup>30</sup> But this isn’t the case for Black Capetonians, many of whom are presumed to be African National Congress supporters, or else backers of the Economic Freedom Fighters (EFF), South Africa’s third most popular political party. I thought party affiliation would matter because much of the sparse literature on land occupations focuses on their importance in relation to local elections (e.g. Gigaba and Maharaj 1996; Hart 2002, 2014). And sometimes this *is* how occupations are organized. Even when participants have no partisan allegiance or intention in joining a new occupation, activities may be coordinated by a party front group that hopes to garner votes in return for promised land. Or in a second variant, a party front group might bring ANC supporters from one township into DA territory just next door, hoping to affect an election outcome. But none of this mattered in this case: it was Holfield, the occupation presumed to be full of ANC supporters, that was tolerated; whereas Rivenland was evicted, even though the occupiers likely supported the ruling party.

How then to make sense of this counterintuitive outcome? Rather than attempting to reconstruct an instrumentalist alternative, I leave such sweeping theorizations at the door. Instead, I turn to what a call a politics of engagement. I argue that eviction targeting is not instrumentally imposed from above but is rather the distinct product of political engagement between the municipal state and residents themselves. Because existing models fail to interrogate this moment of engagement, they are unable to explain actually existing patterns of urban dispossession; instead they traffic in generalities tied to citywide strategies for which there is little empirical support. This means that if states “see” populations as such, as James Scott (1998) might put it, these populations are not ready-to-hand, nor are they formed unilaterally by

<sup>30</sup> In the ward in which Rivenland is located, which is more than 95 percent Colored, roughly 85 percent of voters supported the DA in the most recent elections; the ANC received under 5 percent of the vote. The ward immediately to its east is fairly mixed: 40 percent Colored and 60 percent Black. And predictably, nearly 40 percent of its constituents voted for the DA in 2016 and about 50 percent for the ANC, with the remaining 10 percent going for smaller parties. Finally, the next ward over, which is 98 percent Black, turned out less than 5 percent for the DA, with nearly 85 percent going for the ANC, and another 10 percent or so going for the Economic Freedom Fighters (EFF). (All of these data are available in the Electoral Commission of South Africa’s Municipal Elections 2016 report and in the 2011 Census, updated with data from the 2016 Community Survey. They can be accessed most easily by using Media Monitoring Africa’s tool Wazimap (<https://wazimap.co.za/>).)

governments that simply hail their collective subjects from above. Some occupations are viewed as populations, both legible and legitimate to the state, but others are not.<sup>31</sup> Rather than taking “population” as a given state category, I treat it as a variable, much as in Rogers Brubakers’ (2004) work on “groupness.” But how is “population-ness,” to deploy a clunky neologism, itself constructed? In other words, if a given population is recognized as legitimate by the municipal government, how should we understand population-ness as an outcome?

Obviously we can’t bend the stick and simply shift from a top-down to a bottom-up perspective, privileging residents’ own politics within each occupation. It is the government that recognizes populations as such, and so residents’ politics are only effective insofar as they can actually secure this recognition. For this reason, I investigate both horizontal struggles over representation within each settlement – who gets to speak for whom – and vertical struggles over recognition, i.e. how residents project themselves to the state. I argue that only when residents form unified representative committees are they able to gain recognition from courts and the local government. Of course these two dimensions are really analytic lenses rather than distinct moments: struggles over representation are always oriented toward achieving recognition, and struggles for recognition often manifest as internal struggles over representation. As such, resistance to eviction must be understood as simultaneous struggles over both stakes.

In a democratic context, land occupations are not indiscriminately evicted, as they might be in an authoritarian context or as they frequently were under apartheid, and we need to make sense of why. My answer requires us to see how struggles play out within an occupation over who can speak in the name of the entire settlement. These are what I call *struggles over representation*. At one extreme, residents may consent to being represented by a single body. This might be something desirable on its own terms like an elected committee with representatives from each section of the occupation. Or it might be something less attractive, like a vaguely authoritarian self-appointed leader who manages to secure consent. We’ll actually encounter both iterations in the case of Holfield. The point though is that at this extreme, we can say that occupiers have resolved struggles over representation and that one body is hegemonic.<sup>32</sup>

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<sup>31</sup> An occupation is *legible* to the state insofar as its residents successfully constitute themselves as a coherent unit that can be regularized and upgraded as part of a single development project. This unit is a “population.” And an occupation appears as *legitimate* when its residents accord with the state project of democratization, i.e. when they do not appear as a collection of opportunists vying with one another for handouts. In other words, the concept of population has a double meaning from the perspective of the state: it is both a practical (legibility) and a moral (legitimacy) category. Note also that appearance – *representation* – is everything here, at least in relation to residents’ project of securing *recognition*.

<sup>32</sup> Following Gramsci (1971) and Peter Thomas (2009:Ch. 5), representatives of a class fraction are hegemonic insofar as (a) they organize civil society, or a fraction thereof – in this case, actively constituting a political community in a land occupation; (b) they deploy a strategy in which the production of consent is more important than reliance upon coercion; and (c) they successfully articulate their own material interests as those of civil society more broadly (or again, in this case, of all residents of an occupation). Thus hegemony (within an occupation, of course, as opposed to, say, in a city or country more broadly) is one possible outcome of a struggle over representation. As we shall see, another possible resolution is factionalism, which predictably relies primarily upon coercion. I should also note that, following Dylan Riley (2015), I am specifically concerned here with intra-class (as opposed to inter-class) hegemony, both of which are described by Gramsci in his *Prison Notebooks*. For our purposes, we might map what I call struggles over representation onto intra-class hegemony and struggles over recognition onto inter-class hegemony.

But at the opposite extreme, there may be an utter absence of hegemony. Residents may search for more immediate solutions, forming mutually exclusive contending factions that all vie with one another for official recognition from the city government or the courts. This is what happened in Rivenland.

Factions or hegemonic body, these are struggles over representation within each settlement. But residents' representative organs are simultaneously engaged in a project of engaging the state, hoping to secure the occupation's right to stay put. This is what I call *struggles over recognition*. Recognition is not something that simply comes from above. When states "see" their citizens as populations, they do not straightforwardly organize them into discrete units from on high. Rather, when populations are recognized, this state project interacts with residents' own project of constituting their own population – what I call the struggle over representation. Residents aren't simply acted upon, as if they were passive materials to be manipulated at will. Because democratic governments don't recognize all residents as populations, we need to figure out how they decide who gets to be part of this category of populations, and conversely, who is deemed to be outside of it, too disorderly to be functional to the democratic project of informal settlement regularization. This status as a population is instead the outcome of the struggles over representation I've just described. Judges and housing officials may not recognize residents as a coherent population unless they comport themselves as such.

## Methods

This then is the crux of the research project: understanding how these two related dimensions are articulated differently in two different land occupations and how this can help us explain divergent eviction outcomes in a single city. In order to do this, I conducted 17 months of fieldwork spanning a period that includes the entirety of the Rivenland occupation and the first five years of the Holfield occupation. I also visited a number of other nearby occupations that emerged in the same period. While I visited both settlements frequently, I also had to employ heterodox methods, remaining an absent presence, so to speak. The incursion of outside actors into an occupation can facilitate distrust among contending groupings, even helping to catalyze their formation into well-developed factions. Indeed, as a white American visiting Black and Colored occupations, squatters would assume that I represented a charity or NGO. Other than the police, white people never visited the area. If one of the occupiers were to shepherd me into their shack and then I were to leave, the consequences could be disastrous.

One elected settlement committee leader, Auntie Karen, told me that if people thought she was the one bringing me to the occupation, they'd demand that she distribute the blankets and food that I gave her to everyone. Of course I didn't give Auntie Karen a thing, but no one would believe her that I wasn't a charity worker. Then when she denied having received anything, she'd be accused of corruption, and this is when the violence would flare up. So I had to tread very lightly. This meant that rather than standard fly-on-the-wall ethnography, I had to combine multiple data sources in order to triangulate and make sense of political processes in each occupation, all while minimizing my own impact on settlement-level politics. Originally I had planned to stay in one or two close contact's shacks, but instead, I met with individual members outside the settlement, frequently at a fast food restaurant down the road, or else in neighbors' shacks in nearby backyards. When the occupations held settlement-level report-backs, I was able to attend in a way that didn't imply allegiance to any particular faction.



I paired this ethnography-at-a-distance with other data sources. In Rivenland, residents filmed over eleven hours of footage on a camcorder. The participant who filmed it allowed me full access, and I digitalized the footage for him. After the occupation was evicted, I rewatched this footage with a number of the original participants and paused frequently so that they could discuss what had happened. In addition, Aisha, who lived in both occupations, actually kept a detailed daily diary throughout, and she provided me with a full copy that she'd typed up with a friend<sup>33</sup>. I also created an archive of media coverage over the period 2011-17, including every mention of either occupation in both major community newspapers in the township. These were not available digitally at the time, and I thumbed through hard copies of every issue released during this period in these publications' offices in the city center. I scanned every page that mentioned either occupation or dealt with housing politics in the vicinity. I paired these with digitally available local and national newspapers that covered the occupations, though such coverage was predictably scarce. And as I'll discuss in detail in the following chapter, I reviewed all relevant court records and interviewed some of the lawyers involved, as well lawyers and legal scholars with experience in eviction law.

In addition to this ethnographic and archival work, I conducted lengthy interviews with as many housing officials as I could, as well as other key players in the housing policy world. The bulk of these were DHS employees, both at municipal and provincial levels, interviewed in Cape Town and the Western Cape respectively. I also interviewed a couple of DHS employees in Johannesburg and Durban to gain a sense of differences across municipalities, and I talked with private sector consultants and other contractors who worked on DHS policy. I subsequently interviewed housing policy and legal experts at think tanks and NGOs in Cape Town and Johannesburg, comparing information I received from them with the account I got from DHS employees. And whenever possible, I attended housing policy workshops, typically attended by NGO workers, DHS employees, and academics.

Finally, I spent as much time as possible with residents who had either been evicted from Rivenland or forced out of Holfield, making them recount everything in detail as we sat in their backyard shacks. I'm sure they grew irritated as over multiple years, I made them tell and retell their stories. As I gained new information from one, I'd interrogate another about these developments. In the end, I reconstructed the narratives of these struggles over representation and recognition in both settlements – stories not recounted anywhere else. While it might seem as if it would be a major news story for thousands of squatters to seize a plot of private property and build an entire neighborhood on it overnight, this is a fairly routine occurrence in South African cities. While they were certainly mentioned occasionally in local media coverage, this was largely either to examine the plight of the homeless or else to scold squatters for alleged freeloading. Nowhere was the story of these occupations told. My task then was to reconstruct these narratives in both occupations to explain how struggles over representation and recognition account for these counterintuitive outcomes.

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<sup>33</sup> I am grateful to Koni Benson in the Department of History at the University of the Western Cape, who was then a researcher at Cape Town's International Labour Research and Information Group (ILRIG), for both allowing me to use this document, and for undertaking the labor-intensive project of typing it up.

## Outline of the Dissertation

Despite the augmentation of the welfare state after apartheid, urban land dispossession is hardly on its way out. South Africa's expansion of its housing delivery project has not led to a marked decrease in the frequency of new land occupations, nor has it yielded a decline in evictions. Indeed, it was at the high point of housing delivery in the mid-2000s that the provincial government of KwaZulu-Natal, site of the largest port on the African continent, passed the Slums Act<sup>34</sup>. This law framed new land occupations as a direct threat to housing delivery (Huchzermeyer 2011:202-23) and authorized the top provincial housing official<sup>35</sup> to require municipal governments and private landowners to evict unlawful squatters. Until it was ruled unconstitutional in 2009, the law was viewed by other provinces as a model for emulation, beginning with the passage of the short-lived Mpumalanga Eradication Prevention and Control of Informal Settlements Bill of 2012 in the province immediately northwest of KwaZulu-Natal. Indeed, as Marie Huchzermeyer (2013) points out, UN-Habitat (2006) actually commended the South African government for its commitment to "slum eradication," reading these policies as a central component of its alignment with the UN's Millennium Development Goals. Delivery and dispossession don't appear so antithetical after all.

But as I've argued thus far, most existing analyses keep the two in separate boxes, a consequence of their reliance on an instrumentalist theory of the state. While these sorts of theories might adequately account for citywide policy programs, such formulations cannot explain why certain informal settlements are targeted for eviction whereas others are ultimately tolerated. One-size fits all explanations such as gentrification and world-class city making may tell us something about state desires at the national, provincial, and municipal levels, but they reveal very little about how state-induced dispossession actually proceeds. The body of this dissertation does just this through a comparative ethnography of two concurrent land occupations in Mitchell's Plain: Rivenland and Holfield. In Chapter 2, I delve deeper into the concepts of representation and recognition, theorizing their inextricability in relation to Gramsci's concept of the integral state. For Gramsci (1971), the concept of the state encompasses two related domains: the formal institutions we call political society, and activities in the sphere of civil society. I argue that existing literature on urban informality in the global South tends to map onto one or the other of these domains but never treats them as inseparable moments located in a single object of analysis: the state. One group of writers valorizes squatters' agency, ranging from survival strategies to militant contestation; another explores how a coherent state apparatus acts upon populations from above. I put the two camps in relation to one another, thinking through how struggles over representation, which play out in civil society, are constitutive of the category "populations," which in turn are acted upon and engaged by the institutions in political society. Populations then compete with one another for access to the limited resources of the precarious welfare state (Levenson 2017c), with courts adjudicating among these rival legitimate claims. Thus politics shifts to the judicial terrain. But as we have seen, predetermined criteria for access to land and housing do not always play out as we would assume. As land occupiers find their way into courtrooms, their struggles for recognition appear to have more to do with the articulation of representative organizations than any preordained guidelines. I argue that when

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<sup>34</sup> The full name of this law was the "KwaZulu-Natal Elimination and Prevention of Re-emergence of Slums Act of 2007."

<sup>35</sup> This position is called the Member of the Executive Committee (MEC) of Housing.

residents are able to constitute themselves in coherent representative committees, they are more likely to be deemed legitimate by High Court judges. But when factionalism persists, judges are likely to dismiss them as opportunists threatening the system of housing delivery.

In Chapters 3 and 4, I turn to the empirical meat of the dissertation, tracing struggles over representation and recognition in Rivenland and Holfield, respectively. In both cases, I begin with an analysis of each occupation's constituency and why these residents might participate in a land occupation. But given that these squatters are individually motivated, how they came to participate in a collective enterprise – the land occupation – needs to be explained. I investigate how various organizations, ranging from social movements to political party front groups, articulated the land occupation as a political project, which required a strategy of organizing civil society, to put it in Gramscian terms. In the case of Rivenland, the occupation was framed by a party front group as a project of housing delivery, with each participant receiving a designated plot of land upon which they could auto-construct a home. This yielded a very individualistic sort of politics – what I call a politics of petty proprietorship – in which residents aligned with their immediate neighbors to defend their claims to (ersatz) property. Once the legal struggle began and occupiers began to enlist pro bono legal aid, existing factionalism was amplified through access to lawyers. Instead of treating these lawyers as a means of recognition, they sought recognition from the lawyers themselves, viewing this end as essentially equivalent to recognition from the state. When the Rivenland occupation finally had its day in court, the judge recognized this amplified factionalism in moral terms, distinguishing these “opportunists” from “good citizens” who hypothetically wait their turn for housing.

By contrast, in the case of Holfield, residents rejected all mediating bodies attempting to organize squatters into competing groups. Instead, they viewed the occupation as something approximating a social movement. This meant that they correctly viewed their recognition by the courts as bound up with various resolutions of the struggle over representation. In Chapter 4, I trace these various moments in which the struggle over representation was resolved, running the gamut from a vaguely authoritarian leader to a democratically elected settlement committee. Whereas in Rivenland, faction representatives attempted to shortcut recognition by immediately engaging with their legal team, in Holfield legal representation was mediated by the leadership of the settlement, guarding against degeneration into factionalism. This meant that when the judge heard their case, he rejected the City's attempt to paint them as impatient queue jumpers. Instead, he accepted their claim that they were a homeless population in need, and he represented them as such: as a population instead of as atomized opportunists. As in Rivenland, we see the inextricability of representation and recognition.

In a concluding chapter, I bring these various threads together in order to flesh out my reading of the integral state. I begin by bringing readers up to date on the Holfield occupation nearly five years after the ruling described in Chapter 4. While the fracturing of the settlement's elected committee would seem to pose a challenge to my analysis, I draw on Stuart Hall to show how a Gramscian perspective actually illuminates ongoing developments. Indeed, Holfield is back in the news in South Africa at the time of writing (May 2018), even making national news as violent protests there have led to fires, road blockades, and even a death. I then conclude the chapter with four theses derived from my findings, beginning with a plea for a relational analysis of the state. I draw on insights from Foucauldian and Bourdieusian political sociologies before demonstrating their limits from a Gramscian perspective, as I subsequently do for literatures on political articulation, resource mobilization, and the judicialization of politics.

This dissertation demonstrates that the spatial management of surplus populations is not simply part of a larger strategy of neoliberalization. Instead, the socio-spatial containment of these populations is tied to the augmentation of the post-apartheid welfare state. Housing delivery captures this phenomenon better than the prevailing work on cash disbursement programs, given the inherently quantitative nature of the latter, while it is the qualitative content of delivery in which we are interested. It is through the benevolent distribution of housing rather than a malicious project of intentional eviction that dispossession typically proceeds. We thus begin the next chapter with an attempt to understand why delivery and dispossession are bound up in the post-apartheid conjuncture.

## Chapter 2

### Civil Society and the Politics of City-States

I'd just settled into a chair in front of Marlize Odendal's desk on the eighth floor of Cape Town's massive Civic Center – the City's Department of Human Settlements headquarters, and most other municipal government departments as well. Until quite recently, she acted as head of land acquisition for Cape Town DHS, which entailed purchasing land for housing of two different types: first, land banking, which means buying plots for future use; and second, reactive purchasing, in which the City secures land for relocating participants in land occupations. If land banking is an instance of planning, reactive purchasing is not; rather, it's what happens when planning fails to adequately serve the entire population simultaneously – which is always. And given that in post-apartheid cities, affordable housing supply is completely overwhelmed by demand, this is especially true: planning in advance never quite works out, and so residents must self-provision in the meanwhile. And this of course means occupying land and building shacks. “If I'm sick and tired of actually staying in your backyard because I pay you a monthly rent or something,” Odendal told me, “and there's a piece of vacant land, I will just steal it.”<sup>36</sup> A middle-aged Afrikaner, she was warm but curt, constantly reminding me just how difficult new occupations made her job. “It's not different from that,” she continued. “It is basically, to me, an unauthorized occupation.”

Her moralism regarding land occupiers was fairly typical among the DHS officials I interviewed: squatters were criminals in her eyes and should be dealt with accordingly. “If I take your car,” Odendal told me, “I'm guilty of theft, and the court doesn't expect the government to give me another car before I give your car back. But our legislation at the moment, we apply to evict people [on behalf of] a private landowner trying to protect his land. The court would say yes, but what alternative accommodation can the City or the government or the state offer?” She was referring to South Africa's constitutional mandate that the state cannot evict people without offering another housing option, what caselaw refers to as “alternative accommodation.” “So what I'm saying to you,” she concluded, “is that we are rewarding criminality purely because in our Constitution it's written that it's a basic right.” She was referring to Section 26 of the post-apartheid Constitution, ratified in 1996, which both requires the government to provide housing to those in need and prevents it from executing arbitrary evictions. The linking of these two processes, delivery and dispossession, in a single section of the Bill of Rights reinforces the penchant of DHS officials to do the same, attributing the failure of the government's housing delivery program to its inability to manage the rapid informal urbanization concomitant with the end of apartheid. In practice, the two are not necessarily linked: evictions target land occupations, while housing delivery provides homes to those in need. People do not occupy land in order to secure RDP structures from the government, but to self-provision when they lack other options. Given that one of the country's leading housing lawyers estimates average time on the waiting list to now be sixty years (Maregele 2017), it's no longer feasible to expect people to “wait” when waiting means living in such precarious situations. Yet the articulation of these two processes into a singular “right to housing” means that DHS officials are rather disdainful toward these Constitutional protections, reading land occupations as necessarily inhibiting their mission. This is the problem with technocratic thinking: rendering people as statistics may facilitate the

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<sup>36</sup> Interview with Marlize Odendal, October 2, 2013, Cape Town.

project of closing a numerical backlog, but it does nothing to expedite access to housing for the majority of those living in intolerable situations.

In this chapter, I begin with an overview of the legal protections afforded by South Africa's Constitution, and I briefly explain how these have been worked into the municipal government's mandate to provide "alternative accommodation" in instances of eviction. But laws as written rarely translate into laws as practiced, just as government policy as formulated typically diverges from policy as implemented. I argue that the courts have become the key site of contestation for struggles over housing. On one side, DHS officials propagate a worldview in which squatters are obstacles to the government's housing delivery project, and therefore to democratization. On the other, the court must authorize any eviction, and so occupiers attempt to represent themselves to the judge as both *legible* – as a coherent settlement instead of a fragmented collection of smaller communities – and *legitimate* – as homeless people in need. In chapters 3 and 4, I provide detailed ethnographic accounts of these struggles over representation in Rivenland and Holfield, respectively, and how these translate into recognition (or lack thereof) by the judge. But before doing so, I describe the DHS' worldview in greater detail and how it translates into a moralistic rhetoric in which land occupiers are "queue jumpers" and "opportunists." A number of predominant theorists of how states manage surplus populations would translate this worldview into reality. After critically working through some of this literature, I demonstrate why the substitution of "bottom-up" frameworks for "top-down" accounts is equally insufficient by reviewing the literature on squatters' politics. I conclude with an alternative model in which the state is reimagined as a site of contestation between formal political institutions (political society) and informal political coalitions (civil society) – or what Antonio Gramsci (1971) famously called the "integral state." But before we can turn to contestation itself, we first need to flesh out the site upon which it occurs: South Africa's legal system.

### **From Class Struggle to Class Action**

The anthropologists Jean and John Comaroff (2006:23) periodize postcolonial legal systems into two waves. In an initial round of decolonization following World War II, national constitutions tended to stress the autonomy of the state, placing the onus of decision-making on elected officials in the legislative and executive branches rather than judges. But since the 1980s, postcolonial constitutions have shifted toward "the rule of law and the primacy of rights" (ibid.), facilitating what the Comaroffs call the "judicialization of politics," through which "[c]lass struggles seem to have metamorphosed into class actions" (ibid.:27). Nowhere is this truer than in post-apartheid South Africa, whose Constitution is among the first to enumerate socio-economic rights as justiciable and therefore enforceable (Bilchitz 2002; Brand and Heyns 2005; Christiansen 2007; de Vos 2001; Kende 2003; Liebenberg 2001; Liebenberg and Goldblatt 2007; Mubangizi 2006; Sunstein 2001; Wesson 2004). Through a series of rulings, the Constitutional Court has clarified what it would mean in practice for the government to guarantee such rights. The first of these major cases was the *Government of the Republic of South Africa v. Grootboom*<sup>37</sup>, in which 900 residents were evicted from their shacks just beyond Cape Town's municipal border, just over 20 miles northeast of the Rivenland occupation. The Tygerberg

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<sup>37</sup> *Government of the Republic of South Africa and Others v. Grootboom* 2001 (1) SA 46 (CC), 2000 (11) BCLR 1169 (CC).

municipality had plans to use the land to build a social housing complex, and paradoxically, it evicted the current occupants in the name of beneficiaries yet to come.<sup>38</sup>

When the evictees challenged the City's policy, they won the first in a series of Constitutional Court rulings upholding (and giving practical specificity to) Section 26 of the Bill of Rights, which is the second chapter of the Constitution. Section 26 includes three provisions:

- (1) Everyone has the right to have access to adequate housing.
- (2) The state must take reasonable legislative and other measures within its available resources, to achieve the progressive realisation of this right.
- (3) No one may be evicted from their home, or have their home demolished, without an order of court made after considering all the relevant circumstances. No legislation may permit arbitrary evictions.

The first is patently the most general of the three<sup>39</sup>, only truly given teeth by the two subsequent guarantees that enumerate the state's positive and negative obligations toward residents (de Vos 2001; Huchzermeyer 2003a). We might read these next two lines as standardizing delivery and protecting against dispossession, respectively. In the case of the former, *Grootboom* and subsequent Constitutional Court cases have interpreted this line to impose an obligation on the government to meet basic housing needs. Yet it simultaneously limits the scope of these obligations, citing the availability of resources and issues of capacity to delivery. The concept of "progressive realisation," derived from the first post-apartheid Housing Minister Joe Slovo's "incremental approach" to housing provision (Huchzermeyer 2001), is then "both a sword and a shield" (Liebenberg 2001:252): it requires the government to work toward meeting its socio-economic obligations as specified in the Bill of Rights, but it provides it with a "degree of temporal latitude in its achievement of this goal" (ibid.). How this balance actually plays out is then the prerogative of the courts.

Most relevant for our purposes is Section 26(3), limiting the conditions under which residents can legally be evicted. The blanket prohibition of arbitrary evictions is an attempt to

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<sup>38</sup> This happens far more frequently than one might imagine in Cape Town, viz. the clearance of informal housing in the name of building subsidized formal housing for low-income residents. While at face value this may read as a straightforward project of formalization, this isn't the case for two reasons. First, evicted residents are rarely included in subsequent developments, and when they are, typically only a fraction of them find their way into these homes. And second, South Africa's social housing program serves those who make too much to qualify for RDP houses (more than R3500/month, or just under \$300), but too little to qualify for a mortgage. This means that the destitute are evicted in the name of provisioning underpaid workers and therefore that this move has both raced and classed implications. Unfortunately this is a sorely under-researched topic.

<sup>39</sup> On the other hand, the question of "adequacy," as well as what constitutes a "home," has been continuously redefined over the years. To cite but one among countless possible examples, here's an excerpt from *Breede Vallei Munisipaliteit v Die Inwoners van ERF 18184 and Others A369/12* (2012) ZAWCHC 390, heard in the Western Cape High Court: "He argued that it was not required of occupiers to persuade the court that the property occupied by them constituted their 'homes', in the narrow sense contended for by the appellant, relying on the authority of *Barnett*. Mr Joubert made the additional submission that, using a purposive approach to constitutional interpretation, the word 'home' in s 23 [sic] of the Constitution, which embodies the fundamental right not to be evicted from one's home or have one's home demolished, must be given a wider meaning than that contended for by the appellant."

break with apartheid urban strategy, which relied so heavily on forced removals. A subsequent law, the Prevention of Illegal Eviction from and Unlawful Occupation of Land Act of 1998, usually referenced as the PIE Act, rendered this provision a bit more concrete. It was explicitly envisioned as a counterpoint to the apartheid era Prevention of Illegal Squatting Act of 1951 (Kahanovitz 2007), which authorized the destruction of informal settlements. Its replacement with the PIE Act meant that unprocedural evictions were criminalized for the first time in South African history (Huchzermeyer 2003a:84). In cases in which occupiers have been on land for less than six months, it only authorizes evictions insofar as they can be reasonably construed as “just and equitable” (Republic of South Africa 1998). Once squatters have been on the land for period longer than six months, the PIE Act obligates “a municipality or other organ of the state or another land owner” to make additional land “available...for the relocation of the unlawful occupier” (ibid.).

And what constitutes “just and equitable” removals “after considering all the relevant circumstances”? This is up to the discretion of the courts. Building off of the PIE Act (Royston 1998), the *Grootboom* ruling entrenched the requirement that the government provide “alternative accommodation” in cases of evictions. Increasingly, municipalities are standardizing these options in the form of building “temporary relocation areas” (TRAs), as they’re called in Cape Town (Levenson 2017c, 2018), comparable to Durban’s “transit camps” (Hunter 2012; Hunter and Posel 2012) and Johannesburg’s “decant camps” (Ramutsindela 2002; Ranslem 2015). Most of these were initially intended to last for roughly six months as a stopgap measure in emergency situations as the names imply: temporary, transit, decant. But few if any TRA structures have served this transitional function. Instead, they’ve become regular feature of the South African urban housing landscape, serving as a form of state-provisioned housing even in non-emergency situations. Despite their piecemeal emergence, TRAs have been coordinated after the fact under a policy framework called the Emergency Housing Programme (Cirolia 2014; Levenson 2017c).

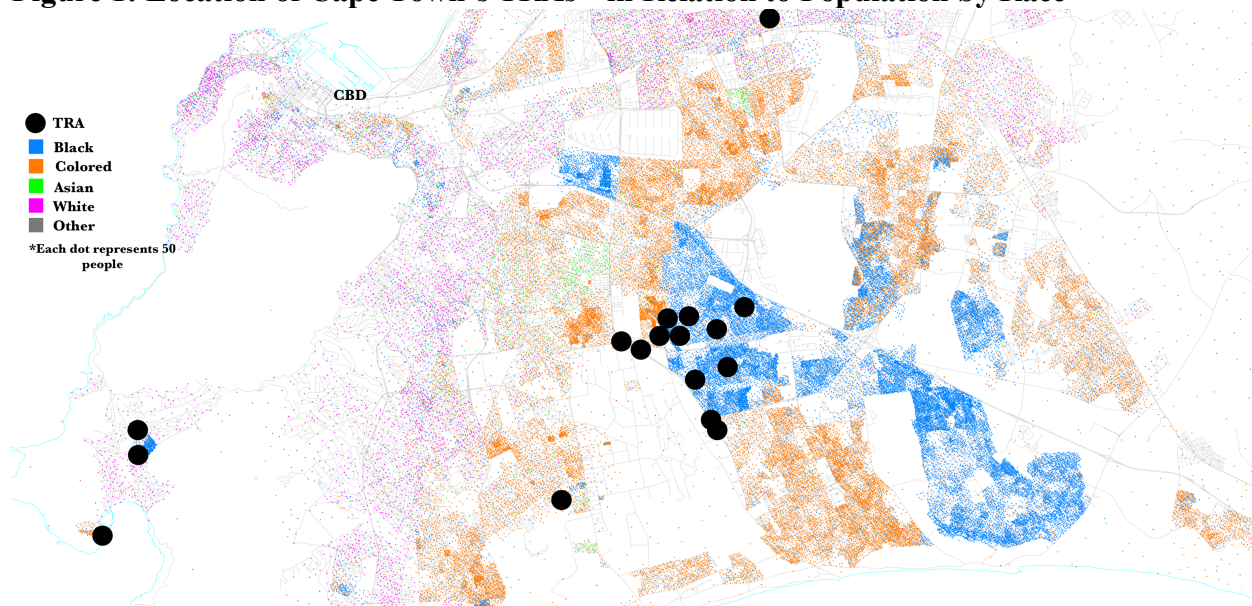
In Cape Town, TRAs are stigmatized and unpopular among residents – as they are in most South African cities. They are poorly located, with the majority in the apartheid-era blackbelt above Mitchell’s Plain (see Figure 1). Residents lose community support networks and often find themselves in unfamiliar gang terrain (Pillay et al. 2017). They reinforce the spatial mismatch wrought by apartheid, with racialized populations moved further from the city center, increasing their transport costs while decreasing their likelihood of employment (Huchzermeyer 2003b; Levenson 2018; Macgregor et al. 2007; Turok 2001). They are also often far from social and municipal services. As a result, when offered a spot in a TRA, squatters often turn it down. This is what happened in the case of Rivenland, as well as at a simultaneous occupation just down the road. The occupiers were shown housing in Symphony Way TRA, popularly known as “Blikkiesdorp” (Afrikaans for “tin can town”) but most turned it down after the visit. A half dozen residents accepted the offer, but the rest could subsequently be evicted, as the Blikkiesdorp option met the legal qualification for “alternative accommodation.”

In order for eviction proceedings to begin, they must be initiated by either the municipality in cases of public land, or the landowner in instances of private property. Such cases can either begin at a local Magistrate’s Court, or else in the provincial-level High Court. Both of the cases I examine in this dissertation began at the High Court. One housing lawyer



explained<sup>40</sup> to me that complainants often initiate proceedings in the High Court because this requires potential evictees to enlist the services of an advocate. In South Africa, these are specialist litigators who argue cases before the High Court. This, she told me, increased the barrier for land occupiers, and besides, occupations are located quite far from the High Court in the City's central business district. By contrast, Magistrate's Courts are scattered across the Cape Flats.

**Figure 1: Location of Cape Town's TRAs<sup>41</sup> in Relation to Population by Race**



Source: Frith 2016; Pillay et al. 2017

These cases are usually drawn out over a prolonged period. The Rivenland occupation was tied up in the High Court for a year, and the Holfield case for even longer. The process begins when a complainant brings an *ex parte* application to the court and asks for permission to serve papers to squatters. Typically these papers must be served to identified and named respondents (as well as unnamed occupiers, who can be added at a later date), meaning that eviction interdicts are physically attached to shack doors. When papers aren't served in person, the applicant needs both an *ex parte* application and a Section 4(2) notice, a reference to Section 4(2) of the PIE Act: "At least 14 days before the hearing of the proceedings contemplated in subsection 50 (1), the court must serve written and effective notice of the proceedings on the unlawful occupier and the municipality having jurisdiction." The respondent is then given a specified time period by which they must respond, which according to the PIE Act, is no fewer

<sup>40</sup> Interview with Disha Govender, July 13, 2017, Ndifuna Ukwazi, Cape Town.

<sup>41</sup> In addition to TRAs, this map includes what the City of Cape Town has recently come to call IDAs, or incremental development areas, though I've labeled them as additional TRAs here. IDAs effectively function as TRAs, but without the pretense of being temporary. I was first alerted to this impending shift in 2012 (7 February, Civic Center, Cape Town) when I interviewed Johan Gerber, Cape Town DHS's Head of Engineering Services for Informal Settlements. He told me that TRAs would soon cease to be known as such, as the City was shifting to the IDA model. Rather than resettling residents, Gerber explained that these would be upgraded to "formal townships."

than 40 days.

Next, the complainant must bring a notice of motion, which includes their attorneys, what they seek, the case number, and the dates by which squatters must respond. In order to do this they must draft a founding affidavit, which establishes why the applicant has standing to evict, i.e. establishing herself as an owner or the person in charge of the land; as well as why they think that the occupation is unlawful and how the eviction will comply with the “just and equitable” provision of the PIE Act. If the people facing eviction want to contest these facts, they are within their rights to respond to the founding affidavit.

Once the eviction interdict is issued, the case is assigned a number. If land occupiers ignore it, they are typically evicted. But when they don’t, the case goes to trial, as happened for both the Rivenland and Holfield occupations. The judge sets a date for arguments, and they begin, though they rarely finish in a single day. Sometimes they can be delayed for months. And if potential evictees appeal the case, as they can to the High Court in cases originating in the Magistrate’s Court, or to the Supreme Court of Appeal or Constitutional Court in cases originating in the High Court (depending upon the nature of the appeal), it can drag on even longer.

And how do residents contest evictions? Building upon the Comaroffs (2006), Gautam Bhan (2016) calls this process in an Indian context the “judicialization of resistance.” He points out that “multiple strategies of resistance are further complicated when the object of resistance is the Court rather than the Executive” (ibid.:223). While she doesn’t deploy the term, Marie Huchzermeyer (2011, 2014) observes a similar phenomenon in her analysis of one South African social movement’s challenge to the Slums Act in KwaZulu-Natal: a once militant squatters’ movement that has historically disavowed engagement with the government finds itself reorienting its strategy toward the courtroom. One critic of this tendency argues that this shift has “neutralizing results” for its politics, which necessarily adapts to “liberalizing discourse” (Walsh 2013:407; cf. Walsh 2008). But Huchzermeyer (2014) maintains that this shift does not necessarily come at the expense of more militant direct action, which can often complement legal strategies, and in any case, she insists, the two have grown in tandem in recent years; they don’t exist in zero-sum relation.

Whatever the case, with the shifting of class struggle onto the judicial register, we can observe a major strategic reorientation. While we typically think about collective actors as social movements that apply some form of pressure on the state, whether through direct action, violence, or a combination of both, something else is at work here, and so the usual resource mobilization theory only gets us so far (e.g. McAdam 1982; Morris 1984; Tilly 1978). The key point is that the concept of “applying pressure” isn’t applicable here. While certainly violent tactics in land occupations aren’t particularly rare, this violence is typically reserved for minor outbursts against representatives of the state, who residents view as agents of their eviction. But there aren’t instances in which occupiers collectively pressure the state, and in the occupations I observed during my fieldwork, it was never their intention to do so. The significance of collective representation in these cases lies not in the combined power it bestows upon the squatters, but instead in the recognition it gives them in the face of the law. When the Holfield occupiers elected a unified committee, they became legible to the judge as a singular population; and they became legitimate to the judge as homeless people in need, as opposed to, say, opportunists scrambling for handouts, or else unruly obstacles to the project of delivery. The key point here is that in land occupations, collective representation isn’t a way to pressure the state,

but a way to secure recognition on the legal terrain.<sup>42</sup> Yet the struggle for recognition isn't simply about an occupation collectively representing itself as legible and legitimate to the court. It also involves "the state," or in this case representatives of the DHS and their legal team (and in some cases, private landholders as well, as in Holfield). As residents undertake the narrative work of representation via their lawyers, the government's legal team always presents an opposing account. The court then adjudicates between these two competing narratives, deciding whether residents are homeless people in need or opportunistic queue jumpers.<sup>43</sup> This process of negotiation is similar to what Julie-Anne Boudreau describes as the informalization of the state. Rules are always negotiable, she argues: "Law is seen as open, flexible, subject to multiple interpretations as inscribed in a changing relation between the legal/illegal, legitimate/illegitimate, authorized/unauthorized" (Boudreau 2017). Without immediately apparent guidelines specifying which occupations can remain and which may be subject to eviction, the subjective decision of the judge determines squatters' fates. But this capacity for recognition is bound up with struggles over representation. Laws, much like the state, are always relation processes rather than permanent ontologies determined in advance (Boudreau and Davis 2017:158). As such, they become sites of contestation: from class struggle to class action.

### Seeing Like a Housing Official

In his 2004 State of the Nation address, President Thabo Mbeki (2004a) notoriously decreed that the country has two economies, a first and a second.<sup>44</sup> The first, he went on to elaborate, is modern, produces the bulk of the nation's GDP, and above all, is integrated into global capital circuits. By contrast, he dismissed the second – the "marginalised economy," in his words – as structurally disconnected from the first. Only the first economy, he argued, is connected to global economic processes; the second, by contrast, remains unable to generate (let alone sustain) growth (Mbeki 2004b). In other words, in Mbeki's characterization, the informal

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<sup>42</sup> Sometimes, however, the line between pressure and recognition isn't so well defined. In Melanie Samson's work on waste pickers (2017), for example, she develops the relational concept of "social uses of the law." Following legal outcomes, the letter of the law may be less important than the way these rulings are understood by those affected. Rulings can therefore (inadvertently) shape the collective subjectivities of informal workers and even serve as a call for further mobilization.

<sup>43</sup> We should read the government's moralizing discourse as the latest iteration of the old Victorian distinction between the deserving and undeserving poor (Gans 1994; Katz 2013 [1989]; Stedman Jones 2014 [1971]). In the case of mid-19<sup>th</sup> century charitable organizations, people were deemed "deserving" insofar as they could reasonably be construed as victims of a social system that necessarily produces a rabble. By contrast, they were considered "undeserving" when they could be blamed for their own predicament, typically through moralistic accusations of idleness. Likewise, "opportunists" and "queue jumpers" in contemporary South Africa are usually represented as free-riders who are responsible for their own homelessness, whereas "homeless people in need" are thought to be the necessary consequence of an economy with an official unemployment rate approaching 30 percent, to say nothing of the legacy of apartheid. As in Victorian England, these distinctions are rarely clear-cut and are more likely to be, as I argue, the outcome of struggles over representation. It is through these struggles that people who are relatively excluded from formal politics project themselves to the state.

<sup>44</sup> This analytic framework first appeared in a late 2003 piece Mbeki wrote for *ANC Today* (Mbeki 2003), though the origins of socio-economic dualism are of course much older (Potts 2008; Castells and Portes 1989), predating the speech by a half century (Lewis 1954; Hosseini 2012).

economy is parasitic upon the formal economy, failing to produce value of its own accord. It amounts to a form of subsistence production in which informal workers consume outputs from the formal economy but then fail to replenish them. Mbeki managed to represent those in the “second economy” as free riders, their countless hours of work notwithstanding, and this, he suggested, inhibits the full realization of the first economy’s potential. Policymakers should therefore strive to eradicate it, he proposed, which is precisely what they did. By the time the Accelerated and Shared Growth Initiative for South Africa (AsgiSA)<sup>45</sup> was launched in February 2006, Mbeki’s socio-economic dualism assumed the status of national development policy (du Toit 2008; Frye 2007; Bond 2007; Faull 2005). The eradication of the informal economy, much like the eradication of informal settlements, became the new norm.

Why do government officials consistently target informality, both in labor and housing, for elimination? Just as Mbeki viewed informal work as potentially stifling growth in the formal sector<sup>46</sup>, DHS employees tend to imagine new land occupations as directly impinging upon formal housing distribution. Whereas the former construed informal work as “parasitic” upon formal labor markets, housing officials view shacks as hampering the post-apartheid delivery project. In the case of politicians and the national Minister of Human Settlements, the aversion to urban informality is primarily an issue of image. Unsightly shack settlements, and above all, those of recent origin, reveal the extent of the failure of the government’s housing delivery operation in stark material terms – and therefore the failure of a key component of the post-apartheid project of democratization. This is a legitimate concern insofar as the backlog is actually increasing or at least remaining relatively constant, and the number of new informal settlements has grown substantially since 1994. It is for this reason that Human Settlements Minister Tokyo Sexwale (2013) t stance toward informality as a “rigid, reductionist focus on delivery targets” (2011:136). Shacks are deemed inherently undesirable, as representing the failure, or at least incompleteness, of the state’s high modernist housing delivery project.

For provincial and municipal DHS employees, their aversion to informal housing is a bit more substantive, even if it lacks full warrant. It’s less about straightforward political expediency and more focused on the perceived threat that shack proliferation poses to the delivery project. Eviction in this telling paradoxically defends the impartial system of housing distribution against those who would opportunistically demand a home on the spot. This means that DHS rhetoric about land occupiers, tarred as anti-democratic insofar as they refuse to wait their turn, tends to be quite moralistic, devising a number of categories with which to delegitimize squatters: queue jumpers, opportunists, bad citizens, and the like.

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<sup>45</sup> AsgiSA was the successor policy framework to GEAR and was largely framed by Mbeki as a way to augment business development in the face of bureaucratic constraints. While it was allegedly intended to balance private sector growth with poverty reduction, the late Sampie Terreblanche rightly remarked, “Just as the ‘r’ [‘redistribution’] in Gear was just an exercise in propaganda, so too is the first ‘s’ [‘shared’] in Asgisa” (Bell 2007). Like GEAR before it, AsgiSA broke with the more redistributive bent of the RDP, invoking trickle-down theories in its place, claiming that growth yields redistribution as opposed to vice versa.

<sup>46</sup> I use the term “informal sector” solely to reflect a governmental worldview. As numerous critics of the concept have pointed out, informal production is inextricably linked to the formal economy and vice versa. “Formal” enterprises frequently employ both formal and informal labor and can’t simply be defined in terms of one or the other (Castells and Portes 1989; Sassen 1994).

What then might it mean to comport oneself as a “good citizen” from this point of view? According to Alida Koetzee<sup>47</sup>, Cape Town DHS’ head of public housing, the housing waiting list includes “those who expressed a need and actually came forward to register like a good citizen should.” Residents who register with the government and wait patiently are “good citizens,” she rationalized, whereas those who are late to register or else remain skeptical of the delivery system are delinquents. “We [are] paying for people,” she complained. “You can imagine how they abuse the system. They will benefit from a house [when] they sell it or they rent it out, and they go and sit in an informal settlement.” She was suggesting that recipients of free government housing would frequently refuse to live in their newly constructed homes. Instead, they would either hold them as capital and rent them out to supplement household income, or else, they would sell them illegally.

Or take Heinrich Lotze and Herman Steyn<sup>48</sup>, who oversee new housing developments for Cape Town’s DHS. They explained to me that government home recipients are prohibited from selling the structures for eight years. In some instances they sell them anyway, but far below market value, as the sale is illegal. Sometimes they may need immediate access to cash, but more likely, housing delivery without the attendant provision of employment and affordable transportation makes accepting a peripherally located home unwise. For example, if one needed to seek out work in the central business district but took a house on the peri-urban fringe, the cost of their daily commute might double or even triple. But the promise of becoming a homeowner wouldn’t cover the immediate cost of taxi or train fare; only liquid cash would. Often in this case, residents would sell their homes at sub-market rates and move back to the very informal settlements from which they were relocated in the first place. “He subtly rents it,” Lotze told me.

More generally, they emphasized what they claimed was the objective inaccuracy of residents’ criticism of the housing distribution system. “There’s a lot of mistrust against the system,” Stein asserted. “You’ve probably picked it up. People out there are not necessarily convinced that the correct people got the houses.” I encountered countless residents during my fieldwork who alleged fraud, or else who couldn’t understand the logic of the waiting list. They knew some residents who registered and then received homes within a few years, but they knew of others who had been on the waiting list since before the transition in 1994 and were nowhere close. “There’s always allegations that yes, there’s someone that came from the outside that was very fairly new on the list, that he or she got a job or a house because they slept with this one or they paid that one or the whatever. So there’s always that allegations.... But besides one or two single incidents, we have never been able to – what’s the word? – obtain evidence to the effect that there was corruption or any foul play in any of those allocations.” Residents made claims all the time, but they were based on rumors, Stein and Lotze insisted. In proper bureaucratic form, corroboration requires written documentation. As Lotze nodded, Stein reiterated, “People come with allegations. It’s easy to make an allegation. But as soon as you must provide evidence, written evidence, then they are, well, ‘I don’t know.’ Where’s the letter you sent? ‘Ja, I can’t find the letter now.’ You know, this story.”

This approach to delivery represents archetypal technocracy, or rule by technical expertise. This means that officials claim a monopoly over potential solutions to the scarcity of goods and services, and they therefore view self-provisioning, whether in terms of work or housing, as a direct threat to their ability to implement these solutions. Robert Merton (1949:155)

<sup>47</sup> Interview with Alida Koetzee, June 23, 2014, Civic Center, Cape Town.

<sup>48</sup> Interview with Heinrich Lotze and Herman Steyn, June 23, 2014, Civic Center, Cape Town.



once called this the “technicist option”: unconditional adherence to the formal rules of implementation, or what really amounts to the intransigence of faithful experts. Informality, as housing officials see it, initiates a dialogue with the government, hailing its agents and demanding regularization, or at least incorporation into the state’s own regulatory framework. And this they tend to read as demanding individual, personalized consideration, as opposed to the impersonal treatment required by Weberian bureaucracy (Weber 1978). In practice, I very rarely encountered someone who participated in a land occupation to secure a formal house. And when this did happen, it was only framed by DHS officials as intentional queue jumping in retrospect. What happened at the time however was almost always the same thing: members of the city council, or even the mayor, would promise formal housing to a manageable constituency in the name of securing political loyalty. This is what happened, for example, in a small occupation in Cape Town called Zille Raine Heights. Helen Zille was Mayor of Cape Town at the time and visited the occupation, promising residents that they’d be relocated to nearby formal homes (Thorn and Oldfield 2011). I subsequently conducted interviews in this settlement, and a number of residents confirmed that some of their neighbors were working for the Democratic Alliance, Zille’s party. This was additionally confirmed to me by two DHS employees who scoffed when I brought up the incident, blaming it on “political favors.” Thus personalized treatment tends to be detested by DHS employees whoever the perpetrator, whether “queue jumpers” or those making exceptions for political gain. And even when the outcome could be construed as queue jumping, it certainly wasn’t squatters’ premeditated aim.

But what would a definitive break with personalized treatment look like? This is where the administrative category of “population” becomes central to DHS workers’ technocratic worldview. Antina von Schnitzler (2016:12) describes the post-apartheid “relationship between state and citizen...[as] bound up with the rise of ‘population’ as an administrative category of government distinct from, yet mapping onto, the juridical subject of sovereignty.” To extend this insight to housing delivery, courts and housing officials see populations as the fundamental units in their political calculus rather than the individual subjects of civil society. They adjudicate among their competing claims for access to housing and services. When individuals or smaller factions make these sorts of claims, they are stigmatized as selfish, demanding immediate access at the expense of the entire system of delivery. Thus the DHS reserves an arsenal of moralizing categories with which to tarnish land occupiers who can’t approximate their administrative ideal: the population. Those who can, by contrast, may become legible to DHS *as* a population and ultimately legitimate to a judge as such. This is achieved through the delegation of representative power to a unified body. The alternative – factionalism – limits an occupation’s probability of appearing as a legible and legitimate population. These are the occupiers who tend to be stigmatized as such.

Cape Town’s DHS officials routinely deploy moralizing epithets to participants in land occupations, the most common of which is “queue jumpers.” This implies that the entire point of living in a shack settlement is to bypass the waiting list for state housing and jump to the front of the queue. Their proper place is as data in a formally rational system of housing distribution that includes a waiting list – the “queue” in question. Housing officials unequivocally demonize the category, suggesting that “queue jumpers” are not simply matter out of place (Douglas 2002 [1969]; cf. Makhulu 2015), but actively attempt to undermine the welfare apparatus. Marlize Odendal, the DHS official introduced at the beginning of this chapter, told me, “From my perspective I think a lot of what is happening in terms of land invasions is need-driven by all

means, I understand that.” People were self-provisioning out of necessity. But she continued, adding a caveat: “Having said that, urbanization alone is a reality that we need to cope with, but I think a lot of it is politically motivated and purely aimed at embarrassing and/or just jumping queue. I mean, this is really the issue.” In Odendal’s telling, shack proliferation doesn’t simply reveal the government’s failure to close the housing backlog nearly a quarter century into post-apartheid democracy. It is simultaneously an active attempt to undermine the government’s redistributive project for one of two reasons. Her “politically motivated” rationale suggests that Black land occupiers resent the DA’s consolidation of rule in Cape Town, and that new occupations are an attempt by the DA’s chief rivals – namely, the ANC and the Economic Freedom Fighters (EFF)<sup>49</sup> – to create chaos, reviving the old “ungovernability” strategy of the anti-apartheid movement (Bozzoli 1996; Swilling 1988). A second rationale – her “just jumping queue” – poses an existential threat to the government’s housing delivery program, and therefore to the material project of post-apartheid democratization. In this telling, residents are too impatient to wait their turn for RDP homes, and so they occupy land. This is allegedly a calculated effort to force the state to deal with them immediately. It was exceedingly rare that I encountered a squatter during my fieldwork who occupied land as a perceived means of obtaining formal housing.

This explains housing officials’ intense aversion to urban informality, and above all to land occupations, which they view as a direct threat to the ordering project of housing distribution. The waiting list is bureaucratic in Weber’s sense (1978), ordered in terms of written files with generalizable criteria for inclusion. As such, it should be calculable and meritocratic, with time on the list determining access to formal housing. This Weberian project of bureaucratizing the delivery apparatus is tied to a Foucauldian one of disciplining unruly subjects (1995). We can think of the order required for bureaucracy and the docility produced by discipline as two sides of the same coin. Residents must wait patiently for housing, but as such they become “patients,” passively submitting to state logics of modernization and control (Auyero 2012). Putting the same point differently, Pierre Bourdieu (2000:228) insists, “Waiting implies submission.”<sup>50</sup> It is an inherent part of bureaucratization: the subsumption of the informal into the rule of formal rationality requires time. This is particularly the case in postcolonial democracies, as rapid urbanization overwhelms state capacity and delivery targets are perpetually deferred to future dates. Elaborate lists, registries, and backlogs are then created in

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<sup>49</sup> Mentioned in passing in Chapter 1, the EFF was founded in 2013 as a Marxist-Leninist-Fanonist party by expelled former president of the ANC Youth League Julius Malema. A curiously contradictory figure, Malema led a 5000-strong march of the unemployed from Johannesburg to Pretoria in 2011 – before boarding a business class flight to Mauritius that evening for the wedding of property magnate David Mabilu, where he was spotted sipping champagne in a swanky nightclub. Yet despite receiving cars, homes, and dodgy cash payments, he now leads the most radical party in Parliament, not to mention the third largest. The EFF played a major role in forcing Parliament to debate President Jacob Zuma’s misappropriation of millions to upgrade his home at Nkandla and his pay-for-play dealings with the Gupta brothers, as well as keeping the 2012 massacre of dozens of miners at Marikana in the national discussion. Indeed, the miners’ primary legal counsel Dali Mpofu is currently the EFF’s National Chairperson. By the end of the first month of Zuma’s successor Cyril Ramaphosa’s term as President, the EFF has already forced land reform (“expropriation without compensation”) onto the political agenda.

<sup>50</sup> Oldfield and Greyling (2015) demonstrate the limits of simply equating waiting with straightforward domination contra Auyero (2012). In the context of the South African housing waiting list, waiting also “shapes a politics of quiet encroachment ‘in the meanwhile’” (Oldfield and Greyling 2015:1100).

order to manage populations in the meanwhile, rendering them formal insofar as they are legible to the delivery apparatus, but not-yet-formal in that they remain in shacks.

The waiting concomitant with delivery, Bourdieu explains, “modifies the behavior of the person who ‘hangs,’ as we say, on the awaited decision” (ibid.). This project of behavioral modification, what Foucault (1982) describes as the conduct of conduct, is particularly evident in government officials’ attitudes toward new land occupations, and even informal settlements more generally. But these attitudes do not simply translate into policy, or else we’d see the indiscriminate clearance of land occupations. Instead, some settlements like Rivenland are cleared, whereas others like Holfield are tolerated. How then to translate DHS’ worldview into policy-as-implemented? This is where the quotidian struggles of the urban poor come into play.

### **As Above...**

These struggles, especially in the global South, have far too frequently been written off as apolitical, or to paraphrase Eric Hobsbawm’s (1965) notorious formulation with regard to the peasantry, as pre-political. Throughout the 1950s and 60s, scholars of Southern urban life put forward arguments paralleling Oscar Lewis’ culture of poverty thesis (1975) and much of the 1980s American “underclass” literature (Katz 1992; Wilson 1987), marshaling the rhetoric of moralism against alleged cultural deviants. Much as with the “marginal man” of the Chicago school (Park 1928; Stonequist 1937), these writers pilloried squatters for non-normative value systems and their resultant social disintegration, simultaneously blaming their social location for their presumed disorganization, but their disorganization for their persistent socio-spatial marginalization. They described these “marginals” as characterized by internal disorganization, “traditional” (and therefore irrational) aspirations, economic parasitism, and disengagement from political life (Perlman 1976:130-1).

A second wave of marginality theorists emerged in the late 1960s around the Santiago-based Center for Latin American and Social Development (DESAL). DESAL’s political economic model of marginality retained just as dualistic an outlook as its preceding culturalist iteration. Structurally “marginal” squatters were isolated from the social life of the city, DESAL affiliates maintained, and therefore retained a parochial traditionalism peripheral to a theorized “mainstream” culture. This was produced and consumed in self-contained economies external to that of the city at large, and it remained absolutely irrelevant to formal political institutions. The consequence of this notion of marginality as externality was an across the board delinking of the informal periphery from the formal center. This is rather reminiscent of Mbeki’s theory of “two economies” as described above.

Foucauldian scholars have since reexamined these sweeping claims, drawing on Foucault’s relational theory of political power. “Where there is power, there is resistance,” Foucault writes (1990:95), “and yet, or rather consequently, this resistance is never in a position of exteriority in relation to power.” Just because resistance doesn’t take the form of the organized proletariat or formalized social movements does not mean that the urban poor don’t resist. Just as Ranajit Guha (1999 [1983]) demonstrates that Hobsbawm’s dismissal of the peasantry as beyond the realm of politics bears no relation to the actual history of anti-colonial peasant organizing, Foucauldians point to moments of resistance among urban surplus populations to expose the limits of marginality theory. But unlike Guha’s account or some of the later formulations associated with Subaltern Studies (Chakrabarty 1989; Prakash 1990), there’s a functionalist bent



to this relational construction. With resistance fully subsumed under a framework of omnipresent power, all it can do is slightly alter existing structures, but it can never act against them as such. The power/resistance couplet becomes a sort of dialogue through which each modifies the other, but neither can ever extricate itself from the other's clutches. While this is clearly preferable to hagiographic accounts of social movements, it also raises the question of what exactly qualifies as resistance.

They key figure in this respect is James Scott (1985, 1992), whose work on micropolitical struggles has done much to advance studies of resistance among marginalized groups. His point of departure is to argue that Hobsbawm's assertion that non-proletarians are pre-political is correct if we define politics in terms of organized working-class movements. But if our only tool is a hammer, we are only capable of seeing nails. Scott breaks with this stagist conception in order to uncover political activity in the most unlikely quarters, including slowdowns and sabotage in the workplace, as well as attempts to resist official framing through "rumor, gossip, disguises, linguistic tricks, metaphors, euphemisms, folktales, ritual gestures, anonymity" (Scott 1985:137). In his subsequent work (1992) he primarily focuses on these struggles beyond the workplace, with particular attention paid to the way that surplus populations evade coercive forms of domination and focus their efforts on framing – what he calls "hidden transcripts" – so as to resist the demeaning discourses of those in power.

As innovative as Scott's approach may be, as in Foucault, the possibility of resistance as transformative falls away, with the concept reduced to an individual attitude or experience. The "weapons of the weak" never involve a direct confrontation, but act as a source of confidence without changing existing conditions beyond the affective register. Asef Bayat critiques Scott for what he terms his Weberian emphasis on meaning as the crucial element (2013:43). "This intentionality, while significant in itself," he writes, "obviously leaves out many types of individual and collective practices whose intended and unintended consequences do not correspond" (ibid.). He describes illegal electricity reconnections in Cairo and Tehran as an example of practical politics rather than an expression of defiance. This isn't to dismiss the experience of insubordination as "merely symbolic," but instead to point out that Scott's concept of resistance is reduced to these symbolic actions. In my fieldwork in South Africa, I observed illegal electricity reconnections on a regular basis. Sometimes these were organized self-consciously as social movements as in the case of the Soweto Electricity Crisis Committee (Egan and Wafer 2006; Veriava and Naidoo 2009; Ngwane 2003), and sometimes they were individual acts of reconnection, as I witnessed among backyarders in Cape Town's townships. More frequently, these were neither isolated acts of individual defiance nor formal social movement organizations, but instead coordinated but improvised attempts to gain immediate access to a necessary good or service. And this is precisely how I suggest we understand land occupations, which are rarely coordinated by social movements, but they are also hardly sacks of potatoes in Marx's sense.

Bayat (2013) proposes an alternative framework that includes Scott's quest for dignity, but goes beyond it. The urban poor wage a "quiet encroachment of the ordinary," he argues, which allows him to bypass some of the pitfalls of existing approaches to urban resistance. On the one hand, this encroachment is distinct from the survival strategies of the poor all too often valorized as identical to resistance (e.g. Makhulu 2015; Mbembe and Nuttall 2004; Simone 2004). It targets the state and capital, and typically involves a moment of reappropriation of public goods, services, space, and opportunities. Bayat distinguishes encroachment from

survivalism by virtue of its target: whereas the latter often involves competitive scrambling, a struggle of poor against poor, the former clearly takes aim at power.

On the other hand, the language he deploys clearly distinguishes this mode of resistance from the formalized social movement organizations that dominate the sociological literature on social movements (e.g. McAdam 1982; Tarrow 1994; Tilly 1986, 1995). These “floating social clusters” (Bayat 2013:46) come together when interests align, dissipate, and reform in various configurations. Sometimes these might approximate social movements, but more typically, the interests of individuals excluded from formal employment and housing are articulated by mediating bodies – a phenomenon quite common in the land occupations I studied in Cape Town. They may come together as a fighting body as we’ll see in Holfield, or they may be fragmented as in Rivenland, and as in both cases, organizational form is continuously reconfigured through ongoing struggles over representation.

These struggles play out beyond the formal sphere of politics in which a designated representative body negotiates with the local government for access to goods and services in the name of realizing guaranteed rights. Squatters’ politics are closer to Bayat’s model, progressively taking what they need, at which point the government may exercise repression, or else it may retroactively regularize these ad hoc arrangements. But the point is that these politics always remain ad hoc, as opposed to the classical model of civil society in which rights-bearing citizens engage in politics through established channels.

Political theorist Partha Chatterjee’s work (2004:27–78, 2010:164–202, 2011) nicely encapsulates this split. Formally housed and employed residents are rights-bearing citizens who realize these rights through formal channels. But surplus populations – squatters, the unemployed, stigmatized and racialized groups, and others – are excluded from the civil sphere, instead relegated to the realm of “populations.” He deploys this term in Foucault’s sense, who also explicitly counterposed population to “a collection of subjects of right,” akin to Chatterjee’s civil society. For Foucault, populations came to refer to “a set of processes to be managed at the level and on the basis of what is natural in these processes” (2007:70). To put the same point differently, governments used to attempt to maximize the vitality of their populations, for productivity’s sake or for military ends, but around the 18<sup>th</sup> century – and really with the onset of industrial capitalism – populations become targets to be managed. Rather than controlling “man-as-body,” Foucault argued, governments come to manage “man-as-species,” shifting from individualizing to “massifying” modes of administration (Foucault 2003:243).

In practice, this emergent form of management, of government, requires a shift from civil society in its Hegelian sense (Hegel 1991 [1821]) – juridically free individuals guaranteed certain rights – to populations targeted by government policies. In Foucault’s account, states reorganize people into populations so as to create targets legible to the implementation of calculable techniques of governance, or what Miller and Rose (1990) call “government at a distance.” In post-apartheid South Africa, and indeed in much of the apartheid period, the transformation of the social into a series of contiguous populations created a terrain of governability (cf. von Schnitzler 2016:12). Especially after apartheid, when the goal of the newly elected government was to implement a series of remedial policy measures – above all, mass housing provision – and reverse the socio-spatial inequities wrought by apartheid, measurement and regulation both became central to realizing this project. This was especially tricky in a context in which the census was notoriously unreliable and informal settlements were changing faster than the state could produce cadastral maps. Through a process called enumeration,

municipalities did attempt to track emergent neighborhoods, but the pace of post-apartheid urbanization made the realization of this project an impossibility. As such, the regulation of juridical individuals – of citizens – wasn’t feasible in these settlements.

Instead, when they were constituted as populations, they were rendered legible to the state, a process described by James Scott (1998) in detail. To the extent which collections of individuals become populations as such, they are then legible, able to become subjects of government. These populations then become the object of calculation on the part of the local state. Chatterjee describes populations as distinct from individual members of civil society: “[I]f, despite their illegal occupation of land, they are given electricity connections or allowed to use municipal services, it is not because they have a right to them but because the authorities make a political calculation of costs and benefits and agree, for the time being, to give them those benefits” (2011:14). He argues that populations must constitute themselves as such, hailing the delivery apparatus, “seeking to constitute themselves as groups that deserve the attention of government.... Their political mobilization involves an effort to turn an empirically formed population group into a moral community” (ibid.:15). In the terms discussed in this dissertation, the resolution of representational struggles transforms a population into his “moral community.” As we’ll see, this is precisely what happened in the case of Holfield.

Once this population-community forms as such, issuing its demands to the municipal government in a struggle over recognition, “the authorities make a political judgment to use the sovereign power of the state to declare their case an exception to the norm laid down by the law” (ibid.:16). As the City’s advocates declared in the Holfield case, “We reiterate, this is unprecedented!” They attempted to perform the exceptionality of the case, but so too did the Holfield occupiers, who were ultimately able to do so more successfully than the City. For residents, this politicized performance amounted to a demonstration of their status as a viable community, thereby rendering them a population deserving of toleration – both legible and legitimate in the eyes of the judge. This performative aspect is what Foucault describes as signaling a shift in the function of the law. If it was once applied objectively across the space of civil society, with citizens legally guaranteed access to clearly enumerated rights, it comes to serve as a technology to be wielded for political ends determined by state administrators (Foucault 2007:95). Wendy Brown describes this shift as the “tacticalization of the law”<sup>51</sup> (2006:695; 2015:66), pointing out that the rule of law becomes a tool for realizing politicized goals. The difference in outcome in the two land occupation cases was not the consequence of one meeting predetermined legal criteria whereas the other did not; it was instead about the recognition of one as a legitimate community while the other was demonized as a collection of opportunists, queue jumpers, and the like. This of course is not to argue that producing a certain political articulation, a united representative committee, automatically leads to official toleration. Rather, it simply increases the likelihood, demonstrating the politicized underpinnings of legal struggles over access to housing.

This then is the content of post-apartheid democratization, and following the Comaroffs, potentially the final wave of decolonization. Elaborate legal regimens are established in order to

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<sup>51</sup> When we think Brown’s tacticalization of the law in relation to its dialectical opposite, the judicialization of politics (Comaroff and Comaroff 2006), we arrive at the inseparability of the technical and the political, not far off from what anthropologist Antina von Schnitzler (2016) characterizes as “techno-politics” (cf. Mitchell 2002). The dismantling of this dualism goes back to Weber, who famously demonstrated the substantively rational basis of formal rationality (1978).

realize remedial social spending that can mitigate the residual destruction wrought by colonial rule. The post-apartheid Constitutional guarantee to housing means that struggles over access are fought out in the courts. Predetermined guidelines, court precedent, and a bureaucratic system of housing distribution rely on the assumption of calculability, as if patients of the state only need to wait their turn. But a scarcity of resources means that the government cannot possibly meet demand, which is completely overwhelmed by rapid urbanization beginning in the mid-1980s. This means that access to land, housing, and services is limited and cannot keep pace with need, opening up a space of competition among those demanding this access. Even if the shift from sovereign citizens to populations is a strategy of maximizing efficiency and increasing capacity to scale up, many populations are equally deserving of access in terms of the guidelines specified by the government and the law. As in Chatterjee, residents attempt to hail the delivery apparatus.

But whereas in Chatterjee's account this is framed as a "line connecting populations to governmental agencies pursuing multiple policies of security and welfare" (2004:37), a direct path from population to the state, his (and Foucault's) governmental calculus implies competition. Yet concepts like tacticalization of the law and calculation point to a top-down process in which surplus populations are rationalized, divided from above into discrete and intelligible units. The competitive process through which populations vie with one another to render themselves both legible and legitimate to the state falls away from the Foucauldian account. Chatterjee proposes civil society for the best, governmentality for the rest, yet as in Foucault's account of governmentality, residents' agency is written out of the narrative. This chapter concludes with an alternative account that brings this agency into view and demonstrates how "populations" are simultaneously shaped by forces from above and below. Categories like "population" and "community" are not simply imposed from on high, projected onto nebulous masses. Rather, struggles over representation within each settlement are part of a larger strategy of producing both legibility and legitimacy, intelligibility to the legal apparatus as deserving populations. Thus to think of representation and recognition as separable is to miss the point. Residential organization affects governmental strategies of surplus population management, and the conference of recognition by the municipal state in turn impacts representational struggles.

### **...So Below**

But before concluding with this Gramscian account of the integral state, I want to note the limits of some of the existing agency talk characterizing a recent wave of urban ethnography in postcolonial cities. Much as in Scott's work, these accounts rarely orient residents' political agency, even when conceived as resistance, toward the formal political institutions of the state. This isn't to say that all activity is necessarily aimed at the state. As I argue elsewhere (Levenson 2017a), housing movements sometimes intentionally bypass the state and instead target the market, directly decommodifying land through occupations. But the disembodied version of agency that we find in many of these accounts doesn't do this either. Instead, much as in Bayat's critique of Scott, we find a version of resistance defined in terms of its intended meaning, but without any necessary correspondence between intention and material outcome. In the most egregious cases, the very act of reproduction – of survival really – is rearticulated as a challenge

to power. But as I argue here, there is a curious slippage, much as in Foucault<sup>52</sup> (Zamora 2016), between thinking subjectivity (or more accurately, subject effects) in a neoliberal context, and valorizing this subjectivity as actually empowering.

For our purposes, this framework isn't so useful in any case, as it assumes the existence of precisely the neoliberal ideal type that we've already rejected in favor of a novel combination of dispossession and delivery. Foucault (2010; cf. Brown 2006) maintains these ideal types when he charts the transition<sup>53</sup> from social subjects of late Fordist regimes – what he calls “subjects of interest” – to “entrepreneurs of the self” as the subject effects of neoliberal governmentality. Nikolas Rose (1999:154) describes neoliberal subjectivity as “responsibilization plus autonomization,” which in many ways captures the process of state-sanctioned urban informality. Squatters become responsible for their own housing provision in the neoliberal ideal. Self-provisioning in this framework wouldn't be understood by the DHS as a point of entry into the housing bureaucracy (as in, “queue jumping”), but as a total disarticulation from it. Residents become responsible for providing their own shelter, which once sanctioned by municipal governments becomes a viable alternative to having to provide homes for residents. The backlog vanishes through the swift redefinition of “provision.”

“Autonomization” means the self-realization of housing, experienced as a struggle against the government, but in reality it becomes a route to engagement with that government, a means of accessing substantive citizenship. It is along these lines that the economist Hernando de Soto (1989) famously advocated granting formal title deeds to squatters as a means of allowing them to acquire a bit of property. He viewed this as a key condition of entry into the formal market, bridging Mbeki's “two economies.” But as a good neoliberal, de Soto's plan came with a condition: once squatters become property holders, they are no longer residents “in need.” In a South African context, this would mean that informal settlement residents would lose access to state-provisioned resources, being removed from the backlog in a single stroke. In short, we might describe this as a shift from provision to provisionality.

Oddly enough, scholars of informality in Southern cities have tended to valorize a comparable shift. Concepts like autonomy and freedom are defined in terms of the means of their own achievement. The formation of social networks, flexibility, and provisionality are not framed as survival strategies in the face of scarcity (cf. Watts 2005:184) but instead constitute survival itself: livelihood. Instability, state of emergency, endemic violence, and the absence of state-provisioned infrastructure are all construed as the *sine qua non* of such capacity and are thereby reinscribed as sites of empowerment. But is such agency merely compensatory, a tactic of adjustment in the face of the retrenchment of social spending and the onset of increasingly flexible regimes of accumulation, or does it truly constitute an emergent capacity of self-fashioning that we might read as “resistance”? Anthropologist James Holston suggests that we view self-provisioning in the face of an absent state “not in terms of mere compensation – as an aping by those excluded from the power and pomp of others – but rather in terms of homology” (1999:623). This innovative auto-production of municipal services and an administrative order, he argues, constitutes not a “pathetic imitation” of the state, but an alternative to it: an

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<sup>52</sup> Curiously the double meaning of “subject” in earlier Foucault – the inseparability of subjectivity as empowerment and subjection as disempowerment – falls away in his later lectures, with the former implicitly privileged over the latter.

<sup>53</sup> Though he'd of course refuse my reading of his governmentality lectures as a story of transition, instead pointing to his “triangle” of sovereignty-discipline-government.

“alternative modernity.” Yet before finishing that very page, Holston points out that this brand of agency reveals “the failings of the secular state” (ibid.). How then should we consider self-provisioning if not as compensation for state retrenchment?

AbdouMalik Simone, one of the most widely cited scholars of African cities, provides the clearest instantiation of compensatory agency. His subjects “need to be opportunistic and provisional” in order to produce “economies of compensation” (Simone 2004:226). Here compensatory agency stands in for a number of “lacks” – “lack of health care, income, bonds, stability, cohesion, and mobility” – almost all of which can be tied to the absence and/or withdrawal of the state’s welfare functions. Yet the thrust of Simone’s polemic is aimed precisely at the notion of an objective and unitary path to livelihood; if this is the case, then for what are these subjects compensating? In almost every instance, inadequate municipal services take center stage. In Simone’s work, residents of a town on the outskirts of Dakar fashion waste collection and sanitation services, adequate access to potable water, and other improvements to local infrastructural capacity. Likewise, anthropologist Li Zhang’s Chinese floating population “had to create informal clientelist ties with local officials, and pay high prices, to obtain water, electricity, trash collection, and other services” (2001:79). The absence of the state in all of these cases creates what Simone calls “a state of emergency,” a condition remarkably similar to Arjun Appadurai’s observation of the “tyranny of emergency” in Indian squatter settlements (2002:30). Ever-present risk and differences of opinion, Appadurai suggests, serve as barriers to a sorely needed “politics of patience” rooted in unity and collaboration.

Simone posits “largely ephemeral forms of social collaboration” as central to the functioning of African cities and advocates a politics in which autonomy and self-interest yield social interdependency (2004:214, 232), which is difficult not to read as an extension of de Soto’s position. Provisionality here retains a double connotation: adaptability on the one hand, and the self-provisioning of infrastructure and services on the other. What connects the two meanings is the necessity of improvisation in the face of absent municipal services. While certainly innovative, these survival strategies are actively advocated by new scholars of Southern cities – not as compensation for retrenchment, but as a form of resistance in the vein of Scott’s “weapons of the weak” or “hidden transcripts.”

Holston follows Simone’s cue and subtly upholds state repression and the disintegration of working-class organizations as the *sine qua non* of “new spaces of civic participation and collective evaluation” (2008:238). The “bitterness of expulsion, segregation, and illegality” yields “the heroism of mastery and redefinition.” Yet this heroism remains negatively defined, i.e. breaking the cycle of bitterness. Central to this story is Holston’s claim that a self-fashioned “new urban citizenship” now takes precedence over residents’ identities as workers. According to this reasoning, the absence of public housing and a rental crisis in the urban periphery creates the conditions for “autoconstruction,” the transformation of improvised shacks into fully finished homes. In addition to being a material solution, autoconstruction serves as “a domain of symbolic elaboration,” interpellating peripheral residents as markedly *urban* citizens (ibid.:8).

Holston’s veneration of new property owners as “insurgent citizens” is arguably a reframing of the appearance of an incipient petty bourgeoisie in the hinterlands of São Paulo. In other words, his insistence upon “the importance of landed property ownership as a category of self-esteem and political consequence” fails to distinguish the emergence of new property owners from other periods of polarization in which a segment of the oppressed follow the path of yeomen while the others are left behind (ibid.:171). This recalls Simone’s brand of invisible hand

associationalism in which collaborative social networks are themselves the product of a fragmented and atomized self-interest. In the case of São Paulo, narrowly construed “individual achievements” – the securing of land titles – are concurrently deemed “collective” in the thin sense of experiencing the same events in simultaneity (ibid.: 63). Likewise, the lionization of property ownership only reinforces the symbolic hierarchy of differentiated citizenship rooted in morally inflected dualisms such as legal/illegal and owner/squatter.

A final variant of this emergent consensus around squatters’ agency is more collaborative in nature than the entrepreneurial narratives of Simone and Holston. This incarnation updates Foucault’s notion of governmentality, imbuing it with a sense of active participation. In Appadurai’s (2000:636) telling, “‘pavement dwellers’ and ‘slum dwellers’ are no longer external labels but have become self-organizing, empowering labels for large parts of the urban poor in Bombay.” These “brilliant,” “creative” agents of “extraordinary courage” and “critical imagination” engage in some variety of housing activism, but what exactly these organized squatters do is left unspecified. In a later piece, Appadurai details their activities, but he comes dangerously close to valorizing the absence of adequate housing and municipal services as the enabling conditions of squatter agency: “The very absence of these amenities opens the door to radical techniques of mutual identification in the matter of location and legitimacy for slum dwellers” (2002: 36). This form of provisionality he calls “autogovernmentality” – a governmentality from below – in which squatters render themselves statistically visible to themselves while remaining invisible to the state. The central claim here is that the state by its very nature homogenizes these squatters under the heading “slum population;” the inadequacy of the state’s infrastructural capacity necessitates squatters taking matters into their own hands. Again, as in Simone, this is a story of state “lacks”: lack of potable water, lack of sanitation and garbage collection, lack of access to sufficient housing. Whether the solution is to be formulated in terms of compensation or homology, the fact remains that a segment of the population is excluded from and by the state.

Yet paradoxically, this literature largely views squatting as a means of gaining inclusion. Holston’s “insurgent citizenship” is won through auto-construction, much as Anne-Maria Makhulu, writing in the context of Cape Town, views “marginal spaces...as spaces through which identity, citizenship, and alternative social agendas emerge” and squatting as “a demand for recognition in the terms of national and even global citizenship” (2016:11, 14). We might conceive of increasing toleration of squatting in these accounts, even if forced, as illustrating de Soto’s argument. Ideal typically neoliberal governments prefer squatting to housing distribution insofar as the legitimation of self-provisioning enables the rollback of public goods and services, and really of the welfare state *tout court*. Yet this recurrent understanding of squatters’ agency is doubly inadequate for our purposes: first, because it valorizes subjectivity without simultaneously considering subjection (in Foucault’s sense), producing a thin version of resistance that is indistinguishable from survivalism; and second, because this theorization corresponds to an ideal-typically neoliberal government, which, as we’ve well established, does not capture the novel articulation of delivery and dispossession at the heart of the post-apartheid state.

### **Toward an Integral City-State**

In order to make sense of policy outcomes in a post-apartheid context then, we need to



avoid the twin pitfalls of state instrumentalism on the one hand, and of valorized survivalism on the other. If the problem with the former is that it depicts a state that simply wills its desires into being, high modernist, neoliberal, or otherwise, the limits of the latter are reflected in the reduction of squatters' agency to a sphere mutually distinct from the state. In both cases, an impenetrable wall is erected between struggles playing out on the terrain of civil society and those in the formal institutions of the state, or political society. But as we've seen, everyday politics and government policies cannot be thought as unrelated objects of analysis. Struggles over representation affect the likelihood of recognition (in terms of legibility and legitimacy) by the government – judicial, executive, or otherwise. And struggles over recognition can in turn impact representative politics, facilitating factionalism, consolidating hegemony, or some combination of the two.

This dialectic of representation and recognition approximates what Gramsci (1971) conceptualized as the “integral state.” In his formulation, the modern state is constituted as the dialectical unity of struggles for political leadership on the one hand – what he called “civil society” – and the formal machinery and legal institutions he called “political society” (Thomas 2009:137). His formulation was an attempt to overcome the dualism in classical political theory between the directive state on the one hand, and directed populations on the other. Instead, he proposed an understanding of the integral state as the “process of the condensation and transformation of these class relations into institutional form” (ibid.:144). The political and legal channels embodied in the formal institutional machinery that we call “the state” – Gramsci's political society – do not simply preexist the social relations over which it governs. Instead, social struggles waged on the terrain of civil society absolutely affect the content of the state machinery itself. In practice, this can take a number of forms. In its most general form, Gramsci writes of parliamentary democracies – “advanced States” (1971:235) – as a combination of dictatorship and hegemony (ibid.:239). While all states operate through their coercive capacity, the threat of violence in the last instance, this is not how they ensure passivity in day-to-day processes of government. To some extent residents comply with legal orders because otherwise they may be arrested or physically harmed, or else have their belongings confiscated – as in the case of land occupations. But for the most part, struggles between residents and the municipal government take the form of struggles over recognition: residents attempt to render themselves legible and legitimate to the state.

This is the hegemonic moment of state power, transpiring on the terrain of civil society. If all new land occupations were simply eradicated violently, and this violence were definitive, we wouldn't need a concept like integral state to allow us to conceptualize the functioning of democratic governments. But violence rarely actually works. When armored vehicles and water cannon were unleashed on squatters in Rivenland, they didn't budge. And when police beat Holfield residents and attempted to chase them off of the land, no one moved away. Residents had some degree of faith in the democratic functioning of the state apparatus, even if they were skeptical that it functioned as an impartial and calculable bureaucracy in its own self-image. They persisted in participating in struggles over representation not only because they found it to be an efficient form of self-government, though it sometimes functioned as this as well. These struggles over representation were simultaneously struggles for recognition, an attempt to render themselves intelligible to the state and become populations as such in the state's eyes. In practice, this meant combining a strategy of frontal attack – direct land seizure – with a long march through the legal institutions. The struggles over representation and recognition are inextricable



precisely because localized contention over neighborhood leadership was simultaneously a question of engaging with lawyers on behalf of the entire occupation in an effort to gain official sanction through the court system. Even the most militant squatters took an interest in appealing to DHS employees who would visit the occupations, let alone the Mayor and her spokespeople, reporters, NGO workers, and others. Politics on the terrain of civil society – struggles over representation – were thus simultaneously struggles (over recognition) to engage formal institutional channels, or political society.

This political process of securing settlement-wide representation was thus also a process of rendering intelligible to the government. This stands in direct contrast to the Foucauldian account, Chatterjee included, in which the ability to define a population as such runs from the state to squatters, but never vice versa. This is particularly ironic given that in Foucault's most widely read work on biopower, he complains, "In political thought and analysis, we still have not cut off the head of the king" (1990:88-9). Yet it is precisely the sovereign state that delineates his populations as such. Instead, I argue, we cannot take residents' status as a legible and legitimate population as a given. But their status as a population is the outcomes of struggles, not their point of departure. Or to put the same point differently, a certain struggle over recognition is observable in Foucauldian accounts in which populations make demands on the formal state, but these populations are never treated as outcomes to be explained. As I will demonstrate in the case of Holfield, it was the formation of a single representative committee that attained a shred of legitimacy for the occupation.

Other theorists have worked with similar concepts. In some of his earlier writings, Nicos Poulantzas (1975) focused on the key role of struggles waged within what he called the "power bloc" – the alliance of ruling class fractions that controlled the state – and this work has been enormously influential in a South African context (e.g. Davies 1979; Davies et al. 1976; Kaplan 1976). In this tradition, struggles within the dominant alliance affect the politics of state policy. But as Harold Wolpe rightly points out, this assumes a certain coherence and agreed-upon function to the state apparatus (1988:37). Instead, he insists, we need to focus on the way that state institutions "condition and are conditioned by struggles in the political terrain" (ibid.). This is what in his later work Poulantzas characterized as a relational theory of the state in which the concept is only the material condensation of class relations. "Just like any struggle involving the apparatuses of power," he writes, "political struggles that bear upon the State are not in a position of exteriority with regard to it, but are bound up with its strategic configurations" (1978:145). Struggles aren't waged solely within the power bloc, as his earlier work alleged, but also between various fractions of the power bloc and elements of the dominated classes. In other words, class struggle affects the very operation of government.

But what does this mean in practice? Stuart Hall (2016:189) urges us to think of both domination and resistance as mutually intertwined processes. What appear to be oppositional struggles often simultaneously open up new spaces of engagement with governmental power. Struggles over representation can feel oppositional, with residents organizing autonomous governing bodies that coordinate land occupations. These operate beyond the zone of legality, attempt to directly decommodify land, and refuse the process of government-directed housing distribution; yet they simultaneously incorporate unruly residents into formal legal dialogue with the municipality, requiring them to either consent to leave their occupations, or else gain governmental sanction for their settlements. Hegemony operates in relation to state power in this way: "it precisely allows for the space in which subordinate and excluded people develop

political practices and social spaces of their own. Hegemony does not mean that they have to be driven out of existence or brutalised into acquiescence. They can maintain their own space as long as they are contained within the horizon of political practices and ideological systems of representation which place them always in the subordinate position” (ibid.:170).

The politics of negotiation and engagement that characterize civil society, the terrain upon which hegemonic strategies play out, are bound up in a series of complex relations with the repressive politics of the courts, police, and Anti-Land Invasion Unit. The consent that marks Gramsci’s civil society is not simply a ruse to be deployed by an instrumental state; civil society is a terrain of struggle, and as Gramsci makes abundantly clear, this is not an inherently bourgeois terrain. Struggles over representation are identical with the Gramscian conception of civil society, a space in which contending proletarians struggle to articulate themselves as members of a coherent alliance. Sometimes they are successful as in Holfield, and sometimes the struggle remains unresolved and factionalism results as in Rivenland. Given that representative struggles appear to play a major role in the politics of recognition – whether occupations are recognized as legitimate or else dismissed as criminal – we need to harness the power of political sociology to understand how ground-level politics impacts governmental decision-making, as well as vice versa. And it is to this political sociology of land occupations that we now turn.

### Chapter 3

#### Rivenland: The Politics of Petty Proprietorship

The Rivenland occupation began as the coordinated incursion of a thousand squatters onto a municipally owned field in the early hours of a chilly May morning. Most participants were backyarders in the vicinity who sought to begin homes of their own instead of living in a dependent relationship with relatives or landlords. In the opening section, I describe their rationales for participation before turning to a second section in which I show how all of their individualist aspirations were able to translate into a collective action: the occupation itself. This was through the mediation of an outside organization acting as a front group for the ANC. But this organization organized backyarders around what I call a politics of petty proprietorship: participants were hailed as aspiring homeowners, not as participants in a collective project of occupation. The process may have been collective insofar as squatters acted in simultaneity, but it was not collective in terms of their perceived interests. To paraphrase Sartre (2004 [1960]:251-69), they existed in a relationship of seriality, having nothing more in common than what they were concurrently doing. Residents relentlessly defended their own plots, often to the active exclusion of other would-be occupiers.

Once the initial police presence began to subside, any pretense of unity quickly dissolved. But factions didn't reflect preexisting political differences. Residents began to seek recognition from outside organizations that started visiting the occupation, ranging from charities to political parties. They sought this recognition as a presumed shortcut to recognition from the state, but in the process, they consolidated their factional identities. The ultimate struggle among factions began once the occupiers obtained *pro bono* legal counsel. They fought with one another for access to their lawyers, treating direct access as the most desirable good. In the process, they lost sight of the fact that lawyers were simply means to obtaining the right to stay put and had no value in and of themselves. But in jockeying for recognition from lawyers, these factions became locked in irresolvable antagonism. As court dates proliferated endlessly, as described in the penultimate substantive section, disoriented faction leaders only dug in their heels. By the time a High Court judge finally heard their case – the subject of the final section – he couldn't but notice the fragmented nature of this supposed community. He read their patently exclusivist politics in moralizing terms, denouncing them as “opportunists” and “queue jumpers” as opposed to the “good citizens” who enable the post-apartheid government to meet their needs – Auyero's (2012) “patients of the state.” He ordered their eviction, which was subsequently upheld by two additional judges.

When reading through this narrative, the reader should keep in mind two theoretical threads that run throughout this chapter and the next. First, residents' struggles for representation and recognition are inextricably intertwined. As occupiers attempt to organize themselves into representative bodies, from unified committees to competing factions, they nearly always do so with an orientation toward the state. They struggle over representation as a perceived means of achieving official recognition, but this isn't to reduce proper representation to a unidirectional “cause” of recognition. The struggle for recognition can in turn affect how residents organize themselves into representative bodies. When they seek recognition from outside entities like charities and political party operatives for example, they tend to form small factions and demand immediate recognition, often to the exclusion of their neighbors. In doing so they perceive themselves to be accruing political capital, even if it doesn't actually translate into legal

recognition – quite the contrary. By contrast, when residents orient their struggle for recognition toward the courtroom instead of outside organizations, their representative organ tends to acquire a unified character, including most (if not all) residents under its leadership. For this reason, we can't simply assert that a certain form of representation "causes" recognition; it does so no more than a given approach to recognition "causes" a certain representational form to emerge. As an alternative, I treat representation and recognition as co-constitutive, mutually determinative, and above all, inseparable components of process of engagement between marginalized residents<sup>54</sup> and governmental actors.

Second, politics matter. The Rivenland occupation was represented by its organizers as the distribution of mutually exclusive plots of land to participants. As such, occupiers initially understood themselves not as part of a collective movement, but as recipients of land from a parastatal organization. Most of them didn't realize it was illegal until days into the occupation. This framing mattered because it led participants to act as if they were protecting private property, scrambling to align themselves with their immediate neighbors and forming factions. They did so at the explicit expense of their neighborhoods, frequently excluding them from their coalitions in the name of securing recognition for a select few. This is what I call the politics of petty proprietorship, in direct contrast to the politics of solidarity. How the initial act of occupation is articulated by its organizers affects the prevailing political orientation of participants, which in turn impacts struggles over representation and recognition.

And now, we turn to the Rivenland occupiers.

## Leaving Backyards

It seemed to me that Aisha and Muhammad had it made, relatively speaking. Certainly a formal home would've been preferable to the deteriorating wendy house<sup>55</sup> situated between the driveway and the dog house in Aisha's parents' backyard, but the thing wasn't so bad. It was relatively sturdy, unlike the haphazard structures cobbled together from scraps of wood and metal that I observed in nearby informal settlements. And it was in the backyard of a formal home, surrounded on three sides by concrete walls, with a wrought iron gate between the shack and the driveway, meaning that it was fairly secure. Their section of Mitchell's Plain was plagued by gang violence and a *tik* [crystal meth] epidemic, meaning that armed robberies were frequent; but a backyard proved far more secure than living in an informal settlement on an open field. While we frequently heard gunfire over the year I stayed with them in their backyard shack, the only threat of robbery we ever faced came from Aisha's brother, whose *tik* addiction led him to steal from her and her children.

Security wasn't the only apparent benefit of backyarding. Aisha's parents granted them access to both the bathroom and the kitchen faucet, only locking them out after they would go to

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<sup>54</sup> In most accounts of this nature, writers deploy the word "citizens" (e.g. Holston and Appadurai 1999), but I opt for "residents" instead. I never once observed citizenship mattering in land occupation cases, and I don't find any particular utility in using the term to designate all people living under the tutelage of a given government.

<sup>55</sup> The term comes from Wendy Darling's playhouse in *Peter Pan* and in a Euro-American context, it describes a small house for children. But in South Africa, the term is commonly used for pre-fabricated structures that serve as low-income housing. They look like slightly larger versions of the storage sheds one might find for sale in a hardware store parking lot.

sleep. While this arrangement was particularly fortunate, it is common for backyarders to work out arrangements with homeowners for potable water access, especially if they are friends or family of the owner. But this isn't always the case. Aisha and Muhammad's neighbor Kathy, also a participant in the Rivenland occupation, lived in a backyard shack with her twin infants two blocks away. Every morning, she pushed a stroller down the road loaded with two large buckets and her children. She would go door to door, asking neighbors if she could fill her buckets and obtain enough water for the day. Ever since the installation of pre-paid water meters in her neighborhood, Kathy's daily quest grew more arduous. Residents would purchase a certain daily quota of water, and the tap would automatically switch off when the limit was reached. Cape Town DHS' Alida Koetzee confirmed<sup>56</sup>, "As soon as you've used up your limit, it goes on drip. So you won't die of thirst – don't listen to that myth either. You will have drip water until tomorrow morning again when they open it up again. That's the only way we can control the water flow or the usage." While homeowners and renters may not die of thirst, the limited daily supply of water did mean that they were less likely to provide it to beggars like Kathy.

Still, backyards afford residents with a certain amount of security and are therefore relatively appealing in Cape Town. Indeed, backyarding is a more common mode of dwelling in Cape Town than in any other major municipality in South Africa (StatsSA 2011). While nearly twice as many households live in informal settlements as in backyard shacks in the Western Cape<sup>57</sup>, these numbers are shifting over time. The recorded number of shacks in informal settlements in the province has slightly declined since 2001, whereas the number of backyard shacks has increased substantially over the same period, from just over 450,000 in 2001 to more than 710,000 by the time I began my fieldwork in 2011.

By contrast, participating in a land occupation comes with a number of inherent risks, including unfamiliar territory and inevitable conflict with the police. Why then would anyone move from a backyard to a land occupation? Sometimes individual circumstances precipitated this decision. I heard tale after tale of conflict with acquaintances or relatives who owned the house and wanted the backyarders out. Others were bitter about paying rent. "Once we got married," Aisha wrote in her diary, "we moved into the backyard of my sister's husband's aunt. We paid 500 rand<sup>58</sup> a month and 80 rand of a month for electricity and 100 towards the water every third month if we had. They were very understanding people. It was just one lady with her daughters living there."

But the most common explanation I encountered was the feeling of a backyard shack as temporary or derivative rather than a home of one's own. Participation in a land occupation then is primarily a quest for dignity. I asked Aisha why she and Muhammad decided to leave their backyard shack and join the coordinated occupation on the Rivenland field. "Desperation," she told me. I asked her to elaborate. "We were living in a backyard in a shack that's probably 1 by 2 – 1 meter by 2 meters." She couldn't help but chuckle at the absurdity of the situation. "And we literally had nowhere to go and were living there, struggling to survive so – I mean, we had both families that we wanted to, at the end of the day we wanted to settle down with them and whether we going to rent a house, whether we going to do whatever, but the point was that we

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<sup>56</sup> Interview with Alida Koetzee, June 23, 2014, Civic Center, Cape Town.

<sup>57</sup> These figures come from Department of Human Settlements data graciously provided by Steve Topham, a former consultant for the National Upgrading Settlements Program (NUSP).

<sup>58</sup> At the time of writing, this was about US\$42.

going to make supervision for our children to be able to make provision. So that our children can at the end of the day come to us, you know, and visit us. Not visit us; come and *live* with us.”

This resonates with Aisha’s explanation quoted in the Prolegomenon: “We wanted a home. We didn’t want to be by my ma and pa any longer. We wanted *our* place.” This isn’t far off from anthropologist Anne-Maria Makhulu’s (2015) insistence that we view occupations as a strategy of “making freedom,” a demand for recognition beyond the sphere of formal organization. “The everydayness of politics,” she argues, “drew strength from an organic and ever-evolving set of needs and demands on the part of ordinary people in the course of daily life” (ibid.:25). This is precisely what I observed in the land occupations I studied in Mitchell’s Plain. While formal organizations sometimes emerged amid (and from) occupations, and they sometimes catalyzed participation in these occupations, it would be erroneous to claim that they organized them. The organizations and the political space in which they act are mutually inseparable. In order to understand the politics of land occupations then, we would do well to interrogate formally organized politics in relation to the processes Asef Bayat (2013) calls “the quiet encroachment of the ordinary,” assigning a key role to quotidian desires and demands.

### **Individuals, Together**

While the motivations for participating in a land occupation are inherently individualistic, rooted in personal aspirations and desires, the act of taking land typically (and paradoxically) begins as a collective effort. Certainly additional squatters filter in once an occupation is well established, even when it lacks legal sanction, but the initial phase of settlement is decidedly coordinated, organized, and collective. How then do individual desires translate into collective action? This is where formal political organizations enter the picture. In the case of Rivenland, a group called the Mitchell’s Plain Housing Association<sup>59</sup> (MPHA) began to hold meetings in the neighborhoods surrounding the field. “The first time we heard about them was mid April,” Aisha wrote in her diary. “They had a meeting at the sports field. They were talking about the land that is going to be made available and how people need to pay the registration fee. A shoebox was going around for people to put money into. At first I thought this will be another one of those projects I could not afford.” She assumed that participation would require a hefty start-up fee. “But I spoke to one of the people who seemed to be in charge but also seemed to be part of the crowd and he said no you can still register. Then one of the leaders said we are going to issue out land on the 13<sup>th</sup> of May, but that we must be there on the 12<sup>th</sup>.”

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<sup>59</sup> When the occupation began, the MPHA was known as the Mitchell’s Plain Backyard Dwellers’ Association (MPBDA). A petty rivalry split the MPBDA in early 2012, with one faction renaming itself the MPHA. By the end of the year, however, the two groups had reconciled, reforming as a unified MPHA. In order to avoid needless confusion, I refer to the organization throughout this dissertation as the MPHA.

**Figure 1: Location of the Proposed Denel Housing Project**



The MPHA wasn't formally a part of the ANC, but it did function as a front group of sorts. None of its members would admit as much, but they worked with the local branch of the South African National Civic Organization (SANCO)<sup>60</sup> and regularly featured ANC politicians at their mass meetings. Together with another ANC-affiliated group in the Black township immediately to Mitchell's Plain's east, the MPHA claimed it was helping to develop a plot of land straddling the two townships. The land was previously owned by the parastatal munitions producer Denel, but in 2003, the high school attended by two of Aisha's children had to be evacuated following a teargas leak. It was subsequently shuttered due to its proximity to one of the most densely populated sections of Mitchell's Plain. After Denel abandoned the factory, local ward councilors began to promise residents that the land would be used for new housing developments. The plot was strategically located between Mitchell's Plain, overwhelmingly Colored (91 percent) and Cape Town's second largest township, and Khayelitsha, which is nearly entirely Black (99 percent), isiXhosa-speaking, and the city's largest township (see Figure 1). This mattered because Khayelitsha is the ANC's key support base in Cape Town, whereas Mitchell's Plain consistently goes for the DA. ANC politicians working in Khayelitsha attempted to recruit organizers in Mitchell's Plain, who could hope for some degree of political capital. Rarely was this capital forthcoming, however. While the MPHA continues to hold meetings to this day, it hasn't developed much of a base. The same can be said for the local SANCO branch, which remains anemic and operates out of a rented room above a nearby gas station.

And who were these operatives? The MPHA, like the Mitchell's Plain SANCO branch, was largely made up of backyarders and other precariously housed individuals from the area. One of the MPHA leaders, for example, Rahim, would regularly resort to physical violence against people who questioned his authority, and he was notorious for his *tik*-fueled antics in the occupation, ranging from reselling food and blanket donations to outright robbery. Ivy, by

<sup>60</sup> SANCO was formed during the transition in order to consolidate all of the existing local civic movements that came into being during the anti-apartheid struggles of the 1980s. Since its founding, its formal affiliation with the ANC has been a key point of contention, and a number of local branches refused to join SANCO because they were worried that this would compromise civics' non-partisan character. For a good sociological introduction to the organization, see Heller and Ntlokonkulu (2001).

contrast, was far less confrontational and was fluent enough in policy jargon to convince a room full of backyarders that she was a serious player in township housing politics. As the chairperson of the MPHA, she would regularly speak calmly in community centers and schools around the neighborhood. When I saw her speak to a group of backyarders in 2013<sup>61</sup>, she told them that the MPHA “formed because people need homes in line with their rights as citizens.” She cited Section 26 of the Constitution, repeating the line, “Everyone has the right to have access to adequate housing.” This was enough for those in the crowd who were precariously housed, many of whom seemed to read this as a sign of her ability to work with the City government.

In general there were a half dozen figures associated with the MPHA’s leadership, though it was a revolving cast and often appeared to function more like a social clique than a political organization. Most of the other members fit somewhere on this spectrum from Rahim to Ivy, and the same was true for their allied members in the local SANCO branch. I collectively interviewed<sup>62</sup> its top three figures. Its chairperson, Martin, worked as an ANC organizer for a few years in an informal settlement up the road from the Rivenland occupation before joining SANCO. Like Ivy his presentation was quite professional, though he was all form and no content. He opened by telling me that Mitchell’s Plain has a population of 2.8 million people excluding children, which would of course put the population of a single township at more than the population of the entire city. Jenny, the organization’s spokesperson, was much more like Rahim. She was intensely religious, lived in a tent behind a nearby church, and couldn’t seem to focus. She kept switching topics, regaling me with stories of her time in Spain and how she met a German prophet there, or how she was related to a number of ANC bigwigs. “The ANC runs deep in my blood!” she insisted. I certainly couldn’t imagine her as a spokesperson for a political organization. She repeatedly referenced an ANC ward councilor from Khayelitsha<sup>63</sup>, suggesting that he was feeding them talking points. In return, she had access to an office, a title, and potentially even to petty cash for lunch and transport expenses.

But backyarders in this part of Mitchell’s Plain didn’t seem to notice if these people weren’t seasoned political operatives. Many of them didn’t have other options and so had nothing to lose. Besides, in a South African context, framing the politics of land occupations in the language of “rights” and making occasional references to Section 26 of the Constitution gave the MPHA an air of legitimacy. The government was left deeply vulnerable to collective demands for land and housing following the transition to democracy. It had staked its very legitimacy on claims to be a remedial force capable of reversing the material wrongs of racialized dispossession, but in practice its redistributive programs were slowly implemented, underfunded, and technocratic by design. This meant that those residents waiting for access to urban housing could occupy tracts of vacant land, especially those already owned by municipalities, but also plots held by absentee landlords, and they could claim to be enacting the same program of decolonization and national liberation that the ANC asserted as part of its “national democratic revolution.”

On May 11, 2011, the MPHA implemented its plan on two municipally owned plots of land, which amounted to having as many people as possible gather on each in the earliest hours of the morning. The turnout was stunning. At Rivenland, the plot adjacent to the Metrorail stop, a

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<sup>61</sup> October 20, 2013, Beacon Valley Community Center, Mitchell’s Plain, Cape Town.

<sup>62</sup> October 22, 2013, Town Center, Mitchell’s Plain, Cape Town.

<sup>63</sup> This turned out to be Jeremia Thuynsma, who I was able to interview at length (October 21, 2013, Civic Center, Cape Town).



thousand squatters set up camp. And on a sports field called about three kilometers east, four thousand residents began to erect shacks. Both are toward the Khayelitsha side of Mitchell's Plain: the sports field immediately bordering that ANC stronghold, and Rivenland along the township's southern border, sandwiched between the train station and the coastal Wolfgat ["Wolf's Cave"] Nature Reserve.

Both occupations immediately drew the South African Police Service (SAPS) and the Anti-Land Invasion Unit (ALIU), with a particularly prolonged and violent battle on the sports field and a lesser (though still notably violent) clashes at Rivenland. The most intense fighting followed the first few days of the occupation of the sports field, with the police chasing down occupiers with Casspirs, pummeling them with purple-dyed water cannon, and firing at them with rubber bullets. The use of armored vehicles and above all, the purple dye, reminded participants of the apartheid state confronting squatters in the 1980s. Casspirs came into general use during the last decade of apartheid, and purple-dyed water cannon were used during the same period. The 1989 Purple Rain Protest saw thousands of Mass Democratic Movement (MDM)<sup>64</sup> members doused with dyed water in downtown Cape Town, marking protesters for subsequent arrest. It gained such notoriety that "the purple shall govern" soon became an MDM slogan. Most people living in Mitchell's Plain, birthplace of the UDF, would be intimately familiar with that episode, and in Rivenland, it actually inspired a moment of solidarity among the squatters, though this would soon prove ephemeral. But on the sports field, the confrontation escalated quickly given the sheer size of the occupation, and police tried to clear the squatters as quickly as possible. Live ammunition was allegedly fired by two of the squatters, but more commonly, they lobbed bricks at police vehicles and armored officers running toward residents. Residents set tires alight, and "Whe shal [sic] not be moved" was spray-painted on the wall bordering the field, an image that accompanied most of the media coverage the following day. Police tore town hundreds of the structures that residents had erected under the cover of the night. By the next morning, fourteen residents were in jail, eighteen in the hospital, and most importantly for our purposes, only five structures remained. These half dozen residents were, in accordance with legal protocol, offered alternative accommodation in a peripherally located temporary relocation area (TRA).

Police successfully cleared the sports field, but given the lesser intensity of the battles at Rivenland, a couple hundred squatters remained there by the end of the week. Without an eviction interdict, there was nothing the City could legally do other than to apply for one in the High Court, which they did in a long, drawn-out process that would take more than a year. This was an ironic outcome, given what one of the occupiers told me<sup>65</sup> more than two years after she was evicted from Rivenland: "According to me and what we figured out or found out afterwards, even from the MPHA, which is the organization that was in the forefront of organizing this thing, even they told us that Rivenland was only supposed to be a – what's that word again? – decoy. So Rivenland was never supposed to be an actual occupation. It was just to distract the police. But they never informed people about stuff like that." According to a number of participants in the initial stage of the Rivenland occupation, they were duped into occupying a field in order to draw as many police as possible, allowing the majority of occupiers to set up on the sports field.

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<sup>64</sup> The MDM was launched in the same year and saw the consolidation of a formal alliance between the UDF and the Congress of South African Trade Unions (COSATU). The MDM's campaigns were largely a response to the apartheid government's state of emergency, declared a year earlier.

<sup>65</sup> Interview with two Rivenland evictees, October 27, 2013, Mitchell's Plain, Cape Town.

But this was a gross miscalculation. As it turned out, SAPS and ALIU were far more concerned with clearing the “real” occupation – not because they perceived it as “real,” but because the field was in use and was surrounded by formal housing. Perhaps MPHA organizers assumed the police would care more about an occupation that could potentially interfere with the functioning of the commuter rail line, but this isn’t how things turned out. And so the “decoy” lasted for over a year, whereas the “real” occupation didn’t make it to the end of the week.

### **The Politics of Petty Proprietorship**

Strangely enough, the violent police response caught residents off guard in both of the simultaneous occupations. The MPHA represented the occupation not as a collective enterprise approximating a social movement, and they certainly didn’t invoke the grammar of radicalism and decommodification. Instead, they portrayed the occupations as the realization of the post-apartheid Constitution’s promise of land. If the government couldn’t help them realize their rights as South Africans, they’d have to do it themselves. When Aisha described the origins of the Rivenland occupation, she claimed that the MPHA “told us about this land invasion that was going to take place. They didn’t use those words: ‘land invasion.’ They told us we were going to get plots. They gave out numbers, little numbers, with their stamp on it and charged people 10 rand<sup>66</sup> for registering with them and gave us a plot. They had a book where they put your name and ID number, which they said would then secure your plot. They said we will get the plots that Friday – Friday the 13<sup>th</sup> of May, 2011.”

Mimicking the formal rationality of the municipality’s RDP housing distribution program, the MPHA represented itself as acting legitimately as a sanctified partner of the local government. “When we got there on Friday,” Aisha continued, “we took all our stuff from where we were living – our self-built structure like a wendy house. Myself and my husband and my four kids: we moved onto the land, and they told us that the plot size was supposed to be 6 x 4 meters. The structures were up, people were starting to move in. People were happy. On our field, Rivenland, there were plus minus 1000 people. The sports field next to us had about 4000 people. They were under the impression that they were going to get houses here.” Note her use of the passive voice: housing, or at least plots, would be *distributed* by the MPHA. “That Saturday the atmosphere was wonderful, a happy environment. Everyone who used to live in backyards, and some homeless, everyone was going to get houses. Everyone felt free.”

As Aisha’s entry makes clear, the formal order imposed by the MPHA made the initial process appear less as a land occupation and more as yet another means of obtaining access to housing. At the occupation’s inception, residents perceived this as a typical instantiation of registration and delivery, not too far removed from the government’s housing waiting list. They would register with an administrative body, in this case the MPHA, and then they would subsequently receive the equivalent of title deeds: the moral authority to lay claim to a given parcel of land. In a real sense, whether this was a self-appointed committee with ambiguous ties to the ANC or an actual representative of the City’s DHS, what was later framed by the DHS and the High Court as a land occupation was initially perceived by residents as a legitimate engagement with an arm of the welfare state. What the City would represent as disorderly “queue jumping” was experienced by the occupation’s participants quite differently: as orderly,

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<sup>66</sup> At the time of writing, this was approximately 84 US cents.

regimented, and ultimately, state-sanctioned. This was the irony of the government's moralizing categories. While officials understand participants in occupations as simple opportunists, in the case of Rivenland they clearly understood themselves as homeowners in the making. Their very participation was rooted in the aim of becoming a homeowner – or at least having one's *own* home. The goal was to break with the image of dependence and marginality tied to backyarding and become autonomous, rights-bearing citizens.

It wasn't only this formal order that gave residents the impression that they weren't necessarily violating the law. In addition, the MPHA frequently represented themselves as working with City officials to get the "project" off the ground. Given that sanctioned site-and-service projects are quite common in South African cities and residents typically didn't know the difference between these and land occupations, their confusion shouldn't come as a surprise. Another Rivenland participant named Myra told<sup>67</sup> me, "[The Rivenland occupiers] think it's that this organization is working with the City and has the right. They give people lot numbers and like registration fees and –"

I cut her off. "The MPHA? They give people registration numbers to stay on the field?"

"Yes, plot numbers," she replied.

"And they presented it as completely legal?"

"Yes, they were supposedly walking around speaking to the Mayor on the phone, which was all lies. But we only figured that out after awhile." In addition to simply mimicking the formal rationality of the state then, MPHA organizers represented consistently represented themselves in proximity to City officials. Sometimes this would mean speeches from ANC ward councilors at their preliminary meetings, but sometimes it would be sheer deception.

Aisha confirmed in her journal that the MPHA insisted the Mayor was involved. "People were standing there with no hope – hoping the Association [MPHA] will sort it out because they even pretended to speak to [former Cape Town Mayor and current Western Cape Premier] Helen Zille on the phone and say that these guys had no right to do what they were doing and that she would sort it out." This wasn't such a stretch given that many of the occupiers knew of Zille's role in securing residents housing in the Zille Raine Heights occupation a couple of years earlier, as described in the previous chapter.

Aisha went on to suggest that the MPHA even presented confrontational tactics as officially sanctioned: "They left a committee of marshals, and the marshals told us we must put tires on the road and the [railway] station, and they wanted us to burn the road and the station. We refused because we knew what was happening at [the sports field, i.e. the violent confrontations with police,] and we didn't want the same violence, and so we said no." The Rivenland occupiers had neighbors involved in the sports field occupation and communicated with them in real time via text messaging. But refusal or otherwise, the point is that the MPHA even tried to normalize these sorts of confrontational tactics as state-sanctioned. The group worked tirelessly to normalize the occupation more generally, rendering it a routine means of housing distribution even when it was patently unsanctioned and illegal.

But in framing the occupation as a project of housing distribution, the MPHA successfully sutured moralizing discourses of becoming a homeowner to a subproletarian politics of necessity. In practice this meant that people without anywhere else to go were persuaded that participating in a land occupation was a viable option. The MPHA appealed to them through

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<sup>67</sup> Interview on November 13, 2013, Mitchell's Plain, Cape Town.

their desires to become homeowners, which in government discourses amounted to becoming a rights-bearing citizen. This sense of viability was actively legitimized through discourses of ordered individual restitution. The distribution of ersatz property to hopeful residents by an ersatz government organization mimicked the logic of the government's housing program – obscuring the fact that it was just as illegal as a disorderly land occupation without any intermediary body governing “distribution.” And the consequence was that rather than participating in a collective project akin to a social movement, the collectivity was closer to what Sartre (2004 [1960]) called a seriality: squatters shared the simultaneous experience of making a home, but nothing more. They certainly didn't act in a coordinated manner in their campaign to hold onto the Rivenland field in the months that followed the initial skirmishes with police, and they didn't maintain any sort of collective solidarity. Instead, the MPHA's framing of the occupation as the distribution of plots produced a politics of petty proprietorship: residents saw themselves as homeowners-in-the-making and as such, they protected their plots at all costs.

This began as early as the first day of the occupation. When residents arrived, the MPHA had begun to mark out individual plots with wooden stakes. Residents wrapped twine around these poles in order to indicate boundaries, often shifting them to enlarge plots, which of course produced disputes with their neighbors. The seeds of Rivenland's factional politics were therefore already sown. The factions that emerged in disputes over governing the settlement didn't reflect preexisting divisions but were instead forged in the process of occupation. They were overdetermined by the politics of petty proprietorship, which ultimately amounted to exclusivism: residents defended their land not as a total occupation, but as a collection of plots. This meant that alliances were often fleeting, and that rather than attempting to use outside actors (charity workers, lawyers, party operatives, and the like) as a means toward achieving collective recognition, residents vied with one another for access to these actors. They treated these connections as a limited set of goods, meaning that they competed with one another for access. And so as outside actors began to interact with the occupation, the politics of petty proprietorship determined the form that struggles over representation would take: factionalism.

### **The Consolidation of Factionalism**

Petty proprietorship didn't immediately or automatically translate into factionalism, however. Struggles over representation weren't resolved in some analytically distinct moment prior to struggles over recognition; instead, the two components remained necessarily inextricable. In Rivenland, factions only emerged as groupings of residents coalesced around certain emergent interests. At the most basic level, this meant that as outside actors, ranging from MPHA organizers to charity workers, began to interact with the occupation, temporary alliances formed around these characters. Residents were primarily concerned with securing their plots, as well as access to means of subsistence, i.e. blankets, food, building materials, and the like. Because the occupation was not constituted as a collective body but instead as an assembly of serialities in direct competition with one another, residents made little attempt to seek collective mediation between themselves and the municipal government or the courts. Or in the language of this dissertation, they didn't struggle for recognition by forming a single representative body. Instead, small groups of residents aligned themselves with outside representatives rather than representing themselves, seeking a shortcut to recognition. Yet the ironic outcome of this strategy was that it was this fragmented representation that ultimately prompted a judge to view

them as opportunists competing for handouts instead of a coherent (legible) population in need (legitimate). Their shortcut to recognition amounted to a failed resolution to the struggle over representation.

In the first month or so of the occupation, it wasn't certain that fragmentation would be the result of their struggle over recognition. The persistently violent confrontations initiated by police continued for weeks. "Law enforcement came every day," Aisha wrote in her diary. "The Monday. The Tuesday. Most people were left with little bits of plastic to sleep under." Police and ALIU confiscated their building materials, and people were desperate for shelter, as Cape Town begins to get chilly in evenings that time of year, and it's when the rainy season begins. People initially shared their improvised shelter with each other. Friends and relatives would drop off new building materials, though these too were confiscated by police. Whoever had covering would allow others "to share accommodation. I think at the time that was the best thing that could happen to us, because it drew everyone closer. It formed unity. We got to know everyone and their situation – why there were there and why they couldn't go back. We started to form unity."

But at this point, residents were still working under the assumption that the occupation was legal, or at least that the MPHA had some kind of privileged relationship with the DHS. It actually took a few days for participants to accept that they'd committed an illegal act. "On Tuesday 17<sup>th</sup> May the sheriff of the court said over an intercom that we were there illegally and we were not allowed to be there. They gave us an interdict and gave us 5 minutes to vacate the land. Once again they removed whatever we had. People lost their IDs, their papers, their dentures. There was a lot of things people lost while law enforcement and land invasion units [ALIU] removed our structures. That was when we realized that this is illegal, we were not going to get anything. Nobody was going to be able to help us with this. We had been manipulated into the situation we are in now. People started to retreat – the lucky ones who could go back to where they were at. The rest that stayed behind, about 120 people, had nowhere to go. Yes, we all tried to go back, but either there was someone else now living where we were living before or the people didn't want us back [in their backyards], or people had no structure to put up in someone's yard [because it was confiscated by the police], so they just stayed with us on the field." Those who remained at Rivenland truly had nowhere else to turn. In a matter of days, the occupation was down to an eighth of its initial size.

With all of their standard building materials broken or seized, squatters had to improvise. Residents began to search for shopping carts, as there were a couple of malls a few kilometers away. "They say even if you live under a trolley [shopping cart] with a blanket over top of it, it is a structure," she wrote. "They say anywhere you are living is considered a structure, so they can take it. Interim interdict [from the High Court] says that both parties stand apart till the next court date. Our lawyers say they can remove structures, but not us. Are they working towards our death?" Aisha wondered. Even a month later, police and ALIU returned to the site to destroy structures. A number of residents had dug deep burrows into the dirt and sand, constructing makeshift roofs out of anything they could. When the police came, they kicked dirt into the holes, attempting to fill them up again, but before they allowed residents to remove their possessions. They even seized what Aisha described as "the roof structure."

These visits proved traumatic to children on the field. Even after all semi-permanent structures were destroyed, an ALIU agent removed tents occupied by children and drove a pick-up truck through the occupation, "swearing and threatening to lock us up. [He] broke the small

tent our mother and baby sleeps in. They referred to us as animals. The driver told one of our elders that he is going to remove his uniform and *moer* [beat] him and kick him in the *poes* [vagina, a common insult in Afrikaans]. When we reported the situation to what appeared to be the senior officer among them he reckoned we had no witnesses. Then they left.”

Clinton, one of the remaining squatters, was a Colored man in his mid-40s. He told me that the officers all covered their nametags with electrical tape, though residents began to recognize their faces. When residents asked for identification, officers cursed at the occupiers. “Keep your *bek!*” they would shout. “Shut your mouth!”

Aisha confirmed Clinton’s account in her journal. “They take our things once again. I don’t know if what these people are doing is legal. If it is legal, why are their identities hidden?” Another time the police showed up in the middle of the night. “They had everyone get out of their beds because the police claimed they had a complaint about us selling *dagga* [marijuana]. They never searched for the *dagga* but they had us get out of our beds and did a move and touch fingerprinting to check for criminal records. They found no *dagga* or criminals among us.”

After a month, these sorts of violent confrontations with police became relatively routinized. Partly residents became familiar with the ALIU and SAPS officers visiting the field, and partly they began to grow accustomed to experiencing this sort of violence on a daily basis. Once the initial shock of these encounters wore off, any unity that existed in the settlement, largely constituted against the police, began to dissipate. As occupiers realized they’d have to figure out how to subsist amid scarcity, they began to look to outside operators for help. They also engaged these sorts of actors as a sort of shortcut to recognition, hoping that in gaining recognition from NGOs and charities, they might appear more legitimate in the eyes of the court – and more broadly, the state. But the politics of petty proprietorship that characterized most residents’ approach to the occupation meant that their search for recognition was largely articulated on an individualized basis. Residents didn’t view defense of the entire occupation as their primary goal as in Holfield but instead focused on defending their individual plots. They were homeowners in the making after all, and this newly cultivated subjectivity led them to form localized alliances rooted in the defense of their (and their allies’) homes, typically to the exclusion of other occupiers. Not only was there no sense of solidarity among groupings, but they often coalesced into hardened factions that competed with one another over finite resources, ranging from blankets and bread donations to access to legal services.

It was at this point that residents began to look in earnest to outside organizations for advice and material support. It was at this juncture that Aisha began to describe a new character in her journal: “Everyone arrives including Mrs. M from the ‘Cape Party,’ with the MPHA. Mrs. M is also a community worker, and came with some other sponsors who brought us some soup and party packets for the kids. SANZAF [South African National Zakáh Fund, a Muslim charity] delivered 50 blankets and promises to bring us food. Land invasion [ALIU] and Law Enforcement just drove by. They didn’t remove our things like they normally do. We think it’s because we had too much people visiting us.” In addition to “Mrs. M,” an evicted resident from the sports field urged residents to unite behind Lawyers for Human Rights (LHR), a group offering *pro bono* legal support. While residents would work with LHR, they never successfully united; instead, factions jockeyed for access to lawyers – a process described in detail in the following section. And a representative of the Pan-Africanist Congress of Azania (PAC)<sup>68</sup>, a

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<sup>68</sup> Formerly known simply as the “Pan Africanist Congress,” the PAC was formed in 1959 as a split from the ANC. While the party is currently marginal to national electoral politics, it played the key role in

Black nationalist political party, showed up as well. He had offered advice to residents prior to the local elections held in mid-May, but he refused to disclose his name or party in an effort to convince occupiers that he wasn't helping them for cheap political capital. They remained suspicious of him regardless.

"Mrs. M" was Marina Laurova, the director and seemingly sole employee of Cape Care Charity, an organization that purports to highlight "the plight of the Cape Coloreds"<sup>69</sup> and distributes food and basic necessities to poor Colored neighborhoods around Cape Town. Her son is a founding member of the Cape Party, an insignificant political party that advocates for the Western Cape and two adjacent provinces to secede from South Africa and form the "Cape Republic." After the 2009 presidential elections, its deputy leader called President Jacob Zuma an "illegitimate colonial occupier of the Cape" (Sapa 2009). When the party was criticized for propagating thinly veiled white supremacist politics, it formally responded that the Cape is diverse and that the party does not discriminate, but that it wants independence for the Cape from the rest of the country: "The Cape is the true 'Rainbow Nation' and we deserve once and for all to govern ourselves free from the grasp of totalitarian racist governments."<sup>70</sup>

This politics also characterized Marina's involvement in the Rivenland occupation. "She started an organization on the field called 'First People<sup>71</sup> First,'" Aisha wrote. "I think the Cape Party has this idea that if people of the Eastern Cape go home, there will be more jobs, and more houses." These were of course isiXhosa-speaking Black Africans. "I said if you want people to leave, you leave. You are also not from the Cape." Marina's parents were themselves immigrants, making her a curious candidate for the invocation of indigeneity claims, but she proceeded to advocate a politics congruent with the Cape Party's: whites and Coloreds would unite against Black residents, defining the latter as migrants. "So if you want them to go, you go," Aisha continued. "It doesn't matter if we have people from the Eastern Cape or from China here, we will still have the same problems – it is government and capitalism causing our problems, not people who come here... They argue for black (Xhosa) people to go back to the Bantustans. And the field is so full of people now, but for every black person who comes to the field and asks to put up a shack" – she was referring to a tiny number of squatters who tried to join the occupation after it was already established – "they [Marina's faction] will call the cops. They only focus on people on the field, but their chair does not live on the field and their secretary is a white lady that lives in Newlands<sup>72</sup> somewhere in a very nice house. Her son is in the Cape Party. And what is strange is the people on the field were arguing saying they want nothing to do with political

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organizing opposition to the pass laws in 1960. It was also essential to fomenting the turn to armed struggle after the South African police massacred 69 demonstrators at one such protest in Sharpeville, a city just south of Johannesburg.

<sup>69</sup> Refer to the organization's homepage (<http://capecarecharity.co.za>).

<sup>70</sup> Refer to the party's homepage (<http://www.capeparty.com>).

<sup>71</sup> In the post-apartheid period, Colored Capetonians have increasingly invoked indigeneity claims, typically under the banner of the Khoisan, a consolidation of Cape Town's two residential groups prior to colonization in 1652. The political and ethical implications of these claims are quite complex, including some amalgam of both a progressive distancing from the apartheid label "Colored" and a reactionary ethno-nationalism complete with territorial claims. For an interrogation of some of these contradictions, see Robins (2000, 2001, 2008).

<sup>72</sup> Newlands is a wealthy suburb just south of the city center. Whereas the electoral ward containing Rivenland is 96 percent Colored, Newlands' ward is two-thirds white. The average household income in Newlands is roughly 8 times that in Rivenland's section of Mitchell's Plain.

parties.” In the first days of the occupation, many participants were wary of affiliating with party operatives. Since the occupation occurred in the run-up to the 2011 municipal elections<sup>73</sup>, residents knew that the DA-run City would accuse them of working with the ANC or EFF – yet another iteration of the charge of opportunism. They hoped to avoid this at all costs. But once the initial luster of the first days began to wear off and residents had to deal with more mundane issues like securing food and securing their plots, they began to entertain outside actors.

While the involvement of a charity like Cape Care might seem trivial, the distribution of items like old bread and blankets caused divisions on the field. It began when Marina accused other outside organizations of stealing money from occupiers. But she was herself collecting money. “She is also collecting money from the 16 respondents on the courts list, I am not even on that list, and she went to find out how much grant money they each get. So she is taking money from them so that she can save up and buy them wendy houses. She is only collecting from the 16, so how much division do you think that is going to cause?!” I tried to interview Marina to make sense of what appeared to me to be an obviously divisive strategy, but she stood me up twice. Whenever she would subsequently respond to my emails, she would attach newspaper articles about her work and images of Colored children she told me she was mentoring.

By late June, Marina and members of the MPHA had entered into alignment. At an occupation-wide meeting on the 30<sup>th</sup>, residents raised concerns about the MPHA’s role in the occupation, fearful that it was protecting some occupiers but at the expense of others. They began to call attention to the dangers of factionalism. “At that meeting,” Aisha wrote, “we saw their corruption in their committee. They had collected donations in our name, in the name of people living in the field and we never got money or food that Multi-Score and Winners shops [grocery chains] gave to them.” A settlement-wide committee was established that would include both MPHA representatives and residents skeptical of the MPHA. During this entire period, SAPS and ALIU continued to appear on the field, seizing building materials and even firewood. Muhammad later told me that the situation was so dire at this point that they had to venture into the surrounding neighborhoods – homes that weren’t immediately adjacent to the occupation – to beg for water.

By early July, Aisha, Muhammad, Clinton, and other residents skeptical of the MPHA figures formed a rival organization on the field: Tafelsig Residents Unite (TRU). Tafelsig – Afrikaans for “Table View,” a reference to Cape Town’s iconic Table Mountain – is the poorest and most violent neighborhood in Mitchell’s Plain, with a real unemployment rate well above 50 percent, and it was home to both Rivenland and the sports field. The idea was to build an inclusive and expansive organization in stark contrast to the politics of petty proprietorship that characterized the MPHA and its affiliation with outside NGOs and charities. Indeed, it was hard for MPHA affiliates to conceive of such a politics, and rumors quickly spread that TRU leaders were engaging in the same kind of donation hoarding. Aisha told me that a local organizer, notorious in activist circles for his demagogic tendencies, was spreading rumors about her,

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<sup>73</sup> Land occupations are most common just before municipal elections – the same was true just before the August 2016 elections, for example (Makhafola 2016). Some of this is attributable to political parties attempting to accumulate political capital, or else to move their supports into rivals’ territory; but these cases are likely exceptional. More generally, occupiers may feel that politicians will be less likely to evict them if they risk alienating a potential voter base.



telling other Rivenland residents that she was taking money from a local advocacy campaign<sup>74</sup> and failing to tell the others.

A few weeks later, TRU officially launched, attempting to break with the possessive politics of the MPHA faction. Even the organization's name captures this tendency: rather than naming itself after the field (Rivenland), they named themselves after the surrounding neighborhood. Nine people were elected to the TRU committee: four from the field, four backyarders in the immediate vicinity, and a homeowner whose house was overcrowded. The idea was to build a united front of all those affected by the post-apartheid housing crisis, in all of its iterations. Whereas most existing housing-related activist groups tended to be organized sectionally – backyarders, squatters, informal settlement residents, homeowners, renters, and the like – TRU attempted to unite all of these subject positions under a single rubric, viz. that of a generalized housing crisis. Aisha was elected its first chairperson.

The day after the first TRU meeting, the land occupation physically split into two camps. Members of both camps had threatened the opposing groupings with violence, and in some cases, altercations broke out. A year later, months after the eviction, we sat on Aisha and Muhammad's bed in yet another backyard shack. Candy, a mother in her mid-20s, and her four year-old daughter occupied the field at Rivenland as well. They would frequently stay in Aisha and Muhammad's backyard shack, as their own post-Rivenland living situation wasn't as secure. Candy described to me how an affiliate of the MPHA would repeatedly kick the door of her shack late at night, sometimes even explicitly threatening to rape her. One night, she decided she'd had enough. She chased the man, who was actually drug-addled and quite emaciated, to the edge of the field, where she repeatedly punched him until he was lying on the grass bloody and unconscious. Muhammad beamed, "Candy doesn't take their *kak* [shit]!"

The tensions were hardly subterranean. By early September, a community newspaper carried the headline, "Squatters Squabble over Eviction Order." "[M]embers of the [MPHA] committee – which claims to have a membership of 5000 people renting in backyards across Mitchell's Plain, accused the [Rivenland] train station group of being 'backbiters'" (Mpalantshane 2011:9). In interviews with local reporters, MPHA leaders continued to represent the organization as expansive and inclusive, pointing out that it formed in late 2010 when the Tafelsig People's Association and the Mitchell's Plain Backyard and Residents' Association combined forces. The MPHA chairperson at this point, a Colored man in his 50s named Samuel, insisted that the organization has a mandate from all residents in Mitchell's Plain, though tensions between TRU and the MPHA factions on the Rivenland field demonstrated otherwise. Likewise, he insisted that participants were not charged 10 rands – about US\$1.30 at the time – to join the organization, a prerequisite for participating in the land occupation. All occupiers with whom I spoke at both the sports field or Rivenland either paid the fee, or else were asked to but refused. By the end of the year, the struggle for recognition was largely being fought out in the courts. MPHA representatives publicly claimed that TRU activity was jeopardizing their case,

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<sup>74</sup> This was the Right2Know Campaign, launched in 2010 to challenge the Secrecy Bill, South Africa's equivalent of the Patriot Act. The activist in question was temporarily on the payroll of R2K, and I occasionally observed him scamming that non-profit out of petty cash. He'd regularly claim that he'd brought a dozen or so people from the Cape Flats to a march and demand reimbursement, only to pocket the money. Sometimes there really were activists he'd brought out, but usually there weren't; in both circumstances, he'd keep the money. In any case, it takes one to know one: hustlers tend to assume everyone else is equally self-interested.

whereas TRU members insisted that the MPHA was acting in an exclusionary manner and that their lawyer refused to represent anyone who MPHA leaders did not favor. In response, Aisha told the *Plainsman*, a community newspaper, “They never had a lawyer. How can we have done anything for them to lose when they never had a case in the first place?” (ibid.:10). She was questioning that they even *had* a strategy.

### **Lawyers as a Means to Recognition – or as Recognition Itself?**

The squatters went through a number of lawyers during the duration of the occupation. There was a PAC-affiliated lawyer who offered his services *pro bono* in the first days of the occupation, but residents were skeptical of him as a potential political opportunist jockeying for votes in the upcoming municipal elections. A couple of months into the occupation, they made contact with Sheldon Magardie, a well-known housing lawyer in Cape Town. He was an advocate, a specialist litigator who could represent them in the High Court. Usually advocates work with one or more attorneys on such cases. He did *pro bono* work through the Legal Resources Centre (LRC), the largest public interest legal organization in South Africa, and it was through the LRC that the occupiers first contacted him. While Sheldon could pass as white, his accent and mannerisms were distinctly Cape Colored. Aisha and Muhammad would often laugh when I mistook a Colored person for white. “How would I know if I hadn’t heard them speak yet?” I would ask. They would giggle, pointing out that his bodily comportment and clothing style were distinctly “Colored.”

Then there was William Fisher, the squatters’ other advocate. They’d made contact with him through an organization called Lawyers for Human Rights after Sheldon was unable to win their case. William would try to represent them in the Supreme Court of Appeal. Aisha was particularly fond of him, recalling to me on multiple occasions that he was Colored like herself and came from a working class background. “He used to live on the streets,” she wrote in her journal. “He knows.... William looks like he is white, but he is actually Colored, and he acts a lot like he is black. He is the only advocate with a broken cloak” – meaning that his legal costume was in disrepair – “and his firm partner, Marius, the lawyer, has dreads. William would come and throw his bag down, and doesn’t care about being up there. He is right here on the ground with us. His wife and kids say, you can go visit the informal settlements on your own if your heart is there, which is what he says when he drives by where we stay.”

So William took their case. “We went to the Supreme Court of Appeals,” Muhammad told the camera. Aisha was filming his statement. He was standing on the field across from the Rivenland train station, with all kinds of commotion behind him. A large group of squatters gathered around a man in a suit about a hundred feet away. This was William. “They did not accept the case. Then it was taken to the Constitutional Court<sup>75</sup>, which they also denied.” He switched to Afrikaans. “So it’s just a matter of – a matter of time before they evict us. In our understanding, our lawyer forwarded the papers, but we don’t know.” He reverted back to English. “We don’t have this information due to this woman on the field.”

Muhammad was referring to Marina, who at this point had consolidated a faction on the field with a number of MPHA leaders. This was the peak of the struggle between this faction and

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<sup>75</sup> The Supreme Court of Appeal (SCA) is the highest appellate court in South Africa, located in the country’s judicial capital of Bloemfontein. Located in Johannesburg, the Constitutional Court has superior jurisdiction to the SCA, but it can only hear cases on constitutional matters.

TRU, though this was more than simple factionalism; it was a struggle over political strategy, and really, a struggle over representation, i.e. how residents wanted to represent themselves to outside observers. TRU wanted to include as many residents as possible in their broad coalition, expanding beyond the bounds of the land occupation and uniting with residents in the surrounding neighborhood of Tafelsig. By contrast, Marina and the MPHA were exclusivist, embodying what I've called the politics of petty proprietorship. Even though she wasn't one of the squatters, by giving out donated materials – primarily blankets and bread – she was granting her allies a certain amount of power over occupation-wide distribution networks. Those aligned with Marina got first crack at the amenities basket; those who weren't received the leftovers, if anything at all. This is how it began, rooted in controlling access to donated goods. Soon, however, the stakes increased. As participants in the occupation tried to secure legal representation in order to fight their impending eviction, monopolizing access to their lawyer became the next major axis of struggle between factions.

"I got a call from Mrs. M," Aisha wrote in her journal – again referring to Marina. "She told me William was trying to get ahold of us – our advocate. We were supposed to be at court at 8:30 am to sign papers." For the Rivenland occupiers, court was an oddly formalistic ritual that, despite its excessively bureaucratic strictures, often seemed unpredictable and enigmatic. "I am so sick of everything happening at the last minute," she continued. "Now I have to figure out how to be at court at 8.30 with no money or nothing. It just upsets me that they would call at that time of the morning to say be there at half past eight." For Marina, the journey could easily be made in that amount of time, as she owned a car. Even in the worst traffic – and along Cape Town's N2 highway, traffic was typically at a standstill in the mornings – I could make the 30 km journey to the city center in an hour or so. But by public transport, getting to the High Court took at least twice that. Of course in theory one could take the Metrorail. The occupation was across the street from the last stop on the Mitchell's Plain line, after all. But the train was too unpredictable. Another line might be more reliable, but not the lines running through the Cape Flats. The line that ran through the white areas in the wealthy southern suburbs – which included Marina's home suburb of Newlands – were fine, even if white people infrequently actually took the train. But the lines sprawling eastward across the Flats would break down constantly, or else they were delayed by protests that involved blockading the tracks or even burning the rail cars. Sometimes when there weren't even any disturbances, the cars would just stop for awhile. Whenever possible, residents would avoid riding Metrorail.

The other option was catching a taxi, a large white van typically filled with fifteen passengers, sometimes more. In order to catch a taxi in the mornings, you'd walk to the main road and listen for a *gaatjie* – the door operator – to shout "Kaap tyooooooooown!" followed by a series of loud whistles. He'd be leaning out of the side of the van as it rolled past, holding the sliding door ajar. By raising a finger or even just making eye contact, you could signal to the *gaatjie* and the minibus would stop. Catching a taxi to the city center involved catching two separate vans, and if the demand was high enough, this sometimes entailed waiting for multiple full taxis to pass by. Or sometimes the problem was the opposite: taxis wouldn't actually depart for the destination until they were filled to capacity, and so they'd drive up and down side streets hoping to pick up stray passengers, making the journey worth the gas money. On top of the ride itself, Aisha rarely had disposable cash on hand, and the nearly US\$2 roundtrip fare had to be scrounged up before she could depart. Sometimes this meant using her last few rands to get to town, but more frequently, she would have to ask everyone in her network if she could borrow a

rand or two until she finally cobbled together sufficient money to get there. Once there, she could ask one of her middle class activist contacts for return fare, assuming she could track them down.

Frustrated, Aisha borrowed sufficient taxi fare and walked to a nearby makeshift corner store – a “tuck shop,” as they’re called in South Africa – and bought airtime for her cell phone. It was next to impossible to get someone in Tafelsig to call you back; text messaging was the preferred means of communication. Even texts cost an exorbitant sum by comparison with American providers, and so the most economical way to go about it was to purchase an old used Blackberry at a pawnshop. For 60 rand per month – about US\$5 – one could get unlimited internet access, but this service only existed on Blackberry’s network. By using an internet-enabled text messaging application like WhatsApp, texting became a possibility. The reception was so awful that the internet itself rarely worked in Mitchell’s Plain, but at least it enabled messaging. But calling was normally off the table. Aisha made an exception. “I phoned William immediately and he confirmed. Muhammad, Victor, Kayla, Sarah, Kathy, and myself went to the train. We scratched money together from everybody.” All of these squatters were TRU members. “When we got there [the High Court, in Cape Town’s central business district], Natasha and Shanaaz and Mandy” – all MPHA affiliates – “was already there with Mrs. M. They had already signed the papers that was needed to be signed.” Aisha and her comrades had traveled all the way to town in vain.

Back on the field, Muhammad continued speaking to the camera. He called out to the squatters’ attorney, Marius, who was working closely with William. One of the occupiers named Biggie, a rare seasoned activist on the field, had enlisted his friend Mike from a local NGO, who in turn had contacted Lawyers for Human Rights (LHR) – this is how they made contact in the first place. These were the cross-class connections that were essential for securing legal representation. Mike was solidly working class and lived in Colorado, an area of Mitchell’s Plain closer to the city center than Tafelsig, but he had a steady income and lived in a formal house with a lawn. By contrast, those living in Mitchell’s Plain’s backyards and informal settlements viewed Colorado as a middle class neighborhood. Muhammad once told me that it was all about proximity: Rocklands, Portland, and Westridge were all “lower middle class,” to use his terms, because they created a buffer between the N2 highway to the city center and the working class areas to the east: Lentegeur, Beacon Valley, Eastridge, and of course, Tafelsig, which he described as “working class.” Those areas closer to town – Colorado, Rocklands, Portland, Westridge – were all wealthier, even if not wealthy by white standards. Those neighborhoods closer to the Black township of Khayelitsha and toward the beach to the south were considerably poorer and more dangerous.

Even though it was Muhammad’s connection that secured the squatters access to Marius and William, this didn’t guarantee him access to the legal team. This was in turn refracted through the landscape of representational struggles within the occupation. Muhammad was in for a rude awakening when he asked Marius, “Represent *jy ver ons ook?* [Do you represent all of us?]

“*Waat is jou naam?* [What is your name?]

“Muhammad Laurie and Aisha Abrahams,” the couple replied in unison.

“*Is jou naam op die lys?* [Is your name on the list?]

“*Nee,*” they replied. “But I have a number on my shack,” Muhammad insisted. He was referencing the number that a representative from the City’s DHS had painted on his front door. This meant that from the City’s perspective, it was officially counted as one of the structures

involved in the occupation. This was a process called “enumeration” in which the DHS would assign de facto addresses to all new houses, informal or otherwise.

Marius repeated the question, shaking his fist for emphasis. “Is your name on the list?” Marina was standing behind him, her head visible over his shoulder. About twenty of the MPHA-affiliated occupiers were gathered around them.

“*Nee!*” one of them shouted, shaking her head vociferously. “*Nee!*”

“No,” Muhammad responded, almost inquisitively, puzzled by the concept of the lawyer representing some of the squatters in his predicament but not all of them.

“Then I don’t represent you,” Marius told them, brushing off imaginary dirt from the air in front of him.

This was the crux of the issue: factionalism on the field was refracted through the occupier’s legal representative, intensifying in the process. What began as minor political differences turned into formalized groupings opposing one another. These factions didn’t simply reflect existing political divisions, but actively constructed them in the process of faction formation. Those who latched onto characters with political capital – figures like Marina or Mike – ended up congealing into camps with a clear line of demarcation between them. There were those represented by the legal team, and there were those excluded from representation. “I don’t represent you,” Marius told Muhammad.

This isn’t to suggest that there weren’t divisions from the outset. First, there were those organizing on behalf of the MPHA, and there were those duped into occupying the fields – people who thought the occupation was actually legal. Layered on top of this division, there was a second: those who aligned themselves with Marina and her Cape Care Charity, and those who remained skeptical of her intentions. If aligning with the MPHA was about gaining presumed political capital, linking up with Marina was about obtaining privileged access to a material distribution network. This was not only about accessing bread and blankets, but also about monopolizing the power to distribute them to others in the occupation.

Third, there were those represented by the legal team of William and Marius, and there were those who were excluded. Of course this final division maps pretty closely onto the first division refracted through the second, but direct access to lawyers was itself a central source of power on the field. Indeed, when Muhammad asserted, “We don’t have this information due to this woman on the field,” he meant that Marina had reserved access to Marius and William for her allies. Aisha grew increasingly worried that TRU members would be excluded from any sort of legal ruling and wondered how she could contact the lawyers. She wrote in her journal, “Michael [Mike] advised that I write the advocate a letter explaining my concerns about the few days we have left and about how the application for leave to appeal hasn’t even been put through yet.”

She continued: “I think that would make sense so I will draft a letter today with others in the community and forward it to William Fischer, our advocate, tomorrow. Marius told me this morning that we should unite on the field because he can’t speak to everyone. He says he wants to speak to one person only.” *Pro bono* organizations like Lawyers for Human Rights and the Legal Resources Centre were overburdened with housing cases, and their lawyers were reluctant to waste time assessing the state of factionalism in each land occupation. They therefore tended to interact with what they perceived to be an organic leadership in each occupation. In some cases, as in the Holfield occupation, this was a unified body that actually represented the settlement. But in others like Rivenland, the leadership with whom they worked did not represent

the entire settlement. Instead, factions used access to the legal team as a means of entrenching their identities *as* factions. In other words, in struggling for recognition before the question of representation was resolved, factional identities emerged and were ossified in the process. In this process of articulation, the moment of ossification is never permanent. Stuart Hall (1985:113-4) describes it as a process of constant reworking in the context of changing material circumstances. As residents faced new rounds of repression, material deprivation, and the incursion of new extra-settlement actors, they would dissolve old linkages while forging new connections – what Hall calls “re-articulations.” Rather than a one-to-one correspondence between squatters’ material conditions and their respective political worldviews, the appeal of each contending discourse was contingent (cf. Laclau 1977). In formally attaching each discourse to an organized leadership, faction formation actually entrenched these divisions rather than simply reflecting them. The tentative alliance between the MPHA and Marina’s followers rebranded themselves as a legitimate grouping whose interests were collectively represented by Marius and William. There was an exclusionary exuberance about the group, with members enthusiastically fortifying its boundaries.

This brand of exclusivism – what I call a politics of petty proprietorship – was a consequence of the initial articulation of the occupation by the MPHA as the realization of people’s constitutional right to housing through the distribution of mutually exclusive plots, or ersatz private property. Exclusivism was intended as a quick solution to a precarious legal situation. Those with uncertain claims to land and housing relied upon privileged access to their legal team, clutching onto these links like so many rosaries, excluding other occupiers in a sort of scramble to the top of the hill. But in so doing, they unwittingly transmitted the appearance of multiple factions on the field, as opposed to a coherent (legible and legitimate) settlement, which would lead judges to rule against the Rivenland occupiers, evicting them from the field not once, but twice.

### **“They Are Trying to Demobilize Us”**

Beyond the confusion of contested legal representation, the legal process was itself so bewildering that the occupiers rarely understood their status on the field. Court dates seemed to proliferate endlessly for the squatters, with no immediately apparent end in sight. The first ruling came just weeks after the mid-May occupation began, on June 1, but it was immediately challenged by the squatters’ lawyer. It was rescheduled for later in June, but as this date approached, a judge pushed it back to the end of July. The occupiers were given until the end of September to vacate the field, and so they collected their belongings and crossed the cul-de-sac, setting up shop on an adjacent field, this one owned not by the City but by the parastatal railroad company. A new case was initiated, but the decision was postponed first until late November and then again until mid-December, and a third time until the end of January. At this court date, the judge ruled that the occupiers had to be off the field by late February 2012, but the police never showed up to enforce the ruling. Meanwhile, William appealed the ruling to the Constitutional Court in Johannesburg, delaying the eviction further – first until early August, and then until October 29, more than 17 months after the occupation began. The ConCourt upheld the eviction interdict, refusing to hear the case, and Rivenland was finally cleared – or almost. A few squatters soon returned to an adjacent field, but their encampment was small enough that it was ignored by the City.

If these perpetual delays and consequent indeterminacy are confusing to the reader, this was certainly the case for participants in the occupation, who were continually frustrated and remained uncertain what exactly was happening throughout. As Aisha remarked in her journal, “There are so many eviction dates – they are trying to demobilize us to a point where people are tired of supporting us.” All of this confusion didn’t do anything to reduce factional contention on the field. “I spoke to Marius our lawyer today,” Aisha wrote, a week and a half before the first eviction date. “He had no good news. In fact, he didn’t even have bad news. Nothing. We have 12 days left before its Judgment Day,” she continued, referring to the specified eviction date. “No one is doing anything about that. The division on the field doesn’t even allow us to do anything. The closer it gets to the eviction the more difficult it is for people on the field to communicate.”

One TRU member named Sarah approached the other side of the field, now physically split into two camps – Marina’s faction on one side, TRU on the other. Sarah attempted to convince her erstwhile adversaries to come to a meeting so that they could collectively figure out how to strategize around the impending eviction. Not a single MPHA or Marina ally showed up. Meanwhile, internecine acts of violence were increasing. Just before the previous ruling, someone had attempted to burn down Aisha and Muhammad’s shack, and in mid-February, someone threw a burning cloth through another TRU couple’s (Victor and Kayla) open shack window.

Aisha was feeling demoralized and above all, frustrated. Marius had told her that unless residents united on the field, he wasn’t sure how to represent them collectively. “He says he wants to speak to one person only.”

The day before the February 22 eviction, representatives of the City showed up on the field. One DHS employee told the squatters that the number of shacks on the field wasn’t correct and that she needed to come back after getting official approval to add numbers – more “enumeration” – to these structures. Aisha explained the discrepancy. Initially residents were told that makeshift housing like overturned shopping carts covered with tarps didn’t need numbers because they weren’t actually houses. But now the City *was* counting them as such.

“What worried me was that there were no names put to the numbers on any shacks on the land, not the Anti-Land Invasion Unit or anyone did that. There were numbers but no names to those numbers. For me they put them there to keep us from growing. They basically got that right because they have people phoning the police when someone else puts up a shack. And people cannot even see that – they cannot see what they are doing – they still call the police. It’s just dividing us more and more.” Here was the politics of petty proprietorship in its purest form, with residents quite literally calling the police on one another.

Aisha desperately wanted information from the legal team. Whenever she’d phone Marius, she would either get his voicemail, or else Marius would tell her to visit William. But the two times that week she traveled to Belville<sup>76</sup> to visit William in his office, he wasn’t there – even though his secretary told her he would be. She finally tried calling Marius again. He picked up and told her to call back in half an hour. She waited and then called him back, but he told her he was busy and to try him again tomorrow. This feeling of perpetual court dates and an

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<sup>76</sup> Belville is a city that was incorporated into the Cape Town municipality in 1996, two years after the transition. It is roughly 12 miles due east of the central business district and about 14 miles north of the Rivenland occupation.

interminable bureaucratic process was not assuaged by Aisha's inability to get information from her lawyers. This never-ending game of phone tag only exacerbated her anxiety.

Meanwhile, the eviction crew never showed up on the specified date in late February. Had they simply forgotten? Four days later, and still nothing. Aisha phoned the sheriff, who insisted that it was still on. But when she finally got through to Marius – she'd tried to no avail for days – he told her it had been postponed. Was no one going to tell her? How could she comply with these rulings when she didn't even know their outcomes? Certainly she was relieved that they had a bit more time, but she was also constantly anxious about the growing factionalism on the field. Representatives of Marina's faction were insisting that TRU members were dealing drugs. Meanwhile, TRU members were accusing former MPHA members of smoking *tik* [meth]. "Rahim and Natasha and Shaheed, her husband, were walking around with knives and stuff, swearing at us, as usual," Aisha described.

At this point, no one even knew when the next court date was. There were no reliable organizers in contact with their lawyers, and everything seemed to be mediated by outside figures. Early one March morning, just over two weeks after the eviction that never happened, Aisha received a call from Marina. Marina told her that William was trying desperately to get in touch with them and needed them at the High Court within the hour to sign papers. Again? How could they possibly make it in time without access to a car? Aisha, Muhammad, Victor, Kayla, and other TRU affiliates scraped together enough change and boarded the train to town. But they were too late. At the court they ran into Natasha and two other members of the opposing faction. They'd already signed papers in the company of Marina. It had happened yet again.

William found the TRU members and told them that the judge's ruling had been "reserved." Aisha asked him what that meant. He told them it means that the judge needs additional time to reach a decision as to whether he's going to let the occupiers appeal the eviction interdict. William thought it would take at least a few weeks. It actually lasted quite a bit longer. After countless delays and rescheduled court dates, an eviction was finally scheduled for August 6.

In the run-up to the eviction, factionalism only escalated. Aisha was getting worried that she wouldn't be able to access information about their case, as Marius and William were becoming harder and harder to reach. She sent Marina an SMS, asking if she could see some of the documents Marius had provided to her. Marina responded with an SMS, telling her, "We decided not to give out documents while working on the case." Who was this *we*? Aisha thought to herself. "Info gets leaked out, discussed, not good for any court case, and generally not done."

Aisha was livid. "This is the first time I heard that people don't have access to their own documents. It doesn't even involve her yet she has access. I phoned Marius and asked him 'are you part of the we?' He said he would call me back, but he never did."

For months, TRU members had trouble obtaining information from Marius. In early August, Aisha sent him a "please call me," a way to signal to someone that you want them to call you back but without incurring airtime charges. He quickly SMSed her back: "*sal jou so later bel*" — "Will call you later." He never did.

The night before the August 6 eviction, Aisha called the sheriff to confirm that it would actually take place. He told her they'd be there at 9 am to remove people from the field. But later in the afternoon, Marius called her after weeks of remaining incommunicado. He said that he was going to appeal their case to the Constitutional Court in Johannesburg, and that Aisha



needed to contact the sheriff to let him know. She couldn't get through so tried Marius again. He wouldn't pick up either. But the next morning, the eviction crew never showed up.

It was unclear what was going to happen at this point. A number of the occupiers were excited about the prospect of a Constitutional Court victory. Other squatters' groups had won ConCourt cases before, most notoriously the Durban-based social movement Abahlali baseMjondolo<sup>77</sup>, isiZulu for "people of the shacks." This was the case in which the KwaZulu-Natal Slums Act was ruled unconstitutional in 2009, and it was widely hailed as a landmark for squatter activists across the country. On October 29, the ConCourt's decision was finally handed down. The eviction order was upheld, and the residents' appeal was rejected. Rahim of the MPHA remarked, "We will always be the City's problem and we'll pop up somewhere"<sup>78</sup>. The City can evict us wherever we invade, but the problem won't go away. Must I turn 60 or die before I get a house?"

Another occupier, Marcus, told a community newspaper something nearly identical: "We will pop up somewhere and we will remain the City's problem. I don't know how the City managed to convince the court that it doesn't have land when there is so much empty space around."

A third named Benny stated that he'd been waiting for a house since he registered with the City's waiting list in 1984. But Tandeka Gqada, the Mayoral committee (Mayco) member for human settlements, disputed his claim: "Having checked the database, no record of [his] registration exists. He is encouraged to re-register and drop his registration off at the nearest housing office." Benny told me this was bullshit.

The next day, the police cleared everyone off of the field, and the Anti-Land Invasion Unit stood by to make sure none of the evictees moved onto adjacent City-owned plots.

### **"For Their Own Selfish Purposes"**

And what effect did this consistent factionalism have on the legal outcome? The struggle for land and housing was articulated by residents as a struggle for official recognition, and this played out in the courts, echoing the Comaroffs' (2006) observation that in postcolonial contexts, politics increasingly shift onto the judicial register. South Africa was no exception. But as I argue here, if this legalistic mode of politics amounts to a collective struggle for recognition, who qualifies as part of this collectivity is a question which must simultaneously be resolved in a series of struggles over representation. Thus these two dimensions, recognition and representation, are inextricably intertwined. As we've seen, residents seeking shortcuts to recognition impact struggles over representation, producing factionalism in the process. But the

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<sup>77</sup> For the best analysis of this case, see Huchzermeyer (2011:202-23). See also Selmeczi (2011), as well as the debate between Huchzermeyer (2014) and Walsh (2013), which is part of a much longer debate over the uses of Abahlali baseMjondolo by left intellectuals in South Africa (e.g. Böhmke 2010a, 2010b; Desai 2006; Gibson 2008, 2011; Patel 2008; Pithouse 2006a, 2006b, 2008; Walsh 2008, 2015).

<sup>78</sup> I couldn't help but recall Engels on *The Housing Question* (n.d. [1872]:74): "This is a striking example of how the bourgeoisie solves the housing question in practice. The breeding places of disease, the infamous holes and cellars in which the capitalist mode of production confines our workers night after night, are not abolished; they are merely shifted elsewhere! The same economic necessity which produced them in the first place, produces them in the next place also."

opposite is equally true: how the struggle over representation is resolved substantially impacts residents' search for recognition. More specifically, this means that residents' self-organization into political bodies, ranging from multiple contending factions to a united committee, affects how the High Court judge perceived the legitimacy of residents' right to the land.

In the case of Rivenland, the first ruling came on August 30, about three and a half months after the occupation began. Technically speaking, the City of Cape Town was granted an interim court interdict a few days after the occupation began in mid-May, but Marius challenged it and the case made the docket of the Western Cape High Court, with a hearing scheduled for June 1. The City government's spokesperson Kylie Hatton told a community newspaper, "We are sympathetic that some people have been waiting for a long time for housing and may be impatient. But the City cannot allow people to illegally occupy vacant land or build informal structures. Illegally invading land may delay or prevent formal housing in areas of invaded land. The Rivenland site has been identified for future housing projects." As subsequent rulings confirm, Hatton's statement encapsulates the logic organizing post-apartheid governmental rationales for eviction. The self-provisioning of shelter in the face of a generalized housing crisis was viewed by the municipal government as a threat to the order required to operate a functioning housing delivery system. From the City's point of view, ordered homelessness was preferable to disorderly survivalism. Legal decisions and government statements obeyed a logic that opposed order to opportunism, mapping the former onto unitary organization and the latter onto factionalism.

The rescheduled court date was again postponed — this time until July 27. In the meantime, the Mayor's office continued to issue statements pointing out that the May interdict prohibited any new structures from being erected. While these delays were simply procedural from the point of view of the City and the courts, the squatters were terrified by the indeterminacy of it all. The morning of the July 27 hearing, Aisha wrote in her diary, "It has been 75 days. We survived the rain, cold, wind and daily harassment of the police. Our structures and other possessions have been confiscated and many nights we have been forced to sleep in the open. But our spirit of defiance remains strong and we are determined not to be moved."

That day, many of the occupiers headed to the city center to attend the hearing. Aisha felt frustrated that the squatters were not allowed to speak in court. Only their lawyers could participate in the process. She gained some reassurance after the hearing when most of the occupiers marched to the Civic Center — home to Cape Town's Department of Human Settlements and most other City offices — and got to deliver a speech to the Mayor. "I really hope things are going to change for us," she wrote. "I hope the Mayor's smile was real."

The next morning, a representative of the Anti-Land Invasion Unit showed up at Rivenland and sought out Aisha. He'd heard her speech to the Mayor. "He asked me not to allow anyone else onto the field, because according to him, that will only cause problems for us. Our people now have hope again." The idea was to keep the occupation legible to the City government. This meant both prohibiting newcomers from expanding the occupation, as well as keeping the organization of the existing settlement coherent and structured. But before the High Court ruling was handed down on August 30, the occupation was far from organized along the lines preferred by the City government.

The City presented its arguments, emphasizing the disorganization of the residents. When longtime High Court Judge Nathan Erasmus released his decision, he prefaced his statement: "*Ek doen hierdie opmerkings in Afrikaans, want ek weet die meeste van die betrokke persone in*

*die hof is Afrikaanssprekend*. [I'll give my remarks in Afrikaans since I know most people involved in the court are Afrikaans speakers.]” He proceeded to issue the entire statement, save for the court injunction itself, in Afrikaans.

Erasmus began by contextualizing land occupations, pointing out that despite democratization, Cape Town's housing backlog is not only entirely Black and Colored, revealing the persistence of apartheid's racialized geography, but is actually growing. Yet it is not the duty of a democracy, he insisted, to immediately remedy the situation, but rather to “ensure the basic rights of dignity” in the meantime. This transitional period is key. Those residents who comport themselves as “patients of the state” (cf. Auyero 2012) facilitate the government's technocratic brand of democratization. The post-apartheid government would attempt to remedy the material and socio-spatial wrongs wrought by apartheid, but it could only do so progressively by identifying populations in need and then subsequently meeting these needs through the delivery of goods and services. The gap between identification and delivery was of course the time residents spent on the waiting list. Given this period's widening duration, it was unrealistic to expect residents to wait for multiple decades when their needs were immediate by definition. Yet both Erasmus and DHS officials expected them to meet these needs without threatening their legibility and legitimacy in the eyes of the state. In practice, this meant that representation was key: residents had to represent themselves to the government as a coherent population, or else they wouldn't be included in the project of delivery; they'd slip through the cracks. Participating in land occupations was highly inadvisable from the perspective of DHS, whose officials tended to frame participation in an occupation as equivalent to withdrawal from the waiting list – and therefore from the gaze of the delivery apparatus. Judges tended to be more lenient, distinguishing homeless people in need – legitimate populations, really – from opportunists, factionalists, and queue jumpers, who they viewed as potential threats to the functioning of the delivery apparatus – and therefore to democracy itself, at least in its technocratic conception.

Judge Erasmus referred to members of this second group as “*die opportuniste*” [the opportunists] who attempt to grab whatever they can from the remedial policies of the municipal government – akin to a concept like “welfare queen” in an American context, but without the obviously gendered qualifier. “Whether it's about their egos or the depth of their pockets and their own self-indulgence is not relevant,” Erasmus insisted. These people “exploit the community,” and this is precisely what happened in the cases of the sports field and Rivenland, both of which he considered in a single ruling. The MPHA provoked a reaction that exceeded the disdain the judge reserved for disorderly residents making immediate demands; these squatters deserved a special category of disgust, as they duped others into participating in the occupation. “I know that they sit here in this court [today],” Erasmus told the audience. He wasn't pulling any punches. “For their own selfish purposes, they abuse the homeless and the poor.”

This abuse, he continued, is rooted in the deceptive project of the front group, though he didn't use that specific phrase. In appearing as a legitimate means of housing distribution, complete with earmarked plots and registration fees, a group like the MPHA trafficked in deception. “This is criminal on the face of it,” Erasmus declared. “Such elements do not belong in an ordered society, who then abuse their own people who are vulnerable to their schemes. That's what's happened here....It was all a lie.” He proceeded to attack this sort of opportunism as worse than the situation at the end of apartheid. “It's one thing for someone to say you can't have something, but it's quite another for someone to promise the sun and the moon knowing full well that they can't deliver.”

The reason Erasmus reserved such contempt this type of deception is that, he argued, it fundamentally undermines the project of democratization. Given the vast reserves of dispossessed residents returning to cities after apartheid, order is required if remedial efforts have even a remote chance of success. “The only way democracy will work properly, in my opinion, is in a disciplined and orderly manner in terms of the law.” If residents (let alone judges) refuse to obey the underlying principle of formally rational housing distribution, land occupations threaten the entire system. It’s unfortunate that people were deceived, he reiterated, but to allow them to access upgrading, municipal services, and the like would be to endorse queue jumping. Of course none of the Rivenland occupiers expected the government to provide these amenities. They occupied the land because they had no other spaces in which to build shacks and attempt to fashion homes of their own. Most of them wanted to leave exploitative backyard arrangements, and they certainly didn’t want to raise their families in their parents’ overcrowded apartheid-era houses. But Constitutional guarantees meant that the City had to progressively realize access to housing and services for these residents. Even if this isn’t what the occupiers were demanding of the City, it’s what the City was required to provide. Even if the occupation wasn’t intended to be “queue jumping,” it ended up being so. And this raised the ire of the judge.

Erasmus’ disdain for threatening orderly distribution was expressed when he suddenly deployed sardonic language, insisting that he would implement a process that indiscriminately evicted anyone who he viewed as jumping queue. “I cannot allow that based on my feelings right now. That piece of land [Rivenland] seems to me to be very nice with the sea air blowing over the hill. I want to stay there, so now I’m going to take me a piece of land so I can just sit there. Then it takes the City Council months to get to me, and since I built my place and brought my children, even if I’m brought to court, it’s now too late to evict me. It does not work like that.”

Why did Erasmus see the MPHA as posing such a threat to the delivery regime? He dismissed it as a group engaging in “haphazard business” as opposed to “an organization that fights for the rights of backyard dwellers.” The names of squatters he received on a list did not quite match those names obtained by Department of Human Settlements officials who visited the site. This was also an issue Aisha described in her journal when she wrote about that day: “They called out the names of the people who should be inside — those on the list of people, which I was on.”

Erasmus wrote that the remedy should not be to reward those who have jumped to the front of the line, but rather to help them reinsert themselves onto the waiting list in an orderly fashion. Lawyers, he suggests, should provide guidance in getting them back on the list in such a way as to ensure “that things run smoothly and you do not have this situation.” That was his approach to the victims. The perpetrators, however – those who made the occupation appear as the orderly distribution of plots – would face possible charges: “The deceivers must be denounced.”

Erasmus finished his statement by telling the occupiers they had until late September to figure something out – just over four months since the occupation began. In the meantime, they could stay on the land, but under no circumstances could additional residents join them. “It cannot grow, and if people think they can let it grow, I’ll give the police the right to enter and demolish it and put your things and [building] material in storage, and if it is not claimed within a month, then it is forfeited to the state.”

He concluded with an interesting statement, deploying the rhetoric of revolutionary discipline to underscore the importance of order not only to the functioning of democracy, but

also to effective activism: “I want you to leave the building in an orderly fashion. There will not be shouting and there will not be *geklappery* [fighting] when you go outside because there are also other courts in session. Let’s start with discipline. As one can see from the history of any revolution where the general population came to rule, the greatest lesson was discipline. So if you want to work to satisfy your rights, it begins with discipline, and this starts with yourself and then your organizations and your community.”

He then read the eviction order, giving the occupiers until September 26 to vacate the field.

## Conclusion

It was after this order that the occupiers realized that their time on the field was up. They picked up and rebuilt their settlement on a field across the road, this time owned by the parastatal Passenger Rail Agency of South Africa (PRASA) instead of the City. Now PRASA’s advocate would have to argue for eviction, and the change in ownership sent the case back to the High Court. Another judge – Judge Saldana – heard the case in late November. He wanted to know if the field was safe for children, or if its proximity to the Metrorail lines posed a danger. He asked if PRASA’s advocate had seen the field and could attest to its safety, but the lawyer had never actually been. The judge postponed the case until December, and then January. When a final ruling was issued on January 27, it wasn’t authored by Saldana, but by a less compassionate judge who wasn’t particularly focused on the children’s safety. There is only a one-line entry in Aisha’s journal: “Today the Western Cape High Court granted an eviction order to us to be moved to Blikkiesdorp,” the City’s most notorious temporary relocation area (TRA). This TRA was the offer of legally mandated “alternative accommodation” described briefly in Chapter 1.

By the time of the January hearing, the occupiers had rejected the Blikkiesdorp offer, and so the judge wanted them off the field immediately. Both this judge and Judge Saldana were increasingly irked by the squatters’ failure to comport themselves as a single settlement. When he heard the case again in December, he noticed that some of the occupiers who came to court weren’t on the list he’d received from William, who at that point was working with Marina’s faction “Who is Victor September and is he still on the field?” Saldana asked. Victor was a close friend of Aisha’s and a founding member of TRU. I’d had a number of meals in his shack, and he was definitely on the field since the first day of the occupation. But his name wasn’t on the court record; the judge couldn’t figure out why his name wasn’t on the ledger but that he’d shown up anyway. William replied that he was representing both the sixteen people listed officially as respondents and others whose names weren’t on the list.

“Even that caused division,” Aisha described, “because people’s names were not on the list. Even my name was not on. Because Rahim [of the MPHA] put only the names of the people he wanted on. I told people not to worry because the document did say ‘and others.’” The sheriff returned to the field the next day and added Victor’s names to the list. But others, Aisha and Muhammad among them, weren’t home when he stopped by Rivenland. The sheriff wrote down that those not on the list had refused to give him their names, but I knew this not to be true. I was with the two of them that day when the sheriff arrived, and they really were not at home. By the time of the final hearing in late January, things on the field were as tense as ever. Physical altercations were now a regular occurrence, ranging from fist-fights to attempted stabbings and arson. “Everyone is trying to prove that everybody else is doing something wrong,” Aisha wrote,

“instead of focusing on the real issue and why we really are there. I look at the kids and it makes me sad to think there is a possibility they might be homeless tomorrow. We might get evicted. And I can’t even convince their parents to take part in doing something to avoid getting evicted.”

This visible tension, frequently manifest as open squabbles in front of the judge, made her sympathetic to PRASA’s advocate’s argument that the occupiers were “queue jumpers.” As I’ve argued in this chapter, judges are most likely to recognize an occupation as a legitimate settlement and prohibit the City from evicting squatters when their lawyer argues to the court on behalf of all residents. Getting a lawyer to represent all residents is, in turn, dependent upon how residents resolve their own struggles over representation. If they were able to form a unified representative committee, they might have been able to have a single body mediate between the occupiers and their lawyer, who would in turn relay their concerns to the judge. But persistent factionalism in Rivenland meant that blocs of occupiers jockeyed with each other for access to their legal team. Their ability to access lawyers was yet another token of political capital in what residents perceived to be a competitive struggle for the right to stay put. And the competitive nature of their politics stemmed from the way the MPHA represented the occupation in the first place: as the distribution of mutually exclusive plots to each participant, or what I’ve described as the politics of petty proprietorship. They were homeowners in the making, and as such, they aligned with their immediate neighbors and tried to secure immediate recognition from outside actors who visited the field. But of course this immediate recognition never translates into the only recognition that actually matters: recognition from the judge. It was precisely in trying to gain recognition from these intermediaries that contending alliances were cemented into more permanent factions. And these factions broke into open altercations, often in the presence of lawyers, judges, police, and DHS officials, they short-circuited their own chance of recognition. But this resolution to the question of representation isn’t the only possible outcome. In the next chapter, I consider the case of Holfield, in which residents did resolve themselves into a unified settlement committee and were subsequently tolerated by the judge.

## Chapter 4

### Holfield: Exit Civil Society

Unlike Rivenland, the Holfield occupation began slowly at first, though it quickly picked up pace. Before long, dozens of shacks were going up each day, and within a couple of months, more than six thousand people were squatting on the field. Today more than twice that number live there. Despite being located across the road from a middle class Colored neighborhood, the occupation is majority amaXhosa, although a significant number of Colored people live there as well. This makes it a double anomaly: a rare multiracial occupation and a majority Black settlement in an overwhelmingly Colored township. In the opening section, I explain how it was that these residents, many from townships adjacent to Mitchell's Plain, came to participate in the occupation. As in Rivenland, an ANC front group was involved in mobilizing residents, leading them onto the field in solidly DA territory. But unlike that previous occupation, in which participants were fairly atomized prior to the day of the action, the Holfield occupiers were at least partially organized in advance. This wasn't simply a case of a party front group leading hundreds of individuals into a collective action, but instead an instance of that sort of top-down organizing encountering an already organized group of residents intent upon occupying land.

Many of the Holfield residents came from an overcrowded informal settlement in the township immediately west of Mitchell's Plain, or else nearby backyards. In that area, an informal leadership coalesced around a key figure named Bonginkosi, who, like many other squatters who would ascend to elected positions in Holfield, had a background in the anti-apartheid movement. These figures framed the occupation as the autonomous realization of their rights as post-apartheid citizens, achieving for themselves what ruling political parties – the ANC nationally, the DA in Cape Town – had failed to deliver. As such, residents were openly hostile toward engagement with parties, as well as other external organizations – groups like the charities and NGOs that ultimately divided the Rivenland occupation. They expelled them from the occupation early on, remaining hesitant to admit any external organization into their encampment. It is in this sense that I argue that it was in *exiting* civil society, not working through civil society, that the residents were able to maintain unity. This is what ultimately allowed them to represent themselves as both legible and legitimate to the High Court judge. For this reason, they were recognized, and the judge refused to allow the eviction case to proceed.

To be clear, I am arguing that in actively eschewing political parties, residents were able to clear potential roadblocks to their achievement of self-organization. It was this self-organization that allowed them to resolve their struggle over representation into single hegemonic body, whether Bonginkosi or an elected twelve-person committee. This body was hegemonic insofar as it retained the consent of all residents to govern, and in this sense – the Gramscian sense – we might argue for an alternative conception of civil society. The civil society that the residents exited is the civil society of liberal political theory, the formally constituted voluntary associations, institutions, and organizations that exist beyond the penumbra of the state (e.g. Putnam 1993, 2000). This is not to be confused with the conceptions of civil society running from Hegel via Marx through Gramsci, which, while certainly varied, hardly limit this terrain to the formally constituted. The residents did self-organize in the space between the family and the state (Hegel), on the ground of private interests (Marx), and most precisely, in the arena in which the subaltern classes are politically and culturally prepared by leadership (Gramsci; cf. Buttigieg 1995). And what is the significance of this distinction between two

conceptions of civil society? In the case of Rivenland, residents opted for the liberal conception of civil society, allowing themselves to be hailed as individuals – Sartre’s serialities, really – by formally constituted, external organizations. But in Holfield, this isn’t what happened at all. It was certainly on offer, as I describe in detail below. But residents roundly rejected this option, preferring self-organization, by which I mean the formation of a representative leadership emerging from their own ranks.

And why did the people in overcrowded informal settlements and backyards opt for this approach to representation as opposed to those backyarders who participated in Rivenland? This is where an adequate conception of articulation proves so central. In the previous chapter, I argued that the MPHA successfully articulated a politics of petty proprietorship, framing the occupation as the distribution of free, formal plots of private property to participants, who then viewed themselves as homeowners in the making. But in the case of Holfield, an organic leadership was already present among those considering occupying the field, even before they did so. These leaders articulated the occupation as a collective project of completing the liberation struggle, of rendering it a material reality where the government could not.

### **Overcrowded and Unaffordable**

Before the first major wave of occupation, there was a small number of people living on the field along Jakes Gerwel Drive, a major thoroughfare connecting this part of Mitchell’s Plain to the city center. Aisha told me that they were all Colored and that there were only about seven families. “On that field?” I asked, pointing to the Holfield occupation. We were sitting in my car on the shoulder of Jakes Gerwel, just between a man selling freshly caught *snoek*<sup>79</sup> from the back of a *bakkie*, a small pickup truck.

“No, in that bush, in that bush – and you couldn’t see them,” Muhammad replied. Living “in the bush” is an idiom that means squatting on an uncleared field, akin to living in the wilderness. The land on which Holfield was organized was overgrown with all kinds of rough grasses and shrubbery. It was actually two adjacent plots of private land: one owned by a property management firm, presumably as a speculative investment, and the other was owned by a sand mining company that used the land for dumping. It wasn’t particularly well maintained, and so initially residents simply lived “in the bush.” “In Holfield, when Holfield formed, that people was there already,” Muhammad continued. “They were there for six years.”

“Hiding,” Aisha added. No one had bothered them as a result of their inconspicuous lifestyles.

“Six years prior to the occupation, people were living there. But they were from the surrounding farms, the majority of the Coloreds that’s there,” Muhammad continued. In Philippi and even some parts of Mitchell’s Plain, farmers would frequently hire workers but fail to provide them with living quarters – hence the squatting. But this was a very small number.

Then came the first major wave, which was primarily comprised of Black isiXhosa-speaking residents from Philippi (see Figure 1). Why would a group of Black residents decide to occupy land in Colored territory? They were previously squatting in Philippi, and Holfield wasn’t far from the border between these townships. Those who participated in this first wave were generally of two types. First, many of them came from a massive informal settlement

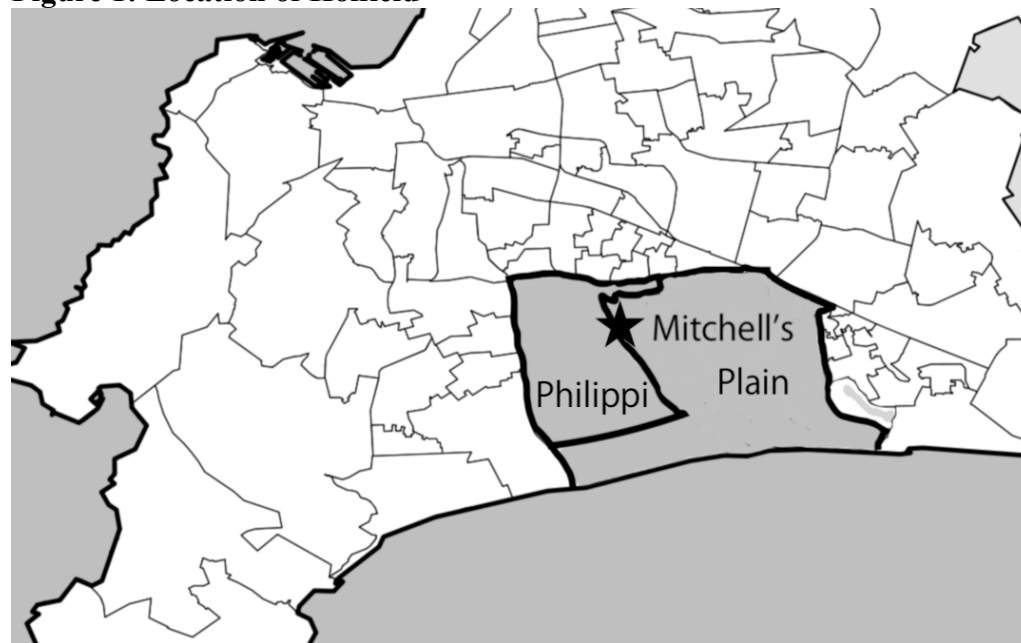
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<sup>79</sup> One of the most common varieties of fish for sale in Cape Town, this is the Afrikaans word for a species of snake mackerel.



named for Mozambican liberation hero Samora Machel. This was the case for Khwezi, a bus driver and shop steward for the transport workers' union SATAWU. Informal housing wasn't solely for the unemployed; here was a unionized worker living in a shack, and he was one of quite a few who was steadily employed but couldn't afford to rent a formal house, let alone secure a loan for a mortgage. Khwezi was once a militant in *Umkhonto we Sizwe* (MK), the ANC's armed wing. After spending the 1970s smuggling comrades back and forth across the border with Lesotho from the Eastern Cape, he was redeployed in Cape Town in 1981 under the command of South African Communist Party (SACP) leader Chris Hani. He moved into a house in KTC, a predominantly isiXhosa-speaking township halfway between Rivenland and the central business district. I once asked him why he left KTC. The late 1990s was the peak of the civil war between residents affiliated to the ANC's anti-apartheid umbrella organization the United Democratic Front (UDF) and a number of more conservative tendencies including Zulu nationalists and a Black vigilante group called the *witdoeke* for the strips of white cloth they used to identify themselves (Cole 1987). After Khwezi fled this violence, his apolitical cousin took possession of his house, and he was forced to find somewhere else to live. He built himself a shack in Samora Machel and lived there until 2012, when the place grew too overcrowded. Along with a few dozen others, Khwezi and his girlfriend, tired of the conditions in Samora, took place in the first wave of the Holfield occupation.

**Figure 1: Location of Holfield**



The second type of participant came not from informal settlements but from backyards in Philippi. This was the case for Mncedisi, who told me she was renting a space behind a formal house just down the road from Samora and had erected a shack there. But she'd been out of work for five years by that point, and she had no immediate prospect of finding regular employment in a context in which the recorded unemployment rate is approaching 30 percent, and the real unemployment rate is roughly twice that in her neighborhood. Besides, as Khwezi's example demonstrates, a job hardly meant housing security. Mncedisi's landlord – the formal homeowner

– raised the rent on her backyard tenancy, but she was already having trouble making the monthly payments. After he threatened to have her evicted, she and other backyarders in the area facing a similar predicament joined forces with the Samora contingent – people like Khwezi and his girlfriend – and began to build structures on the land they called Holfield.

Unlike most occupations, Holfield began slowly. Rivenland began with a thousand participants, and the sports field down the road had four thousand, but Holfield began with only seven families until another fifty or so joined them in mid-2012, including Khwezi, Mncedisi, and others from Philippi. One of them, Bonginkosi, had organized the residents and acted as their representative. He actually led a contingent to Rivenland as it faced its final eviction, convincing dozens of its residents to march with him down the road in Mitchell's Plain and set up shop in Holfield.

Aisha, Muhammad, Kayla, and Victor were among them. As eviction day approached, violence flared up on the Rivenland field. "Everyone was running up and down trying to save some of their valuables," Aisha told me. "People who belong to First People First [Marina's faction] started shouting at us, especially me. They were now walking around with sticks and all kind of sharp and dangerous objects, making statements like they don't want us on the field anymore." One of Aisha's allies in TRU, Alex, was so angry that the police were removing his belongings that he set his own couch on fire as it was being dragged away by officers. Now that they'd lost most of their things and were receiving threats from other squatters, had lost faith in their legal representatives, and felt constantly undermined by Marina, where would they turn? Why struggle to stay in Rivenland if this is what life was like? "I have tried to be strong for too long," Aisha wrote in her journal that day. "I can't do this anymore. I can't put my husband's life at risk. I can't live without my children anymore. I can't handle people swearing at me, throwing in my windows, every second day running around shouting at me, setting my shack on fire. I just couldn't anymore."

Bonginkosi sympathized with her plight. When he marched with his contingent to Rivenland that October, he asked Aisha if she and Muhammad would be interested in moving to Holfield. Initially she was put off by the idea, convinced that it would constitute a retreat from Marina and Marius and thus a tacit admission of defeat. But then she talked to other Holfield residents who'd come to Rivenland to support the evictees, and she realized that she had nothing to lose by leaving. She was already separated from her kids, who were staying with their grandparents for the time being, and the constant violence and squabbling made it an unpleasant place to live.

It was at that moment that she decided to accept Bonginkosi's offer and move to Holfield. All of her TRU comrades decided to move as well. When this second wave arrived at Holfield, there were already fifty shacks up – about 200 people. "But every day – that's *every* day – you could literally see that there's more shacks," Muhammad recalled.

"People were building," Aisha agreed. For months after, a steady influx of squatters in search of a new start came from Philippi and elsewhere in Mitchell's Plain, and soon the place was packed. Within a year, there were upwards of 2000 shacks on the land, an estimated 6500 people.

## Fronting for the Party

It was surprising to see so many isiXhosa speakers setting up shop in Mitchell's Plain, a solidly Colored township. Under apartheid, Coloreds were spatially and institutionally segregated from Black Africans and strategically concentrated in Cape Town. The government provided far more substantial funding to Colored than Black African communities, and as apartheid began to unravel, the National Party decided to include Colored and Indian citizens in a new parliamentary system devised in 1983 – even as they continued to exclude Black Africans altogether.<sup>80</sup> Even if the NP's strategy ultimately failed, apartheid's carefully regulated ethno-racial hierarchy was internalized by most South Africans. Today, Colored neighborhoods are often characterized by intense anti-Black racism, and Holfield – the middle class Colored neighborhood across Jakes Gerwel Drive from Holfield – was no exception. Its residents' association continually mobilized against the occupiers, demanding their immediate relocation in starkly racist terms. For this reason, I was surprised to see that many of the Holfield residents were not themselves Colored, as moving to a Colored area as an isiXhosa speaker was fairly risky.

Moreover, this wasn't just a majority Black settlement in a Colored area, but a multiracial settlement – incredibly rare for South African land occupations. The initial settlers were Colored, followed by the Black wave from Philippi, and then a mostly Colored wave from Rivenland, followed by a steady stream of isiXhosa-speakers from other nearby settlements. When I interviewed Cape Town Department of Human Settlements' Marlize Odendal<sup>81</sup>, she described Holfield to me as “an orchestrated land invasion. Orchestrated, I'm telling you!” I told her that I found its multiracial character to be remarkable, and she seemed to be in disbelief. “Are you serious?” she exclaimed, as if she'd never even entertained the possibility. “Where did they come from?” I wasn't positive myself, but told her what I did know: many had come from Talfesig and other parts of Mitchell's Plain. She was stunned.

And what of Odendal's assertion that the occupation was “orchestrated”? She wasn't incorrect here insofar as there were people attempting to organize the occupation. Certainly the initial round of Colored farmworkers squatting on the field predated any coordinated planning, but the first wave from Philippi was actually approached by a party front group – much like the MPHA in the case of Rivenland. In this case, it was a group called the Ses'khona People's Rights Movement (SPRM), which was very involved in the initial stages of the occupation. It began canvassing in Samora Machel prior to the first wave of occupation – and before I ever came in contact with Holfield. A few years later, the SPRM would formally break with the ANC, but at the time, it was an unabashed front group, many of its young organizers aspiring to enter the City's party machine. Unlike the MPHA, the SPRM was quite open about its political motives. The former group never actually admitted its ANC affiliation, though it was quite obvious to anyone who attended its events, whereas the latter never tried to mask it.

The SPRM's presumption was that race mapped onto partisan affiliation, and that amaXhosa residents would be more likely to be ANC voters, whereas overwhelmingly Colored

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<sup>80</sup> This system was termed the Tricameral Parliament and was heavily resisted by Colored Capetonians, many of whom saw it for what it was, viz. an attempt to grant minor concessions to Coloreds and Indians as a way of uniting them with the National Party against Black Africans. It was against the Tricameral Parliament that the UDF was formed in the first place – in Mitchell's Plain of all places.

<sup>81</sup> October 2, 2013, Civic Center, Cape Town.

Mitchell's Plain was solidly Democratic Alliance territory. A major feature of the DA's support base is a continuation of the apartheid-era alliance between white South Africans, of both Afrikaner and British descent, and so-called Colored residents. And so the SPRM attempted to move Black voters into a DA ward. One Colored Holfield resident named Meera told me that SPRM wasn't the only party front group operating in the settlement. A small Black nationalist party that would later merge with the EFF (in 2013) offered one of its members as the residents' lawyer, free of charge. And then there were DA operators in the occupation too. While the DA hardly needed to shore up its support in this section of Mitchell's Plain, some of the occupiers tried to organize the settlement as a DA stronghold, hoping to eventually represent the settlement to the their ward councilor.

Residents leaving Samora and backyards in Philippi were initially enticed by the SPRM's radical rhetoric. Khwezi told me that they discussed the occupation as if it were a social movement. This was far from the technocratic politics of allocation that characterized Rivenland. As a longtime militant activist and currently a political independent, Khwezi liked what he heard from SPRM speakers who visited his neighborhood. But once he actually moved to his new residence, he became increasingly skeptical of the organization, who began to consistently talk about the necessity of aligning the settlement to the ANC. It wasn't clear to him what exactly that meant in practice, but the pushiness of the SPRM speakers who visited Holfield in its initial stages made him quite skeptical of party operatives, and he began to view them as potential opportunists.

It wasn't just the SPRM. The image of multiple party-related organizations jockeying for influence among the occupation, even when only fifty shacks were up, prompted most residents to keep their guard up. Khwezi told me that in the case of the lawyer working for a Black nationalist party, he offered to represent residents for free. "He said we didn't have to actually join the party," he explained, "but we didn't want all these parties around. It didn't feel right." Another occupier confirmed, telling me that the residents discussed paying the lawyer instead, worried that perceived opportunism would rub the DA-affiliated DHS agents monitoring their occupation the wrong way. Indeed, as in the case of Rivenland, the Anti-Land Invasion Unit<sup>82</sup> showed up as soon as the first wave of Philippi occupiers made their way onto the field – though they hadn't taken much notice of the seven or so farmworker families squatting before. In the end, the residents retained pro bono counsel unaffiliated to any party.

Ntando, who would subsequently be elected to the resident's first representative committee, told me that everyone was skeptical of the party operatives in those first days – and chiefly of the SPRM. Like Khwezi, the radical rhetoric appealed to him, as he was disillusioned with the failure of the post-apartheid project. Here he was, nearly two decades since the end of apartheid, and save for occupying land, he had no options whatsoever. Samora had grown completely overcrowded, and his girlfriend didn't particularly want to raise their two small children under such conditions. The notion that dispossessed Black residents should take what is rightfully theirs was really appealing to him. Isn't this what the liberation movement had been about?

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<sup>82</sup> While the ALIU was able to work with the police to disperse the Rivenland and sports field occupations, this was not the case for Holfield. The first two occupations took place on municipal land, and so the ALIU and police had jurisdiction. But Holfield took place on private property, and since the landowners didn't immediately file for an eviction, neither ALIU nor the police could act.

A number of the Samora occupiers had roots in the liberation movement, whether in the MK like Khwezi or in the UDF like Ntando. While this explains their affinity to the SPRM's radicalism, it also helps us make sense of their skepticism of the organization. Many UDF militants were disillusioned when the ANC effectively coopted their movement, as it had in so many prior insurrectionary conjunctures: absorbing student militants in Youth League structures after the Soweto Uprising in 1976, taking credit for the Pan-Africanist Congress (PAC) work after on the anti-pass law campaign before and after the Sharpeville massacre in 1960, and elsewhere. And so they kept their guard up. I asked Ntando if he was worried that the SPRM was simply going to enlist new residents as ANC voters. "That's exactly what Ses'khona does!" he exclaimed, excited that I could discern the political dynamics of the occupation.

One didn't need to be a conspiracy theorist to allege a coordinated ANC effort to take back Cape Town. The party governed the city until 2006, and while they were in no place to win it back in the near future, they never gave up trying. Six months after the occupation began, then Deputy President Cyril Ramaphosa<sup>83</sup> spoke at a community center in Mitchell's Plain. As he told a community newspaper upon his visit, "We are going to mobilise and form ANC structures in Mitchell's Plain and solve these problems. We will take back what is ours and we will win Mitchell's Plain" (Palm 2013:3).

### **The Politics of Mutual Aid**

Holfield wasn't unique in its residents' skepticism of outside organizations. In Rivenland too, many residents were wary of aligning with outside groups, afraid that doing so would implicate them in complex struggles beyond their immediate control. But the primary collective voice articulating this position, TRU, only emerged late in the process of occupation. It voiced this concern in critical opposition to the opportunistic alliances of MPHA members and Marina's faction, but by the time it did so, it was too late: the politics of petty proprietorship was already well entrenched, and as I argue in the previous chapter, this created a terrain ripe for factionalism and attempted shortcuts to recognition. By contrast, the leadership of one of the Samora residents, Bonginkosi, created a buffer against haphazard alliances with outside actors, and above all, with political party operatives. He was one of a number of isiXhosa-speaking Samora residents with roots in the anti-apartheid struggle. Like Khwezi and many other Holfield occupiers, he'd worked with ANC structures, including broad coalitions like the UDF, but the ANC's redistributive shortcomings following democratization led him to be skeptical of all political

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<sup>83</sup> At the time of writing, Ramaphosa is South Africa's President. He narrowly defeated the incumbent Jacob Zuma's preferred candidate (and ex-wife) Nkosazana Dlamini-Zuma for ANC President at the party's 54<sup>th</sup> Elective Conference in December 2017. While normally he would have run for national office in 2019, these aren't normal times, and the ANC is currently riven between Ramaphosa's faction on the one hand, which emphasizes anti-corruption; and Zuma's on the other, which tends to emphasize Black empowerment and socio-economic transformation, even if this is largely empty rhetoric. Zuma had accumulated so many corruption allegations in the run-up to the Conferences – foremost among them, that he sold cabinet appointments to one of South Africa's wealthiest families – that his presidency wasn't sustainable and risked tearing apart the party. After a seventh (!) vote of no confidence was announced by Parliament in February 2018 – this time one that would likely actually pass – Zuma resigned. Ramaphosa was elected unopposed, giving his first State of the Nation address the following day. For more on these dynamics, see Ashman, Levenson, and Ngwane (2017).

parties. Above all, they were still bitter about the government's failure to meet its promise of housing delivery, from the Freedom Charter's<sup>84</sup> identification of decent housing and location as an inalienable right, to the 1996 Constitution's guarantee, "Everyone has the right to have access to adequate housing." Here they were nearly two decades after the transition, and "decent" (let alone "adequate") housing was nowhere in sight.

This disillusionment was articulated as an anti-politics, though not in the sense of apathy or withdrawal, so much as a general frustration with official state politics – or struggles on the terrain of political society, to put it in Gramscian terms. If the various parties governing Cape Town since 1994 weren't able to help them move out of an overcrowded informal settlement located in an apartheid-era township, they'd have to do it themselves. And so the project of land occupation was articulated in these terms as the realization of the national liberation project, the continuation of the anti-apartheid struggle. This progressive content, in other words, was separated from political parties as its necessary bearers, and so parties came to be viewed as useless, or even worse than useless: as self-interested organizations parasitic upon people's desires, aspirations, and actually existing struggles.

For this reason, residents were militantly opposed to any organization that tried to openly brand their occupation as the project of any political party. This wasn't an opposition in abstraction. Under Bonginkosi's leadership, residents expelled all parties from the occupation in its earliest days, forcing out the SPRM within the first month, April 2012. While the SPRM would subsequently break with the ANC, moving toward a politics closer to the EFF's, at this point its organizers were militantly pro-ANC. One might even accuse them of being heavy-handed, attempting to register voters before Holfield was even fully established. They immediately tried to win over residents to the party, representing it as the vanguard of decolonization, in stark contrast to the conciliatory liberalism of the DA. But this approach backfired. In Rivenland, squatters' didn't initially view the MPHA as a front group, even if it most certainly was; the MPHA never lectured residents about voting for one party or another, but instead won them over by organizing an occupation. But the SPRM was never essential to the Holfield occupation in the way that the MPHA was to Rivenland. Holfield grew in waves, and later in a steady stream; but Rivenland was organized by the MPHA as a once-off incursion. As such, leadership was key; but in the case of the squatters coming from Samora, they already had a leadership in place, and it wasn't clear to residents what the SPRM added to the mix.

More generally, Bonginkosi's anti-politics meant that no outside actors were permitted to operate on the field. Some residents maintained known political affiliations, but they were prohibited from identifying themselves as such in meetings. For example, residents were skeptical of Ntando for his open DA affiliation once he was eventually elected to a settlement-wide governing committee – a development that will be described in detail in the next section. But as long as Ntando didn't try to convince others to join the party or bring partisan demands into settlement meetings, he was allowed to maintain his position on the committee. This wasn't

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<sup>84</sup> Drafted in Soweto in 1955, the Freedom Charter was the programmatic statement of the ANC in the moment it officially adopted non-racialism, prompting Africanists to form the PAC. It was actually a broader statement collectively drafted by the ANC, the Colored People's Congress, the South African Indian Congress, and the South African Congress of Democrats (which was of course a euphemism for whites) under the banner of the South African Congress Alliance. Many of its tenets were incorporated into the 1996 Constitution, though this document's emphasis on nationalization and land reform were notably sidelined in the process.

a directed hostility toward any particular party, but instead a generalized disdain for electoral politics. When the Independent Electoral Commission (IEC) set up a tent next to the occupation to try to register new voters, for example, close to a dozen squatters appeared with petrol bombs and set the structure alight, forcing its volunteer staffers to retreat. Other residents stuffed tires with bits of kindling and doused them with gasoline before setting them alight on Jakes Gerwel, blocking the thoroughfare altogether. Burning tires are a regular feature in the repertoire of service delivery<sup>85</sup> protesters, the umbrella term in South Africa for marginalized residents' struggle for access to potable water, electricity, toilets, and housing. A larger number yet repurposed candidates' campaign posters, scrawling, "No houses, no water, no electricity, no vote" across their blank side and marching with these placards around the burning blockades. The IEC was never able to operate in Holfield on a sustained basis, and these protests were widely interpreted in local papers as frustration with "empty electioneering promises" (Knoetze 2014). The IEC has increasingly become a target of squatters' (sometimes violent) ire (Lancaster and Nackerdien 2014), though as Rivenland shows, this brand of anti-politics is only one of many possible articulations of the politics of land occupation.

In lieu of seeking recognition from intermediary entities like political parties and NGOs, Bonginkosi articulated a politics of collective self-determination. The only recognition worth seeking was that of a judge who could regularize their land tenure. And doing this required maintaining unity on the field, including as many people as possible in the project of occupation under a singular leadership. This approach to politics was evident to Aisha even before she and Muhammad moved to Holfield. When she first observed the occupation in April 2012, six months before she was forced from Rivenland, she couldn't help but contrast Bonginkosi's approach to the factionalism prevalent in her own settlement. "What is different is that they are allowing more and more people to come, [as] opposed to how people are in Tafelsig [Rivenland] and the boundaries and split groups trying to keep people away and calling the cops. Within days there were a 1000 shacks and serious people and unlike our occupation which is all I have known where ended up there accidentally these people are clear – they need houses and they are taking the land. This new group with new energy is doing what it has felt impossible to do in Tafelsig. And we need them here if we want to cross the racial boundaries in Mitchell's Plain. We need to fight the divide and rule tactics and show that we can be as one."

And why did unity and inclusiveness go hand in hand? Bonginkosi presented the project of occupation as akin to building a social movement: unity was essential if the residents weren't going to be divided in the face of various state-affiliated visitors to the field. When DHS officials, ALIU agents, and police officers would stop by, they would typically try to develop a couple of contacts among residents, which was of course conducive to the emergence of factionalism. Even if residents were initially well intentioned, in so many other occupations I observed, politicians and housing officials were able to secure housing for a handful of leaders, who would

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<sup>85</sup> There is now an enormous literature on service delivery protests in South Africa, which ranges from valorization (Alexander 2010) to critical interrogation (Nleya 2011) to understanding these actions' role in the context of the post-apartheid state (Booyesen 2007). According to two major reports (Alexander, Runciman, and Ngwane 2014; Powell, O'Donovan, and De Visser 2014), services and housing are far and away the most frequent rationales provided for protests. While I am skeptical of the analytic utility of describing South Africa as the "protest capital of the world" (Alexander 2012) – of quantifying and therefore homogenizing multiple modes of political engagement – it is indisputable that service delivery protests are a regular feature of the country's political landscape.

subsequently abandon their comrades for this immediate payoff. But in Holfield, residents pretty consistently referred visitors back to Bonginkosi, or after his rule ended, to the elected committee. Even my own visits, which were purely about information gathering, had to go through these bodies, lest other residents be suspected of aligning with me to secure material benefits – not that I ever provided such benefits to residents.

Unity required expansion due to the nature of the occupiers' claims. They needed to be recognized by the courts as homeless people in need rather than opportunists jockeying for a quick payoff. If they were to develop a functioning community, one large enough to be observable to DHS officials and judges, they would need to incorporate additional residents into their project. This translated into active recruitment efforts – hence the instance in which Bonginkosi led a faction to Rivenland in order to recruit its evictees six months after he'd moved to Holfield himself. This was in October 2012. Aisha recounted the encounter to me: "They came to Rivenland – a taxi full of them. They said, look, we're not going anywhere unless you're going with us. Move with us! And I said, no." She was worried that by agreeing, Marina's faction would read her as giving up. But then her husband convinced her how ridiculous this was, especially since they'd likely be happier in Holfield. Besides, in a worst case, they could always move back to a shack in Aisha's parents' backyard. "I have an option if it don't work out," she told me. And so she decided to try her hand in the new occupation, moving with nearly all of Rivenland's TRU members.

"Bonginkosi was great. He waited till the very end; he was the last person to leave, and he [rode with us in] the taxi just to make sure that we safe." Kayla, Victor, and the rest of their TRU comrades headed there with them. Their friend Mike, a local NGO employee and community organizer, rented a truck for them to transport their building materials. But I still didn't understand how they got a shack since ALIU and the police had confiscated their building materials.

"Well, when we got there the first day, we just slept," Aisha continued. "We all slept in one shack. It was quite big, where people really looked after us when we got there. They dried clothes for us because it was raining. Children was dressed already, the place was heated up, and there was food. And they was already busy collecting rands for our food for breakfast tomorrow morning! It was stuff like that. And then the next day we sorted! There was empty shacks, and they placed us in the empty shacks. It was only temporary – until we built our own shacks." This was the farthest scenario imaginable from Rivenland's politics of petty proprietorship. In Holfield, residents not only actively encouraged newcomers to join them, but they did so together, collectively facilitating people's moves and sharing services and material resources in the process.

### **Electing a Committee**

Aisha and Muhammad only stuck around for five months, eventually deciding to move back to a shack in Aisha's parents' backyard. They'd left the occupation to participate in an activist workshop in Bloemfontein, more than a thousand kilometers northeast of Cape Town, and when they returned, they found someone living in their shack. As it turned out, these were the residents who initially built the shack to which Bonginkosi had moved them, and so Aisha and Muhammad didn't really have a claim on the structure. "The people came back and were there to move us from their place," Aisha told me.



“But there was immediately another shack,” Muhammad added. Bonginkosi and other residents certainly didn’t want anyone forced out of the settlement. “But we felt like, no, we gonna move our shack” to Aisha’s mom’s backyard. A friend had recently given them a dilapidated wendy house, and together they planned to move it. I still didn’t really understand why the left.

“I got scared,” Aisha admitted. “The language: I was bothered that I was placed in the middle of mostly Xhosa speaking people.” Bonginkosi had offered them a place near other Colored squatters, but “I wasn’t going to be placed there because of the division”: she was wary of contributing to de facto segregation within the occupation, as there were increasingly Colored areas and amaXhosa areas. But there was also an intermediary space, and this is where she wanted to be moved. But when she ended up in an exclusively isiXhosa speaking area, “I mostly got scared because I didn’t understand [the language].”

“She couldn’t sleep at night,” Muhammad added.

“I couldn’t sleep at night. I couldn’t understand if people would pass and somebody would knock on the door in the middle of the night – stuff like that. And then I was – I’m sorry, I told Muhammad. I’m going to get really sick if I stay there because I’m not sleeping.” They ended up leaving, but most of their closest friends remained in Holfield. “We were everyday still in Holfield!” she insisted, almost as if she were embarrassed to have left. “We would still go there every day. We would still pick the kids up for crèche,” meaning that she still left her younger children in an informal childcare center in that occupation.

The residents who stuck it out began to assimilate. “Victor’s son is speaking Xhosa now,” Muhammad told me. “All his friends is Xhosa.” He seemed a bit nostalgic for their time there. “[If we stayed] we could’ve had the best parts!” He meant that he was a relatively early settler on the field, which was quickly filling up, and so he could’ve maintained access to a prime location in the settlement. “You know the road as you come in? That was empty. Only Bonginkosi’s shack was there.” I realized I hadn’t heard about Bonginkosi for awhile, not since the first few months of the occupation. I asked what became of him, why this figure of whom they’d spoken so highly suddenly disappeared from the political scene.

“I don’t know,” Aisha, replied. “The City.” I wasn’t sure what she meant.

“Power. Power changed him,” Muhammad attempted to clarify, though he remained just as cryptic as his wife. What did Bonginkosi do to fall from their good graces?

A couple of months after bringing the Rivenland evictees to Holfield, all of the power began to go to Bonginkosi’s head. As the specified representative for dealing with DHS, lawyers, police, and other actors beyond the settlement, everything went through him. Eventually, he was offered a deal by a City official: he would oversee a toilet cleaning operation in this and other nearby settlements in Mitchell’s Plain and Khayelitsha, enlisting a number of Holfield squatters to help him. They’d all get paid, and Bonginkosi would get a little extra for managing the operation. And one might predict, this immediately caused tension on the field. Weren’t residents supposed to be militantly opposed to the municipal government? Now they were getting paid by it? And wouldn’t Bonginkosi’s hiring practices spawn all sorts of gossip about favoritism, perhaps even leading to the development of embryonic factions? By this point, there were nearly six thousand people in Holfield, and he couldn’t possibly hire representatives from each of its many “neighborhoods.”

This was only the beginning of residents’ frustration with Bonginkosi. Khwezi, once his staunchest ally, told me that residents would line up around the corner outside his shack waiting

to talk to him. It began as a way for residents to access their lawyer – by this point, Aisha and Muhammad had put Bonginkosi in touch with their old lawyer Sheldon. As in Rivenland, Sheldon only wanted to remain in contact with a single representative of the occupation if possible, which over time facilitated the concentration of power in Bonginkosi's hands. If anyone wanted information about their case, they had to go through Bonginkosi. And now if anyone needed work, they could go through him too. He'd also provide community briefings periodically, but these were often to crowds of hundreds. People wanted personalized report-backs, or at the very least, assurance that eviction wasn't immanent. Or else they'd speak to Bonginkosi to try to negotiate something from the City. Was the City coming to install more water standpipes or toilets? Would they remove some of the rubble dumped by the sand mining company that owned the land? Were they going to do something about all of the winter flooding?

There was no shortage of complaints. One resident named Karen told me, "In Holfield, we have no electricity, and we can't afford paraffin," which residents used to fuel fires for cooking. "There's no work. Then there's the problem of porta portas – we have to put it inside, and that means we have to eat where we shit." She was referring to what City officials termed the "bucket system." People would relieve themselves in buckets, and then the City would pick them up on what was supposed to be a regular basis. But in practice, pickups were irregular and infrequent, and emptied buckets were often redistributed to the wrong shacks without being properly sanitized. "When they us to put porta portas outside in front of our shacks [for collection and cleaning], they leak," Karen continued. "Then the children come and touch it, then they come in to eat." The system was so reviled that a number of local ANC dissidents teamed up with more radical elements and organized a series of "poo protests," as they were called at the time (Robins 2014). Meanwhile, former DA leader and Western Cape Premier Hellen Zille went on tweeting, "No one has to use a bucket system in Cape Town." The Mayor's chief of staff immediately corrected her, despite being a member of the same party. Throughout the year, protesters on the Cape Flats would fling buckets of human waste at her convoy whenever she would make a public appearance.

Another resident named Lwazi complained about access to water. "Yes, they gave us nine taps, but have six thousand people," he pointed out. "It's not right." Residents would line up to complain to Bonginkosi, hoping he'd relay their collective concerns to the City, either through the medium of their lawyer, or else as the designated representative of Holfield whenever government officials would visit the occupation.

Eventually, Bonginkosi came to serve as a less of an activist. He stopped attending a citywide housing movement with which he'd been involved called the Housing Assembly (Levenson 2017a), and his community report-backs became less frequent. Once he cashed in his political capital for the gig overseeing toilet cleaning, he lost the trust of residents. Besides, rather than building any sort of organization, it was just Bonginkosi and his perpetually inebriated sidekick calling the shots. No one seemed to take them seriously anymore. Originally some residents had proposed going with his archrival, Ntando, one of the earliest Holfield residents to openly call him out for concentrating power in his hands. But too many of the residents were skeptical of Ntando's politics, as he was an unabashed DA supporter. How could a sympathizer with the party governing their city lead protests against its offenses? Plus, he had a reputation of maneuvering for quick recognition – shortcuts, much like the politics that dominated Rivenland. Khwezi told me he'd seen Ntando meeting with DHS officials and even ALIU employees behind Bonginkosi's back, trying to form a rival coalition. No coalition

materialized, however, largely due to the prevailing politics in Holfield: residents were too skeptical of what they perceived as factionalism.

But in addition to this political maneuvering, Ntando began to act a bit like the MPHA did at the beginning of the Rivenland occupation, charging for access to land. According to both Khwezi and Karen, both of whom were involved in this first wave of occupation, he was offering plots at Holfield for up to R10,000 [more than US\$800]. “It’s free land! He’s selling free land! It’s all profit!” Khwezi was livid. But it was hard to simply exclude self-appointed community representatives from governing committees. When Bonginkosi stopped reporting back to residents altogether in early 2013, he was finally deemed a liability. In protest, residents elected a twelve-person representative committee over the winter. Most of those with whom I spoke appeared less concerned about the nature of concentrated power in his hands than they did about his failure to do his job. Besides, fully excluding him – or Ntando for that matter – risked producing an emergent factionalism. So a twelve-person committee was elected that included both of them. Elections were held outside in front of Bonginkosi’s shack, which had become the equivalent of a town square. This was where he would issue report-backs and legal updates, and it’s where residents would line up to meet with him. Nominations were put forward, and residents voted by acclamation. Bonginkosi still had a sufficient support base to remain on the committee, which eased the transition to a more representative body. Residents’ demands for this newly democratized committee appeared to have less to do with abstract principles of democracy than with the practical necessity of accessing information about the status of their court case.

The committee of twelve would represent the entirety of the growing settlement, which was large enough at this point that they decided to create a federated structure. Holfield was divided into four sections, A, B, C, and D<sup>86</sup>, each with three representatives who sat on the central committee. It included Ntando and Bonginkosi of course, as well as Karen, the sole Colored member of the committee. Then there was Lwazi, the patriarch of sorts. He was the committee’s oldest member and therefore commanded a certain amount of authority. He was more soft-spoken than any of the others and spoke less frequently, but his interventions were always given their due. He ran a small informal convenience store called a “tuck shop” on the side of Jakes Gerwel. Then there was Tilde, who, despite her Afrikaans name, identified as amaXhosa and spoke the language. There was Dumisa, who like Ntando, was accused of harboring DA sympathies on more than one occasion, but he always managed to keep party politics out of their meetings. There was another woman who never actually spoke in any of the meetings I attended. Indeed, the meetings were completely dominated by the men, who rarely consulted the women representatives. They even sat on opposite sides of the shack used for meetings. Another committee member, Fundani, would regularly show up late to meetings and exhaust all of the oxygen in the room, rarely engaging others’ concerns. Finally, the other four members of the committee rarely attended meetings, and they were therefore replaced. In general, most meetings I attended only had six or seven representatives present.

The function of the committee was twofold. First, it managed the internal affairs of the

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<sup>86</sup> Dividing townships into sections designated by letter is common practice in a number of isiXhosa speaking townships in Cape Town, most prominently Khayelitsha. “Sites” are often lettered, and then subdivided into lettered “sections.” Site C, for example, includes sections A through D, and another site, Khaya, includes sections A through I. Other sites like Makhaya, Makhaza, and Harare include numbered sections, though the same principle obtains. There is no township-wide system however, making navigation quite tricky.

settlement in a way Bonginkosi alone could not. Lwazi called these “Holfield issues.” In the meetings I was able to attend<sup>87</sup>, domestic violence and interpersonal disputes occupied most of the discussion time. In one meeting I attended, a resident had disappeared for awhile, and when he returned, his ex-girlfriend was living in his shack with her child. The committee functioned in this case as an informal small claims court, both adjudicating the dispute and deciding whether damages were owed. In another case, a woman brought her boyfriend before the committee because he was beating her on a regular basis, and she wanted him out of their shared shack. Again, the committee decided how they’d proceed, with the threat of collective coercion always looming in the background for those who refused to comply with the committee’s decisions.

Second and far more importantly for our purposes, the committee mediating between the residents’ first lawyer, Sheldon, and residents themselves – much as with Bonginkosi before them. Sometimes they would hold settlement-wide report-backs in a clearing outside of Lwazi’s shack on the side of Jakes Gerwel. In stark contrast to the way the Rivenland occupiers resolved their struggle over representation, this structure enabled their legal team to represent the *entire* settlement instead of a few haphazardly selected factionalists. It also mitigated against the strategic hoarding of information for narrow political gain. While this had been the risk with Bonginkosi, the twelve-person committee represented so many different political tendencies that this never emerged as a problem.

## The Enemy

As in the case of Rivenland, court dates soon began to proliferate, which sowed a certain amount of confusion in the settlement. Especially once Bonginkosi stopped reporting back to residents with any regularity, no one seemed to know what was going on, at least until the committee instituted its regular report-backs. Immediately following the beginning of the occupation’s growth in February 2012, the City had urged the owners of the two contiguous plots to apply for evictions so that the High Court could issue interdicts. Since it wasn’t public land, the City couldn’t simply bring a case. As the City’s advocate would subsequently argue in front of a judge, at that time “the City had the resources to accommodate 100 households under its Emergency Housing Programme.”<sup>88</sup> This meant that when there were only three hundred or so squatters on the field, Cape Town’s DHS could find them alternative accommodation in TRAs or elsewhere. This was feasible. But with the population now roughly twenty times that number, “the demand for housing under the City’s Emergency Housing Programme outstrips its supply.”

From the City’s point of view, it had had the capacity to act at the beginning of the occupation, but now it couldn’t possibly house this many residents. And even if it could, this would mean shifting its resources from its housing delivery program to make an exception for

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<sup>87</sup> As a general rule, these meetings were closed to the public, whether that meant other Holfield residents or white sociologists visiting from the United States. However, they made exceptions when delegates from a citywide housing social movement called the Housing Assembly visited Holfield to meet with the committee about coordinating anti-eviction struggles. When these meetings were held, which also included discussions of regular committee affairs, I was allowed to sit in. In addition, I discussed the function of the committee with Holfield residents, Lwazi, Karen, and Ntando at length, and the other committee members in less depth.

<sup>88</sup> *Lytton Props and Robert Ross v. Occupiers of isiQalo and City of Cape Town* 2013 (1) S.A. 16136/2012 (ZAWCHC) at para 6.4.1. (per Katz A and Pillay K).

these occupiers. Of course, the occupiers weren't asking for housing; they were largely content with their self-built shacks on the field if the City would just install some more standpipes and toilets. But the DHS didn't want to condone any occupation for fear that it would inspire subsequent rounds of squatters to seize land. From their point of view, it didn't matter if residents were trying to bypass the housing waiting list or not. Given that they didn't want anyone "invading" land, from the government's vantage point, intentions were irrelevant; all land occupation was equivalent to "queue jumping."

In late August 2012, more than six months after the City's ALIU began monitoring the occupation, the sand mining company Robert Ross finally filed for an eviction interdict. Initially, the company thought the population on the field was under control and didn't want to get involved in a protracted legal battle if it could avoid such a thing. In April of that year, its security guards chased a dozen or so occupiers off of the land. According to subsequent testimony, by late July, "crowds of unlawful occupiers arrived in *bakkies* [pick-up trucks] with building material and invaded the applicant's land."<sup>89</sup> It was at this point that Ross approached the ALIU, who informed the company that it needed to apply for an eviction injunction before its agents could legally act in concert with the police on privately held land. The occupiers' defense was skeptical of Robert Ross' suggestion that the occupation didn't begin in earnest until July, given that the company's lawyers had previously asserted that there were already two hundred structures on their property by June, "with approximately ten new ones being erected every day."<sup>90</sup>

Meanwhile, the holding company Lyton Properties filed for an eviction interdict just over a week before Robert Ross. As in the case of Ross, Lyton claimed that while there were a handful of squatters on the land since January 2012, the majority "invaded the property"<sup>91</sup> in August of that year – the same month they filed for an injunction. But according to the City's account, the occupation not only began in earnest in February, but at that time the DHS and ALIU had urged Lyton to bring a case<sup>92</sup>. Lyton rebuffed these repeated requests. The City was able to get permission to remove fifteen existing shacks later that month – February – as well as another twenty-five structures still under construction. The City served Lyton with another notice in late June. Again, it was ignored.

A couple of months into the occupation, as it was really picking up pace, the occupiers met with their ward councilor, DA member Natalie Bent, who urged them leave lest they face charges. The City continued to monitor the occupation closely, and the police met with residents later that month. Throughout April and May, the City hoped to block a number of aspiring squatters from building new structures on the field. But without Lyton and Ross filing for eviction interdicts, there was only so much they could do. "Despite the City's warnings Ross and Lyton allowed the numbers to increase on their properties before bringing an application to

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<sup>89</sup> *Lyton Props and Robert Ross v. Occupiers of isiQalo and City of Cape Town* 2013 (1) S.A. 16136/2012 (ZAWCHC) at para 10.5. (per Katz A and Pillay K).

<sup>90</sup> *Lyton Props and Robert Ross v. Occupiers of isiQalo and City of Cape Town* 2013 (1) S.A. 16136/2012 (ZAWCHC) at para 10.7. (per Katz A and Pillay K).

<sup>91</sup> *Lyton Props and Robert Ross v. Occupiers of isiQalo and City of Cape Town* 2013 (1) S.A. 16136/2012 (ZAWCHC) at para 11.3. (per Katz A and Pillay K).

<sup>92</sup> This was confirmed to me in multiple interviews with DHS officials conducted between 2012 and 2014, including the head of the ALIU.

court,<sup>93</sup> the City's lawyers subsequently argued before the High Court.

During all of these behind-the-scenes conflicts between the courts, the landowners, the DHS, and the ALIU, residents maintained some semblance of unity in the face of threats to their removal. In Rivenland, residents had initially sustained unity as police and ALIU agents launched repeated incursions into the occupation, producing a series of violent confrontations on that field and on the nearby sports field. Residents were temporarily united out of necessity. But as soon as these frontal assaults died down, residents decamped into contending alliances, attempting to secure their plots not only against outside invaders, but equally against each other. In Holfield, however, residents were able to sustain their collective solidarity over time. Partially we might attribute this to the fact that unlike Rivenland, it had a united leadership, whether in the body of Bonginkosi or the elected committee. This leadership changed over time in relation to occupiers' concerns, but it always sought to represent all residents, as opposed to one or another fraction. This was as true in mediating between squatters and their legal representatives as it was in terms of resolving internal disputes in the settlement.

But in addition to the nature of Holfield's leadership, which speaks both to the way that they resolved their struggle over representation as well as to the terms in which the politics of the occupation were articulated in the first place, residents were constituted as a collectivity against external threats. Whereas government incursions were the primary threat to Rivenland squatters, the police couldn't operate on the land in the same way since Ross and Lyton hadn't filed for an injunction. Here, the primary threat – at least until the companies finally did file for interdicts – was from the middle class residents on the other side of Jakes Gerwel. Rivenland's closest neighbors never organized in any sustained way to demand the occupation's removal. But in Colorado, the Colored middle class enclave in the section of Mitchell's Plain closest to Cape Town's city center, the neighborhood ratepayers' association wanted the squatters out immediately. They began to organize mass protests along Jakes Gerwel, waving signs to passing cars like, "Hoot if you want them relocated," as if community pressure would force the government to act. Sometimes they'd directly address the state, as in signs like, "Move Holfield!"

Holfield residents would organize counterprotests, hoping to show passersby that this wasn't some abstract landscape but a real human community. But this only galvanized the opposition, who never expressed their indignation in classed terms as we might expect, demanding that the squatters be removed because the occupation's proximity to their homes would depreciate their property values. Instead, it was articulated in starkly racialized terms, sometimes as a "quality of life" issue – the smell, the unplanned disorder, and above all, a perceived rise in petty crime, all of which they'd commonly associate with residents' "Africanness"; but more commonly, it assumed the guise of unabashed racism, with Colored homeowners lobbing the full gamut of racial slurs at the amaXhosa squatters.

Periodically, the ratepayers' association would convene public meetings to discuss the squatter question. At one of such meeting, convened in November, about eight months into the occupation, a series of speakers described "the problem" from a podium, insisting upon the incompatibility of so-called "African" culture with their own. A number of speakers dropped the pretense, deploying slurs to demand the removal of people who they insisted didn't belong in Mitchell's Plain, which they defined as Colored territory. Apartheid had ended nearly two decades earlier by this point, but the once heavily policed borders between racialized zones had

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<sup>93</sup> *Lyton Props and Robert Ross v. Occupiers of isiQalo and City of Cape Town* 2013 (1) S.A. 16136/2012 (ZAWCHC) at para 10.8. (per Katz A and Pillay K).

been internalized by residents to the point where class concerns (and even class hatred) were articulated as naked racism.

I rode to that particular meeting with Aisha and Muhammad's friend Mike, the middle class Colored man who worked as a housing researcher for an NGO in town. Mike was quite sympathetic to the plight of Holfield, and he consistently met with residents to stay current on its constantly changing legal status. He was a founding member of an anti-eviction organization in the 1980s that was heavily involved in the anti-apartheid movement<sup>94</sup>, as well as of Cape Town's Anti-Eviction Campaign (AEC)<sup>95</sup> in 2000. Khwezi, myself, and another Holfield occupier named Sizwe crowded into the backseat, and Mike and Muhammad sat in front. Mike kept a low profile during the meeting as Cape Town Mayor Patricia De Lille met with the disgruntled residents. Her party, the DA, had done little to dissuade residents from framing their grievances in racialized (let alone racist) terms. But as we were leaving, one of the ratepayers started shouting at him, pointing at his car. Mike lived in that neighborhood – in Colorado – and his allegiance to the occupation rendered him a traitor in his neighbors' eyes. This wasn't just about property value or even territoriality; they denounced him as a traitor to his race. This was the only time I'd ever seen Mike visibly shaken by a protest, and we'd attended many together. Even later that afternoon as we were sitting on Mike's couch a few hundred meters away, he had trouble calming down. He clenched his teeth, telling me he wasn't sure we were going to get out alive. People had started rocking the car with us inside, and Mike was terrified that they'd actually turn it over. Thankfully for us, however, another confrontation on Jakes Gerwel drew the assailants' attention for a moment. A Black occupier was arguing loudly with a Colored homeowner, and racial slurs were beginning to punctuate their respective insults. Mike sped off.

City officials, meanwhile, favored the rhetoric of immorality over that of racism, which smacked of impropriety in a context in which the DA was already viewed by Black Capetonians as serving the interests of white capital. As De Lille spoke from the podium in the community center, she ignored attendees' consistent use of racial slurs and their demands that a wall be built between their houses and Holfield, obscuring the latter from view. Instead, she attacked the ANC for "stoking the fires of racial tension," even though the ANC wasn't involved in this struggle in any way. She also blamed the squatters for being opportunists, which, she insisted, threatened the very functioning of democracy.

Not all DA members were so euphemistic, however. The DA ward councilor representing both Colorado and Holfield, Natalie Bent, told the *Saturday Argus*, "They feel unsafe," referring

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<sup>94</sup> This was the Cape Areas Housing Action Committee (CAHAC), formed in 1980 in response to a City-initiated rent hike in Colored areas of the Cape Flats. It expanded across the Flats, with 21 civic associations affiliated within five years, and was a major force in the early years of the UDF. Notably, its first secretary was Trevor Manuel, who would subsequently serve as Minister of Finance from 1996 until 2009. Mike would regularly joke that he, still a militant Trotskyist in his 60s, used to organize with one of the most notorious neoliberals of the post-apartheid period, a man celebrated by the World Economic Forum as a "Global Leader for Tomorrow" as early as 1994.

<sup>95</sup> There is a fairly sizable literature on the AEC, some of it quite critical of the movement's organizational dynamics (Chiumbu 2012; Gibson 2004; Miraftab 2006; Miraftab and Wills 2005; Oldfield and Stokke 2006; Pointer 2004). More recently in 2016-7, another founding member of the AEC toured American campuses, promoting the organization as still active. Not only is it effectively defunct, but he is persona non grata in many of the neighborhoods that he claimed to represent, primarily due to allegations of financial impropriety. Coincidentally, he is from Tafelsig, the section of Mitchell's Plain that includes Rivenland.

to her middle class Colored constituents. “Measures like building a wall to separate Holfield is what they believe will keep them safe” (Solomons 2014). The echoes of apartheid couldn’t be plainer. “There is a similar plan, but with slightly different objectives, to bar access from Samora Machel into Colorado via the R300 highway. Not only is it dangerous to cross the highway, but it is also an attempt to curb break-ins by criminals from Samora.” Samora was of course the informal settlement in Philippi from whence Zolani, Mncedisi, and countless other Holfield residents had come. There was nothing inherently “criminal” about these residents, nor were they identifiably responsible for any sort of crime wave. But Councilor Bent was a DA member, and DA politics were largely predicated upon a white-Colored alliance, specifying Black Africans as the enemy, even when this was merely implied as in her comments. Bent wasn’t alone. A white DA member of the Mayoral Committee named J.P. Smith publicly aligned himself with the ratepayers’ association, naming Holfield as responsible for “escalating crime” in the area. Likewise, another white DA member of the Mayoral Committee named Brett Herron defended the proposed wall as necessary as a traffic barrier, preventing squatters from running across Jakes Gerwel for safety reasons (Knoetze 2014). Similar remarks were made by another DA ward councilor for the neighborhood named Eddie Andrews.

Meanwhile, the police actually refused to secure the meeting, boycotting what they perceived to be the meeting of a “fringe, racist group,” as cluster commander Jeremy Vearey put it. “To me such phrases create an ‘other’,” he said. “They are a clear indication that the group is attempting to aggravate racial divisions and antagonism. This could escalate into crime, intimidation and violence” (ibid.). He proceeded to dismiss the ratepayers’ association as “racist and classist.” Racist? Absolutely. But fringe? This was the neighborhood’s primary residents’ association, and here was the Mayor meeting with them.

Yet this persistent threat of a wall being built, as well as the unabashedly racist rhetoric lobbed at the occupiers, ultimately united them. The issue was discussed regularly in community report-backs, by the elected committee, and by Bonginkosi with residents before he was deposed. The occupiers read this as a frontal assault, and the outlandishness of the rhetoric deployed by the Colorado ratepayers made it fairly easy to convince their neighbors to join with them in the streets. Given that this struggle and the fight against the City and the landowners occurred contemporaneously, they bled into one another, reinforcing feelings of settlement-wide unity. Internal squabbles appeared slight by comparison. Moreover, some residents’ may’ve felt ambivalent about occupying land owned by someone else or about challenging a government that claimed to be trying to deliver them housing; but they had no reservations about uniting to challenge the openly racist rhetoric of the ratepayers’ association. The fact that major DA figures were associating with these middle class racists without any seeming reservation allowed residents to rearticulate their occupation as a continuation of the anti-apartheid struggle. This wasn’t about becoming homeowner, property-owning citizens, or the like; it was about completing the post-apartheid liberation project, reversing centuries of land dispossession, and regaining access to what was rightfully theirs. Paradoxically then, while we might expect sustained mobilization by middle-class homeowners to increase the likelihood of eviction, the fact that they regularly deployed shamelessly racist rhetoric delegitimized their demands among some corners of the state – the police, for example – and actively reinforced whatever embryonic unity was already present in Holfield.



## Maintaining Unity

In addition to what me might call rank-and-file unity among residents themselves, the elected committee also attempted to maintain settlement-wide unity. Above all, they did this through limiting the influence of outside organizations trying to operate in Holfield. Certainly there were tensions on the committee, above all, between those members who supported the DA and those who viewed that party as condoning racism by working with the Colorado ratepayers' association. Khwezi and Lwazi, for example, were openly skeptical of Ntando and Dumisa's support for the DA, regularly accusing them of opportunism. Sometimes these debates would grow heated. But they never threatened the unity of the committee. Ntando and Dumisa knew never to bring party politics into settlement politics. As long as no one did such a thing, the committee functioned along the lines of what Chantal Mouffe (2000, 2005) calls "agonistic pluralism": there were vigorous debates to be sure, but they never threatened the unity of the whole.

And what did this mean in practice? While all positions were legitimate to raise in meetings, members had to raise substantive issues instead of a partisan or organizational line. We might describe this as the legitimation of issues instead of programs, or even politics instead of Politics. At one meeting I was able to attend in February 2013, just as their legal case was heating up and residents were faced with one rescheduled hearing date after another, representatives of the Housing Assembly had come to ask why Holfield had stopped sending residents to its meetings regularly. Months earlier, Holfield occupiers had been among the social movement's most enthusiastic participants, regularly taking the 45-minute taxi ride to town to meet with residents from across the Cape Flats. The Housing Assembly was a non-partisan organization that, much like TRU, tried to unite occupiers, backyarders, informal settlers, RDP house recipients, renters, and really any subjects of housing crisis. While it would subsequently obtain funding from the British charity War on Want, at this point it was mainly dependent upon donations from a Canadian steel workers' union. It was militantly opposed to evictions and shoddy government housing, and it actively worked to defend land occupations, waging its first major campaign around Rivenland and providing support at some of Holfield's protests – especially those against the Colorado ratepayers' association. But it wasn't a coherent organization that acted "upon" communities; it was rather an umbrella movement that tried to incorporate new neighborhoods, settlements, and occupations.

I sat with Aisha, Muhammad, and Mike, who were there on behalf of the Housing Assembly. Mike was one of its founders, and Aisha and Muhammad were politicized from the experience of the Rivenland eviction. Soon thereafter, Aisha was elected the HA's chairperson. We sat in a makeshift crèche with seven of the committee members, all perched on tiny plastic chairs clearly designed for toddlers. "You must water the chairs so they can grow," Mike joked. No one laughed. The air was tense.

Ntando broke the silence. He demanded that Aisha explain to him why the committee members weren't told about a Housing Assembly workshop on the politics of the Holfield occupation that they'd organized the previous weekend. Were they trying to keep out some residents at the expense of others? He insisted that only certain people were informed of the meeting and that he wasn't told until the day before. Aisha sat there confused. She had explained to me earlier that day that this was going to be a branch meeting of the Housing Assembly so to speak. If the committee represented Holfield, they were going to meet as a Housing Assembly

affiliate and discuss relevant issues. But here was Ntando opening by accusing her of political maneuvering. He wasn't happy. "This is a question of who represents Holfield," he muttered. "How did you pick people for the workshop? You always say we must be transparent. Well, let's be transparent!"

Aisha was taken aback, as she hadn't expected to be put on the defensive. She thought this was going to be a straightforward report-back. "It's about who's active," she responded. "There were no elections – I was no conscious. We just called everyone on the rolls, anyone who'd been to a Housing Assembly meeting from Holfield before."

Dumisa chimed in, challenging her: "Once people see Aisha and Muhammad walking around Holfield, they think the Housing Assembly has come. Now people are getting curious." He was presenting the Housing Assembly as an outside entity descending upon the committee rather than as a group of organizers attempting to facilitate self-organization within the settlement. How unexpected: Aisha and Muhammad founded TRU and joined the HA precisely to avoid this mode of political engagement, and now they were being accused of it! Meanwhile, the elected committee didn't seem interested in grasping the distinction between self-organization and the politics of descent.

Mike couldn't hold his tongue any longer. "What's the relation between the Housing Assembly and the Holfield committee?" he insisted they tell him. "Are you not Housing Assembly members, comrades?" He demanded that they recall the history of the committee, its genesis, and how it related to the HA in the process. "What else can we do? How else should we approach Holfield other than trying to organize and mobilize people here?" It's difficult, Mike continued, because the HA's Holfield presence was initiated by Bonginkosi, who was now reviled by the other committee members as a one-man show who hoarded information from their lawyer. And of course he wasn't present at this meeting despite sitting on the elected body. It was now so awkward between Bonginkosi and Ntando that the former rarely attended meetings anymore. More generally, Mike explained, the dynamic raises real questions about the authoritarian tendencies of representation by a single leader. Far from a problem specific to Holfield, it's actually a generalized problem in areas with small committees that organize on behalf of residents rather than facilitating their self-organization.<sup>96</sup> "They must become actively involved in education and mobilization to overcome this problem. It's not enough to just call meetings; we need grassroots democracy here. The Housing Assembly isn't a welfare organization or something that provides bail money, but something that wants to build a movement!"

Fundani, the least politicized of the committee members but easily the most loquacious, responded immediately: "Before Bonginkosi went alone. But now the committee is different. You say the Housing Assembly is not a welfare organization, Mike, but before, when Bonginkosi brought Aisha, something happened to the community. She gave many beds, and then even 6000 rand [just under US\$500], and other things as well. The community sees them as giving. So you can say this, but the community sees something else. This means that the community thinks items are being given to the committee members by the Housing Assembly. It

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<sup>96</sup> I could observe Mike's Trotskyism at work here. In 1904, long before Trotsky joined the Bolsheviks, he denounced Lenin's heavy-handed vanguardism as effective "substitutionism": acting on behalf of the class instead of facilitating its self-organization. While he would later of course join Lenin's party, he continued to warn of the dangers of ignoring one of Marx's key slogans of the First International: "The emancipation of the working class must be the work of the working class itself."

also wasn't organizing before [under Bonginkosi's rule]. Bonginkosi doesn't want to give information from lawyers to the community."

Ntando backed him up: "You must go to the people, Aisha, and not just the committee."

Fundani cut him off: "—and tell people we aren't a political organization, that you're not a political organization." He was distinguishing on-the-ground organizing from simply plugging in to an existing organization like a party. "We just want to fight for decent houses. You must tell them that."

Muhammad wasn't having it. "Fundani, that's *your* job!" he barked. "You've been to so many workshops with the Housing Assembly. Why must *I* come tell people?" Muhammad was raising serious questions regarding the politics of representation. How should one communicate with "the community" as such? Was meeting with its elected representative committee not the proper channel?

"Muhammad," Fundani responded, "people in the community think there is something behind [your organization, the Housing Assembly]. They think there is money behind [it]." The lines of debate were clear. Aisha, Muhammad, and Mike were frustrated because they followed the proper channels and were still meeting resistance. And the committee members were annoyed because their constituents viewed the Housing Assembly as something akin to a political party – or at the very least, a shortcut to recognition, but certainly not something that helped resolve internal struggles over representation. We might say that the Housing Assembly representatives were preoccupied with questions of form, whereas the committee members disregarded this entirely in favor of considering content.

Lwazi looked at me and then turned to them. "People ask me why you now bring white people here." He was obviously talking about me, tying my appearance in Holfield to money, and more specifically, to charity. This wasn't so far-fetched. White people rarely made appearances in Mitchell's Plain, especially in informal settlements, and whenever they did, they were either government employees there to enumerate shacks or install basic services, or else they worked for NGOs and charities and were there to distribute money or goods.

Aisha was furious. "*You* as the committee need to tell people about the Housing Assembly. That's *your* job, not ours. There needs to be a Housing Assembly presence *within* Holfield – not just us coming in from outside." She was pointing out the chief contradiction in the committee's position: on the one hand, they were insisting that the Housing Assembly was a coherent enterprise that should act upon the settlement (in lieu of their own branch leadership); on the other, they were accusing the HA of precisely this, of acting upon the occupation without consulting all of its residents first. How could they have it both ways?

But Ntando missed her point. "Okay, you must come back and tell the people. But there's a problem: you are being called members of the DA." The irony! Ntando actually *was* a DA sympathizer. Clearly too racialized politics were in play, with residents associating Afrikaans-speaking Colored people with the DA and isiXhosa-speaking Black people with the ANC. "They think you are like Ses'khona," the ANC front group discussed at the beginning of this chapter. "Now it's going all for the ANC even though it said different. They think Aisha is DA. Now they think everyone is DA because she keeps coming." He suddenly switched gears: "Also, I know there are Ses'khona members coming to your workshop from Holfield. Why? How are they able to come from the ANC and be in both Ses'khona and the Housing Assembly? You must discipline your members!" Ntando concluded his comment by insisting that any Ses'khona members must be expelled from the Housing Assembly, lest Holfield residents perceive the

social movement as an ANC front. He'd now accused Aisha of being both DA and ANC in a single statement!

Aisha was fuming. She tried explaining the Housing Assembly's strategy again. The group, she explained, would try to access people's frustration with their housing situation and develop it into a systemic critique of housing scarcity in Cape Town. It was about ascending from the concrete to the abstract, always beginning from the level of experience and articulating it to a broader politics. The Housing Assembly eschewed the politics of simply presenting a political line to potential members as if ideas fall from the sky. If people only know politics through party affiliation, she explained, then that's where we need to begin, and ultimately we can convince them otherwise. We can't twin people over by just telling them what to do. We need to actually do the work of convincing them.

Ntando still wasn't receptive to the point. "Tomorrow they'll wear the t-shirt of another NGO." He continued to represent the HA as just another external organization attempting to form a population from on high. This was the logic of political society at work, as Chatterjee might put it. He returned to the problem of Ses'khona and the Housing Assembly.

Lwazi interjected and attempted to resolve the conflict. He explained Ntando's point in less abrasive terms, using the example of a civic organization in which he was involved in the 1980s. "It was started in 1987, but then later it went into the ANC. It started by speaking from our experience, but then it tried to lead us to the ANC. So now we are skeptical. Who's behind the Housing Assembly? Who is this? Who's behind it? Maybe it's not [a front group], but people think the Housing Assembly is a party, so how can we show the people that the Housing Assembly is [any] different?" Again, the clash was between form and content.

Ntando added, "People are wearing two hats. You need to recognize that and speak to those people."

Mike tried responding by drawing an analogy to union politics. Just because you're in a union, he argued, doesn't mean you can't also be affiliated to a party.

Ntando laughed. "But the ANC is capitalist now!"

"Yes," Mike agreed. "It's changed significantly since 1994."

At this point in the meeting, no women other than Aisha had spoken. She would later joke to me that the men on the committee saw themselves as doing committee work and saw the women as doing actual organizing – a division of intellectual and manual labor, so to speak. The recurring theme seemed to be that even if the Housing Assembly were not "outside" as such, it was certainly perceived as such. Ntando insisted that the HA is mobilizing one corner of Holfield, but not the entire settlement. He was wary of the sort of politics we saw in Rivenland: an outside organization facilitating faction formation among one fraction of an occupation while excluding the rest of the residents.

Suddenly Karen jumped to Aisha's defense: "But I'm active! They called me, and I mobilized my neighbors!"

Ntando was skeptical: "But why are [they] all active in just one part [of Holfield]? Why are they only calling people in one corner?"

Fundani agreed with him. "You always call, Auntie Karen, fine, but they are all in just one area. They are all concentrated there. Besides, people are only coming to the meeting because they hear you get R40<sup>97</sup>. If there's no R40, they won't come!"

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<sup>97</sup> This is just under US\$3.25. Since the HA meetings were held in Salt River, an upper working class Colored suburb proximal to the city center, Cape Flats residents had to take a series of taxis to get there.

For the first time, Lwazi challenged his fellow committee members. “No, Fundani, people’s hearts were touched at the workshop. We must take the ball forward.” He seemed to have been won over by Aisha’s passionate pleas.

Ntando attempted a compromise. “We need a workshop *at* Holfield. We just *give* people responsibility because they aren’t going to take it. People who attend workshops want to stand *behind* the Housing Assembly, but they aren’t actively organizing.” He was right. Too many Holfield residents were attending the meetings without playing any kind of organizing role.

Dumisa chimed in: “Now people are happy because the whole committee I talking – not just that one man,” he smirked, clearly referring to Bonginkosi.

Karen conceded that her neighbors were overrepresented at meetings. “We must phone everyone next time. We’ll get everyone to come out. It’s really a question of organization—”

Ntando cut her off. “You went around too late last time! Tilde and Auntie Karen did organize and mobilize people, but it was too late. They came the night before, but then we already had plans. They must come four days before!”

Tilde spoke up, insisting that they did call people earlier but that they always had excuses. “People can’t say it was because their phones was off. The VM [voicemail] light tells you if you missed a call so that’s no excuse!”

The men on the committee seemed a bit sheepish, as if they’d been too harsh with Aisha, Muhammad, and Mike. Dumisa conceded, “We *are* happy about the lawyer you got us.” He was referring to the lawyer that Aisha had secured for him when five Holfield residents were arrested at a protest.

Mike asked them about the status of the eviction case, the real reason they were all there. He knew it was to be reconvened soon, and he was worried that the eviction might actually be authorized. He pointed out that in the cases of Rivenland and the sports field, the government managed to sow division, facilitating faction formation and pitting residents against one another. He told them that they needed to strategize ways to maintain unity and avoid this axis of division. “You must occupy *together!*” he added for emphasis.

But they’d actually already learned this point all too well. As this dialogue between Housing Assembly organizers and the elected Holfield leadership demonstrates, the occupation’s representatives knew the threat of factionalism all too well. They were wary of allowing existing organizations to affect the outcome of their struggles over representation, sometimes seemingly to the point of absurdity, but their caution was advisable. Far too many new occupations are riven apart by external entities working to gain influence in an entire settlement, but instead gaining influence in a single corner of that settlement – the basis of Ntando and Fundani’s quibble with Karen and Aisha.

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In order to reduce financial barriers to attendance, the HA had funds to reimburse people for travel. Sometimes attendees would figure out ways to scam the system, whether finding a way to get to Salt River for R30 and pocketing the difference, or else claiming to have brought more people than they actually did and keeping the full reimbursement. There was one HA participant who would come from Blikkiesdorp who virtually sustained himself by skimming change from various NGOs and social movements. He’d sometimes try to secure reimbursement from two organizations having simultaneous meetings in the same building! Muhammad often joked to me that this constitutes “*gelukkies* politics,” an Afrikaans word that roughly translates to “goodies.” He developed an entire typology of *gelukkies*, ranging from free breakfast to ride reimbursement to the ego boost from participating in politics. He of course also fleshed out the various types of factionalism that result from this approach to organizing.

Mike asked them again about the status of their eviction case. Fundani mumbled and then told him that they weren't really sure. "The case has been postponed, yes, and with no date."

"But the City mentioned that they're looking for land, *ja*?" Aisha asked him. "Did they say anything?"

Dumisa told her that the Province laid out what land was available in a document distributed to Holfield residents, but no one I encountered seemed to have a copy. He then grew antsy, insisting that the meeting was going on too long, and that it was already getting dark. "We can show you the document at the next meeting, maybe next week?" he offered. Aisha, Muhammad, and Mike were all visibly excited, but the follow-up meeting never took place. They never got to see this documents.

## Moralizing Politics

As the case dragged on, with court dates perpetually rescheduled, Sheldon became less accessible. This was one of many cases on which he was working, and he didn't have sufficient time for their case. He stopped returning calls to committee members, and they soon tried other options. Aisha secured them a lawyer affiliated to a Black nationalist organization to represent some of the occupiers arrested during protests, but he refused to represent them pro bono once he learned that they weren't receptive to his politics. At this point in 2013, his group was in talks with the various forces that would launch in July 2013 as the Economic Freedom Fighters, and he was eager to recruit some of the Holfield occupiers to his cause. But they would have none of it. Instead, two of the committee members reached out to the Legal Resources Centre (LRC), South Africa's largest public interest law clinic and the organization that had helped the Rivenland occupiers connect with Marius. The LRC put them in touch with their advocate, Paul Kennedy, who enlisted Stuart Wilson, the co-founder and executive director of the Socio-Economic Rights Institute (SERI) in Johannesburg. SERI is easily the most knowledgeable legal entity on questions regarding housing and evictions, having one major Constitutional Court cases in Durban, Johannesburg, and elsewhere. Indeed, it was Wilson who won the case against the KwaZulu-Natal Slums Act on behalf of the social movement Abahlali baseMjondolo in Durban, and he was certainly helpful to the occupiers' case<sup>98</sup>.

As in Rivenland, moralism was at the heart of the debate in the Holfield. The City's advocates attempted to represent the squatters as impatient queue jumpers, whereas the squatters' lawyers portrayed them as homeless people without any other options. The judge in the Rivenland case focused on opportunism as a threat to democracy, but in this ruling there was no mention of residents as "matter out of place" or as any sort of hazard to the obstacle to the

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<sup>98</sup> In the case of wastepickers' legal victory in Johannesburg, Melanie Samson (2017) emphasizes the crucial importance of their advocate's celebrity. They enlisted George Bizos, who had represented Nelson Mandela and others at the Rivonia Trial in 1963-4. As Samson argues, "Having Bizos as their advocate helped transform both the way the reclaimers saw themselves and how they were seen in the communities where they lived" (ibid.:227). While we shouldn't underestimate the importance of residents securing Wilson, his celebrity isn't comparable to that of someone like Bizos, who's reputation wasn't limited to defending the urban poor. In securing Bizos, the wastepickers were able to articulate their claims as part of a larger liberation struggle; but Wilson's image didn't help them in this respect. On the other hand, it may very well be the case that his track record in the Constitutional Court would make a High Court judge take him more seriously than an LRC or LHR attorney.

realization of the democratic project. Instead, their advocates' argument was accepted at face value: they were without any other options, and thus to evict them would simply condemn them to squatting elsewhere. The recognition of this occupation as a deserving community – a group of homeless people in need rather than atomized opportunists – was intimately connected to their ability to represent themselves as a legible, legitimate population. Their struggles over representation and struggles for recognition were inextricable.

In May 2013, the High Court finally heard major arguments from both sides. The City's advocates, Anton Katz and Karrisha Pillay, argued on behalf of the two landowners. The Court expected them to find alternative accommodation if eviction was on the table, and they needed to explain why this wasn't a realistic demand. Their argument was structured much like the City's in the Rivenland case. They presented three central arguments for the eviction, only the first of which departed from the Rivenland case. They insisted that the case was "unprecedented" – the word appears repeatedly throughout their appeal – insofar as they were dealing with six thousand people in one fell swoop in relation to the Emergency Housing Programme. "[T]he demand for housing under the City's Emergency Housing Programme outstrips its supply," they maintained, and so "the City is not in a position to immediately provide emergency housing [TRAs] to all persons in need thereof." Besides, the City warned the landowners repeatedly, and drawing on precedent, the primary responsibility for protecting their property was theirs.

"[T]here is currently no emergency accommodation available at any of the City's emergency housing sites," Katz and Pillay insisted. "This cannot and is not seriously disputed by any of the parties to the litigation. Indeed, none of the parties contend that the City has accommodation under its Emergency Programme to house the residents. Instead, the residents resort to a bald, unsubstantiated suggestion that the City has acted in disregard of its responsibility to design and implement a flexible, proactive policy which deals with unlawful occupation of land in an orderly and humane manner. The allegation is unwarranted and unsupported by the facts. So too, is the allegation that the City has failed to plan for or foresee the possibility of the eviction of some 6000 people. We reiterate, this is unprecedented!" There it was again: "unprecedented."

They concluded by explaining the extraordinary nature of the case in terms of supply and demand, though with one notable omission: there was no attempt to explain why nearly twenty years after the fall of apartheid, it was only now that land occupations were proliferating in urban centers. Wasn't this the crux of their argument? "The City has explained that its obligations include addressing the plight of persons living in 223 informal settlements, hostels, backyards and other emergency circumstances, which it is trying to upgrade; this while the recent census results [2011] confirm that over 300,000 people have migrated to the Western Cape from other parts of the country, while the budget has remained the same." The old trope of the squatter as migrant resurfaced, but without any evidence to support the claim. Indeed, Holfield residents were primarily from Philippi, Khayelitsha, and elsewhere in Mitchell's Plain – hardly a basis for blaming the growth of land occupations on post-apartheid urbanization in general. If anything, this was internal migration.

If the first issue was a pragmatic one of capacity, the second was a moral question. Katz and Pillay represented the squatters as "opportunists," to use their word – just like Judge Erasmus in the Rivenland case. This fit with the City's broader attempt to represent all land occupiers not as homeless people in need, but as Machiavellian free riders attempting to turn a quick profit. "It is submitted that the legal position is that opportunists should not be enabled to

gain preference over those who have been waiting for housing, patiently, according to legally prescribed procedures,” they wrote. But where were they to go? Even the City’s advocates acknowledged the situation of many of the Holfield squatters: “It is apparent from the questionnaires that form part of the record in this litigation that the vast majority of residents have settled on the property either because they could not afford the rental of their previous homes or because they wanted their own homes or because they were forced to move out of their previous homes” – but these same residents are tarred as “opportunists.” This is despite the fact that “the residents assert in terms that they do not wish to bump anyone off the housing list” and that they “do not assert a claim for formal, permanent housing.” So what was the nature of this opportunism?

Ultimately, it boiled down less to a specific instance and more to the perceived logic of land occupations themselves. When the squatters petitioned the City and demanded that it purchase the plots from Ross and Lyton, the City’s advocates rejected this request as unfeasible and above all, immoral. “Private land is vulnerable to unlawful occupation,” they argued. “Accordingly, if this Court were to order that as a result of the unlawful occupation of the properties (which the City has at all times resisted and informed the owners of), the City must purchase or lease this land, this would have the unfortunate consequence of all private land being under threat of occupation by unlawful occupiers; and the City in turn being obliged to purchase or lease such land no matter how inappropriate it may be for its purpose. Indeed, this would actively encourage people to invade private land, and in certain circumstances enable land owners to encourage/permit unlawful occupation with the sure knowledge that the City will be ordered to acquire the land.” This is textbook moral hazard, with the City assuming that accommodating the squatters would both incentivize them to occupy private property everywhere, knowing full well that there were no legal consequences for doing so; and it would incentivize landowners to tolerate (or even encourage) occupation, as this would force the City to purchase their holdings.

The third issue raised by the City’s advocates combined the pragmatics of state capacity with the moral critique of opportunism, representing the squatters as a dire threat to democracy. “Land invasion is inimical to the systematic provision of adequate housing on a planned basis,” Katz and Pillay argued. Participants in such an act are “opportunists [who] should not be enabled to gain preference over those who have been waiting for housing, patiently, according to legally prescribed procedures.” Opportunism in this model is counterposed to orderly subjects of redistributive democracy, “those who have been waiting for housing, patiently.”<sup>99</sup> The advocates continued: “For this reason, the residents should not be permitted to claim permanent housing, ahead of anyone else in a queue.”

The notion that the Holfield squatters might be “queue jumpers” in the strict sense is strange given that they did not organize the occupation so as to expedite the formal housing delivery process, nor did they attempt to gain formal housing at all. In fact, the City’s advocates recognized this quite explicitly: “the residents do not assert a claim for formal, permanent housing (save for under the UISP [Upgrading of Informal Settlements Programme] programme),” indicating that the squatters sought service provision and potentially shack upgrading rather than housing delivery. “Indeed, the residents assert in terms that they do not wish to bump anyone off the housing list.”

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<sup>99</sup> *City of Johannesburg Metro. Municipality v. Blue Moonlight Properties* 2012 (2) S.A. 104 (ZACC) at para 93 (per Van Der Westhuizen J).



Despite this acknowledgment, the City continued to make the “queue jumper” argument, suggesting not only that the squatters “sought to short circuit the formal housing allocation process,” but also that they “attempt[ed] to obtain some priority for emergency housing,” which would be “to the prejudice of other persons desperately in need of emergency housing.” This of course is not what the Holfield squatters were requesting, even implicitly, and as in the case of Rivenland, they remained highly averse to the prospect of relocation to a TRA.

The City was unable to comprehend the idea of squatting as a last resort, instead representing them as obstructionists willfully complicating the process of housing allocation. “What the residents, in effect, ask this Court to do is to second guess a legitimate, bona fide and well reasoned decision of an organ of state that is seized with housing delivery.” The City’s “rational decisions taken in good faith” are counterposed to the irrationality of opportunism, queue jumping, and to paraphrase Mary Douglas (1966), matter out of place. Or to draw upon James Scott (1999), the formal, epistemic knowledge embodied by the state apparatus — the way that the state “sees,” in his formulation — clashes with the local, practical knowledge enacted on the ground. This isn’t to push for a populist understanding of “planning from below,”<sup>100</sup> but rather to suggest that states tend to bifurcate planning knowledge into formally rational bureaucratic logics devised in advance on the one hand, and a substantive rationality performed in accordance with immediate needs on the other, valorizing the former as democratic, orderly, and progressive, and denigrating the latter as authoritarian, disorderly, and unprincipled.<sup>101</sup>

The residents’ lawyers, Kennedy and Wilson, identified the contradictions in the City’s argument. First, the very notion that they are opportunists is belied by the fact that the City admits that they are overwhelmingly homeless. “The residents of Holfield,” they argued, “are all desperately poor people who occupy the properties because they have nowhere else to go. They have been evicted from backyard dwellings in Phillipi [*sic*], Khayelitsha and Gugulethu<sup>102</sup>. They were driven to occupy the properties out of necessity.” Their eviction “would be nothing short of a humanitarian disaster.” Whereas in Rivenland the City was able to successfully represent the squatters as opportunists vying with one another for plots of land, in the case of Holfield it failed to do so. Indeed, both Ross and Lyton were willing to sell or lease their properties, or even to be expropriated by the City, but these suggestions were summarily rejected by the City’s advocates as “unfeasible.” “The City’s position is, in short, that it will not assist the residents, that the Holfield informal settlement is inimical to law and order and that the residents should be evicted without measurable delay.”

If the City argued that the occupation “can and will compromise the orderly development and effective functioning of the City,” Kennedy and Wilson decried the abstract nature of this

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<sup>100</sup> See for example a representative press statement from the Durban-based social movement Abahlali baseMjondolo (2015): “Land occupations are land reform from below. They are urban planning from below.”

<sup>101</sup> For an extended version of this argument, see Levenson (2017c).

<sup>102</sup> Like Philippi and Khayelitsha, Gugulethu is another of Cape Town’s predominantly Black townships, its name derived from the isiXhosa words for “our pride.” Like most of South Africa’s euphemized apartheid era townships, its name is deceptive. Under apartheid, all Black people in Cape Town were forced to live in a township called Langa. When this grew too overcrowded, two additional townships — Nyanga and Gugulethu — were built, the former in 1955 and the latter in 1958 (originally simply called “Nyanga West”). Today more than 100,000 people live in Gugulethu, with nearly that number next door in Nyanga.

complaint. “This is, with respect,” they declared, “a shocking attitude for an organ of state to take.” If the problem were disorder, why would the mass eviction of 6000 squatters do anything to reduce it? As Kennedy and Wilson insisted, “To order otherwise will simply result in the residents occupying property unlawfully elsewhere. They cannot vanish into thin air, and will naturally continue to look for shelter wherever they can get it: on the streets, a park bench, under a bridge, or, most likely, on someone else’s land.” This couldn’t be closer to Engels: “The same economic necessity which produced them in the first place, produces them in the next place also” (n.d. [1872]:77). The majority of the Holfield squatters either couldn’t afford their previous dwellings, or else they were evicted from backyards, and as their advocates insisted, they “would be rendered homeless if evicted from the property.”

If the City argued that the spontaneity of land occupations threatened the very functioning of South Africa’s redistributive democracy, Kennedy and Wilson responded by questioning the inflexibility of the City’s plans: “The failure of a municipality to plan for or foresee the possibility of the eviction of a large number of poor people is no excuse for refusing to formulate a rational plan to provide alternative accommodation, once the possibility of an eviction and consequent homelessness is drawn to its attention.” Certainly it is frustrating to its administrators when unanticipated externalities threaten the functioning of a bureaucracy. But isn’t the entire point of the City’s housing policy to accommodate its recipients? If the Holfield squatters were not in fact opportunists, as the City alleged, but a community of six thousand people living on a roadside field as a last resort, the City’s job would be to recalibrate its plan in such a way as to accommodate them, or at the very least tolerate them. The alternative would be to condemn the occupiers to perpetual housing limbo. “Regrettably,” they argued, “that is exactly the stance taken by the City in this application.”

Nearly two weeks later, on June 3, 2013, Judge Patric Gamble ruled in favor of the occupiers. Like Judge Erasmus in the Rivenland case, Judge Gamble was white and appointed by the DA. Both had a history of ruling both for and against evictions. “The City of Cape Town and the two landowners agree,” Gamble wrote, “that the consequences of an eviction at this stage will render the majority of the occupants homeless.” He discussed them as a population, never as individual opportunists. “Judging from the expert reports filed, [they] have settled to the extent that there are now some 1800 structures, including crèche’s [*sic*] and spaza shops on the land.” He never refers to contending factions or internal strife, as was the case in Rivenland, but always discusses them en bloc. In his final ruling, he decided that they “may remain in occupation of their homes...pending such further order as may be made by this Honourable Court.” The National Department of Human Settlements would subsequently challenge the ruling, but in October, the High Court threw out the objection. For now, the squatters were safe.

## Conclusion

The absence of factionalism made it quite difficult for the judge, let alone the City, to successfully represent the Holfield occupiers as opportunists; instead, they came off as homeless people in immediate need. Even if Ntando’s attempt to sell parcels of land recalls the MPHA’s attempt to charge for plots at Rivenland, he was quickly rebuked by the elected committee, not to mention his neighbors. There was an institutionalized consensus at Holfield that derived from the initial articulation of the occupation as a collective struggle for liberation. Residents’ struggles over representation were resolved accordingly, with a single body mediating between them and

their lawyer throughout, not to mention the formal institutions of the state. When this body sought recognition from the City and the High Court, it was perceived as a legitimate representative of a community in need, and the settlement appeared legible to the judge. This was manifestly not the case in Rivenland.

For now, the squatters were safe. But again, the ruling was not definitive, and the court could reverse its ruling at any moment. A year after Judge Gamble's decision, police raided Holfield and broke down doors and windows, brutally beating residents, arresting four committee members in the process. One was beaten so badly he couldn't walk for a few days. While they were ultimately let off, they were held in jail for the week. "They [the police] said that Zuma had told them to do this. Did he really tell them that?" one resident asked (Knoetze 2014). While residents feared the worst at the time, it turned out that the police were responding to public violence allegations. Residents had protested against political parties campaigning in the settlement, burning tires in the road and even burning a voter registration booth for the second time, tossing the flaming tent into the middle of Jakes Gerwel. The police were there to arrest the ringleaders, though it ended up arresting community leaders instead. Even after gaining recognition from the judge, residents continued the strategy that had worked well for them thus far: exit civil society.

Meanwhile, some residents began to long for the days of Bonginkosi's leadership, even if he were potentially corrupt and certainly authoritarian. The democratization of the committee, while obviously well intentioned, was having potentially adverse consequences. Those of its members aligned with the Democratic Alliance were become progressively more vocal about their partisan loyalties. Another member was tentatively working with the Economic Freedom Fighters, and a fourth was interested in collaborating with the City, much as Bonginkosi had. This latter member had secured the installation of nine additional standpipes, using his engagement with the City to shore up his own legitimacy as a representative. The coexistence of these multiple routes to recognition by external entities – political parties, the City, courts – sowed the seeds for emergent factionalism, reminiscent of the type observable in Rivenland. Even as some residents continued to exit civil society, others began to welcome it into their midst. The irony of course is that democratization would seem to undermine the consolidation of hegemony, which appears to require articulation in the form of a strongman to survive. As soon as this united front breaks down and residents begin to explore alternative paths to recognition, factionalism is the most likely outcome. In other words, as hegemony crumbles, the struggle over representation is no longer definitively resolved; the struggle over recognition re-emerges, this time prior to the consolidation over the next representational struggle. Given that Judge Gamble's ruling wasn't permanent – that it could be challenged at any time – maintaining unity was essential.

But another sort of democratization was possible, one in which committee members didn't vie with one another to represent the settlement to contending outside organizations. Democratization of the committee wouldn't necessarily pose a challenge to resolving struggles over representation, but only insofar as its members stopped attempting to achieve recognition on an individual basis, each acting in the name of Holfield. As long as the democratized committee could reach a collective decision and agree that this resolution was binding, they'd be fine. But if different factions started approaching various parties, DHS representatives, and charities, they would be consolidated in the process, entrenched over time, and ultimately, intra-settlement disputes would begin to escalate. And when this happened, they would be prone to being

represented as opportunists in any subsequent court hearing. Thus while we can think of Holfield as a success case in that they weren't evicted and provisionally achieved the right to stay put, this decision was just that: provisional. This legal limbo leaves them in a permanently temporary state, with the threat of eviction perpetually looming over them.

## Chapter 5 Conclusion

The Holfield residents may've beat their case, but this wasn't the end of their saga. A few months after the ruling, their elected committee began to break down. It began gradually. A month and a half after the final ruling, I showed up at Lwazi's shack and knocked on the door<sup>103</sup>, arm outstretched and ready to shake his hand as usual. When he opened the door, he had on a cast stretching from his thumb to his elbow on his right arm. I asked him what had happened. "The youngsters fought with me," Lwazi told me, seemingly eager to deflect my curiosity. I later learned that this was the first in a series of violent messages sent to the committee chairperson. Other residents heard rumors that Lwazi had a formal house elsewhere – that Holfield wasn't his only option. And as in most tense situations, the more these rumors circulated, the more anger they picked up along the way. Within a few months, they spiraled out of control. Residents were certain that he was only living in Holfield in order to run his tuck shop<sup>104</sup> and turn a profit. If he were doing this as a private resident, it probably wouldn't have even been perceived as a problem, but here Lwazi was purporting to chair the elected body representing the collective interest of all of the occupiers. And they were livid. Even if no concrete instances of corruption were documented, the fact that no one knew that he had a home elsewhere in Cape Town was tantamount to him having lied to them. How could they trust him to represent their interests when they didn't actually have the same interests?

And so one evening while Lwazi was out, a few residents put a padlock on his door and tossed a flaming rag through his window, burning his shack to the ground. A few days later, Fundani's shack was firebombed, a Molotov cocktail exploding against his front wall while he was inside. He made it out alive, but like Lwazi, he also couldn't come back: he'd been accused of corruption and violating residents' trust since he was one of Lwazi's key allies on the committee. Like Lwazi, he fled. In all, according to news reports, 58 people were displaced over a two-week period marked by consistent arson attacks. Above all, these targeted members of the elected committee suspected of corruption. But very little corruption was actually revealed; it was primarily allies of Lwazi who were run out of Holfield.

Among these allies was Karen, who decided not to risk it. Her husband only had one leg and her son had recently tested positive for tuberculosis, and she felt like it wasn't fair to keep them there. They relocated to a relatively underpopulated area of Strandfontein, a tiny township just below Philippi. It wasn't far from Mitchell's Plain, and in mid-2017, I visited Karen<sup>105</sup> in her new shack. She proceeded to give me a detailed account of the genesis of Holfield's elected committees.

The first committee imploded after the spate of arson attacks, with anyone perceived as an ally of Lwazi fleeing the settlement. Others like Fundani and Ntando were able to remain. Ironically enough, their suspected DA allegiances did them well. Even if these politics initially made other committee members skeptical of their motives, it also meant that they were never susceptible to being viewed as allies of Lwazi. The two camps weren't openly hostile, and they

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<sup>103</sup> Interview on June 1, 2013, Colorado, Mitchell's Plain, Cape Town.

<sup>104</sup> Again, this is an informal convenience store, frequently operated out of someone's home, whether formal or otherwise. In Lwazi's case, he ran it out of a second structure attached to his house.

<sup>105</sup> Interview on July 29, 2017, Strandfontein, Cape Town.

worked together quite well in the run-up to the eviction hearing, but now things were different. People had been living in Holfield for nearly five years now, and they still only had a handful of toilets and water standpipes, and there was still no electricity. It's one thing when an occupation is fresh and the prospect of securing land and autonomy appears on the horizon; it's quite another when you're facing eviction on a daily basis, complete with police harassment and generalized insecurity, and you have to risk your safety just to use the bathroom or get some water at night. And of course this is not to mention the internecine violence that began to plague Holfield after the ruling. The place was a veritable tinderbox, and Lwazi's deceptive behavior was enough to set things off.

The first committee was forced out, and a second one was elected – this one incorporating the rump of the old committee, but bringing in new residents openly critical of Lwazi's rule. But immediately things began to break down. Ever since the occupation adopted a federated structure of representation, its various sections began to grow mutually suspicious of one another. Ntando represented site B and Karen site C, but as in the committee meeting a couple of years before, accusations began to fly. Was Auntie Karen hoarding information for her constituency at the expense of Ntando's people in site B? This is certainly what he told his constituents at a report-back. As they began to threaten her, accusing her of corruption, she decided she'd had enough, and this is when she left for Strandfontein.

But this wasn't the end. Soon Ntando's DA sympathies became an issue again, as did the representatives from site A, the section of Holfield along the road. Residents in the other three sections began to insist that newly elected representatives from site A were hoarding information from their lawyer, much as Bonginkosi had in the first months of the occupation. No one was certain what was happening with their case, and rumors were beginning to circulate that it was going back to the High Court again. While no eviction interdict was ever granted, the homeowners across the street continued to demand the occupation's clearance by deploying starkly racist language, and this didn't do much to assuage squatters' fears.

Before long, the "second committee," as Karen called it during our final interview, was forced to disband, and residents elected what she termed the "third committee" – this time without any overlap with the first elected committee, with one significant exception: Bonginkosi. But this time things were different. The second committee refused to fully relinquish control, and they begin to vie with the third committee for access to lawyers and government officials. This effectively meant that the backside of Holfield – site B especially – had its own committee, while the other sites began to side with the newly formed third committee.

As the genesis of Holfield's politics reveal, there is nothing permanent, or even relatively permanent, about a given resolution to struggles over representation. This is the inherent danger in attempting to read politics off of material conditions. It may be the case that location, property type, ethno-racial composition, and other factors contribute to the likelihood of certain outcomes, but in every conjuncture, there are always multiple possible political trajectories. The Holfield occupiers pursued one such possible path when they decided to exit civil society. They were able to avoid shortcuts to recognition and instead self-organize, remaining relatively unified in the process. But as it turned out, political parties weren't the only obstacles to maintaining a unified representative committee. Once Lwazi's deceptive behavior came to light, new fault lines emerged, and as in Rivenland, these were refracted through a second division: who could access their lawyer and who could not. As new obstacles emerged, residents rethought their interests and alliances, and this opened up paths to alternative resolutions to struggles over representation.

In this shifting context, we would do well to heed Stuart Hall's observation that the forging of political links and alliances can't be understood "as a law or a fact of life, but [actually] requires particular conditions of existence to appear at all" (1985:113). Certain conditions were necessary for Holfield to achieve its unified representative committee in the moment that really mattered, even if it weren't permanent. Above all, their decision to expel all external organizations from the occupation – exiting civil society – proved crucial, as it amounted to the purging of factions in embryo. In delegitimizing organizations like Ses'khona right from the outset, residents were able to assert self-organization as a viable alternative. And this worked in Holfield for two reasons. First, while Ses'khona certainly organized individual squatters into something approximating a collectivity, they never had much legitimacy among their constituents. In Rivenland, the MPHA was able to represent the occupation as its own operation. They even convinced a number of the occupiers to pay them for plots of land. But Ses'khona never branded the Holfield occupation in this way, nor did it ever portray itself as essential to the enterprise. Instead, they openly advertised their ANC affiliation, creating hesitancy and ultimately skepticism among residents, who decided that the organization was parasitic upon their project.

In addition to the failed leadership of Ses'khona, we need to consider a second factor: the preexisting organization of the occupiers who came to Holfield from Samora Machel. As we saw in Chapter 4, Bonginkosi began to play a hegemonic role in the process of occupation. He articulated the project as resident's self-realization of their constitutional rights to land and housing, rights that the post-apartheid government failed to help them attain. His, Khwezi's, and other participants' backgrounds in the anti-apartheid movement meant that many of them were already familiar with neighborhood-level organizing. They were receptive to this model, as opposed to the way that the MPHA framed the Rivenland occupation: as the distribution of plots of land to homeowners in the making. In Holfield, by contrast, the occupiers weren't aspiring property owners, but participants in a collective project of realizing their constitutional rights. The more the merrier, Bonginkosi insisted. "Join us!" he implored as the Rivenland occupiers were facing eviction. If the situation were reversed and Holfield were evicted just as Rivenland were picking up pace, it would be inconceivable for someone from the MPHA to ask Holfield evictees to join them.

But this doesn't mean that whenever self-organized residents expel political parties from their settlement, a unified settlement committee is certain to emerge. And even when it does, its persistence isn't guaranteed. These conditions of its emergence must be actively reproduced; they are "not 'eternal' but [must] be constantly...renewed [and] can under some circumstances disappear or be overthrown," Hall (*ibid.*) insists. He calls this process of renewal "re-articulation": old linkages may be dissolved and new connections forged. And this is precisely what happened in Holfield. As soon as Lwazi's chicanery came to light, it threw the entire framing of the occupation in terms of collective interest into question. Residents were supposed to delegate their authority to a committee chair who was himself only involved in the occupation for private gain? This led to the total dissolution of old linkages, and the settlement broke into competing "sites" – A, B, C, and D – that vied with one another for access to their lawyer, much as factions had in Rivenland.

Yet upon these ruins, new connections were forged – and continue to be forged today. After nearly five years with insufficient access to water and electricity, residents continued to mobilize and make demands for these basic amenities on the City. And in order to do this, they

needed to coordinate their protests, which required a base level of settlement-wide organization. Soon residents resolved their intra-occupation qualms, at least for the time being, and regrouped under a single committee that directed their marches. In order to gain the attention of the municipal government, they had to once again render themselves legible and legitimate. “Everything we voice out to them is ignored,” one longtime resident told a reporter (Payne 2018). “It’s like they don’t recognise us as South Africans. We are human beings and they must maintain our rights.”

In early May 2018, as I write these words, Holfield residents are once again taking to the streets, and this time they are doing so violently: throwing rocks at passing cars, shutting down Jakes Gerwel and other nearby roads with burning tires and blockades, and setting a nearby ATM and fruit stand alight. In response, Colorado residents are escalating their racist rhetoric, circulating anti-Black text messages replete with the hashtag #proudlycoloured. Fabricated WhatsApp messages are doing the rounds, with phrases like, “*os maak almal van die coloureds vrek*” [“we will kill all the coloreds”], alleging an anti-Colored conspiracy among the mostly amaXhosa squatters in Holfield. Forming a vigilante group, the formally housed residents marched on the occupation, wielding baseball bats, golf clubs, and axes, with only a line of riot police standing between them and the rock-wielding squatters on the other side of the road. Rounds of rubber bullets were fired. That evening, a taxi plowed through the crowd, killing a 21 year-old Colored man and injuring two more. According to residents, the driver, a Black man, was followed to the nearby township of Hanover Park, where he was killed in retribution.

A meeting was convened, with multiple MECs and the Western Cape Premier Helen Zille in attendance. When residents demanded to know why water and electricity hadn’t been installed, Zille accused them of queue jumping: “If you had a free house or a free serviced site from the government once, you can’t have another. You can’t have another.” But no one was asking for housing, and besides, most of the residents hadn’t ever received formal housing. They’d come from backyard shacks, informal settlements, and elsewhere, and while there may’ve been exceptions, as in the case of Lwazi, this certainly wasn’t true across the board. “We do not need houses,” a Holfield committee member told a reporter. “But what we need is electricity, water and sanitation” (Cebulski 2018).

Residents began to shout at Zille, demanding she leave. She insisted that the government couldn’t install more electrical lines, as the occupation was on private property. “The City must buy the land!” someone shouted. The ANC’s provincial secretary, also in attendance, blocked Zille from taking her seat. Zille insisted that the land is flood-prone and as such, the City cannot regularize informal housing there. There was no hope that they’d install taps or electrical lines or widen the roads through the settlement. This only infuriated the squatters at the meeting, who proceeded to chase her out of the building, as she was escorted out by her security detail.

Now the residents have a renewed project articulated in terms of twin enemies: a racist mob across the road and a municipal government who not only abetted the formally housed Colored residents, but refused to help them realize their rights to access water, toilets, and electricity. A new leadership is emerging in Holfield, with settlement-wide unity appearing to be forged in the face of these recurrent threats. As the story becomes national news in South Africa and the country watches Holfield, will the residents continue to communicate to the City government using the language of riots? These are, after all, what seems to bring politicians to the table, and they haven’t seemed to hurt the settlement’s prospects in the long term. A committee member told a local paper that “protesting is the only language authorities understand”



(Smith 2018). In response to the latest round, MEC for Housing Bonginkosi Madikizela offered them housing on a 52-hectare plot of farmland. The government is currently using it to relocate squatters from another informal settlement in Philippi. One committee member demanded that Madikizela disclose the location of the new land. He was worried it would be too far from his job and that a remote location would make his daily commute unaffordable. “I have become very reluctant to disclose details of the land we are in the process of buying because the minute you announce that, the following day, that land is being invaded,” Madikizela replied (Lepule 2018).

Most of the residents with whom I’ve communicated during all of this are skeptical that they’ll be relocated at all. At the joint meeting with Zille, one official told them that the City only has the capacity to house a thousand of them, but by the City’s own count, there are more than 8000 people on the field right now. If this is the case, the riots are sure to continue. Tensions are high again after rumors spread that they’d be relocated to another area of Mitchell’s Plain, but this turned out not to be the case (Pitt 2018). Again, residents took to the streets. Or will the settlement opt for a different route, taking up the government’s suggestion that they form a joint committee with the ratepayers and engage the City together, but without protesting? My hunch is that the riots will continue, but for now, one thing is certain: in the face of twin enemies, residents have reunited under the leadership of a single settlement committee. For now, their linkages have been renewed, though of course these articulations are never permanent.

As I’ve argued in this dissertation, these articulations – the consolidation of alliances through political leadership – play an absolutely decisive role in the fate of land occupations. As much as the development and urban sociology literatures may focus on how governments manage unruly surplus populations from above, the legibility and legitimacy of a given occupation *as* a population is never predetermined. Residents’ status as members of a population is the outcome of intra-occupation struggles over who can speak on their behalf: the question of representation, which is always already a question of recognition by the government. The inextricability of these two struggles – over representation and recognition – means that the articulation of a certain politics in a settlement absolutely affects how residents are “seen” by the state. And why does this matter? By way of conclusion, I want to reiterate the theoretical significance of my findings with four theses.

## **1. The state must be seen as a relation.**

At the center of this dissertation is the challenge it poses to the idea that “the state” is some sort of coherent institutional entity that simply enacts policies upon passive populations at will. When it comes to analyses of poverty management, we hear about governments regulating (Piven and Cloward 1993 [1971]), punishing (Wacquant 2009), surveilling (Fiske 1998), managing (Maskovsky 2000), disciplining (Soss, Fording, and Schram 2011), containing (Arrom 2000), and expelling (Hirota 2016) the poor. But here I’ve taken a very different approach, challenging the idea that “the state” is some sort of coherent institutional entity that enacts its policies upon passive populations at will. The government did not simply design urban policy and then implement it upon a population; it was through complex relations with residents that eviction outcomes were determined. Only in this way – that is, by seeing the state as a relation, as the condensation of a relationship of forces (Poulantzas 1978) – can we begin to understand how it was that squatters were evicted from Rivenland and not from Holfield.

This is where I break with prevailing accounts of how states govern surplus populations. Many of these theorists, taking inspiration from Foucault and Bourdieu, explicitly disavow<sup>106</sup> instrumentalist theories of the state, urging us to break with the state's own naturalized self-presentation as a coherent entity that implements policies upon passive populations. Yet their followers retain a certain state-centrism in their work, refusing to think "the state" as an arena of struggle, as in Gramsci's conception of the "integral state." For Gramsci, the state encompasses both *civil society*, a space in which contending proletarians struggle to represent themselves as members of a coherent alliance, and *political society*, the formal institutions of the government. These two spheres are inseparable, with struggles over representation playing out in civil society, and struggles over recognition taking place on the terrain of political society. But as we've seen, the relationship between civil and political societies – the struggle for recognition – can be impacted by outcomes of struggles over representation, i.e. struggles within civil society. This is what begins to explain the different outcomes in Rivenland and Holfield: the politics of each occupation were articulated differently, which in turn affected the development of alliances within each occupation, which ultimately contributed to divergent eviction outcomes. And just as plausibly, we can think about how vertical struggles for recognition affect these lateral struggles over representation. It was in seeking shortcuts to recognition in Rivenland that residents blocked the possibility of any body achieving hegemony in that occupation. By contrast, in Holfield, a unified orientation toward the DHS, ALIU, and the courts – political society, the search for recognition – facilitated the development of a hegemonic body in the occupation: first Bonginkosi, and subsequently the first elected committee. Of course this was a fragile hegemony that needed to be constantly reproduced, as the opening to this chapter reveals; but the key point

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<sup>106</sup> I'm thinking in particular of Foucault's (1995, 2007) identification of sovereign power as only one of many possible governmental rationalities, as well as Bourdieu's (1994) insistence that the concept of "the state" reproduces state thought, and that we should instead think state power through the concept of the bureaucratic field. In what follows, I work through two Foucauldian accounts. We might do the same for the Bourdieusian work of Loïc Wacquant (2008b) on urban marginality in France and the United States. He insists on understanding the emergence of the (hyper)ghetto through a model of "political overdetermination" (4), "the primacy of the political" (287), and "the pivotal role played by the state" (286). While this is certainly a refreshing antidote to the ahistorical work of urban ecologists, it also takes "the state" as a coherent institutional entity with a predetermined set of interests and motivations. Yet if his French state acts in the interest of the middle classes, but his American state acts in the interest of white supremacy, how then are we to account for these differences? And if following Richard Sennett (1994), Wacquant argues that the institutional form of the ghetto was as much a shield as it was a sword, then clearly the politics of representation in these spaces affect urban policy outcomes. On the one hand, we might think about the creation of HUD and increased housing expenditure as a direct response to the participation of more than 500,000 Black Americans in urban riots during the 1960s – not a far cry from my earlier argument that the apartheid government began to deliver formal housing on the Cape Flats in the aftermath of the Soweto Uprising. On the other, we might also consider how the changing class composition of American ghettos precipitated some of these changes, though of course Wacquant subsumes these trends under his state-centered explanatory apparatus. Ironically enough, despite his subsequent criticism of David Harvey (Wacquant 2009) on precisely this point, he explains the "dualization and desocialization of wage labor" (Wacquant 2008b:267) with reference to the retrenchment of the social state. My point is that in both cases, Wacquant posits a state that simply acts upon populations in accordance with a set of predetermined motives instead of interacting with them. This isn't so different from Scott's (1998) omniscient state that projects its visions onto passive canvasses below.

is that these struggles over representation and recognition impact one another, meaning that we can't think one (civil society) without the other (political society).

Yet this is exactly what followers of Foucault and Bourdieu tend to do. Partha Chatterjee develops concepts of civil and political societies that are mutually exclusive – despite citing Gramsci (Chatterjee 2004:51) to justify their use. But unlike Gramsci, he uses “civil society” in the sense in which it was deployed by Hegel, as a collection of rights-bearing individuals or private citizens who access their rights through legally guaranteed channels. But in postcolonial democracies, he argues, society is split between those “who abide by the law” (Chatterjee 2011:14), and those who violate it by virtue of necessity. The latter are therefore denied the status of citizens – members of civil society – and are instead treated as component parts of populations, which together make up what he calls “political society.” This is his Foucauldian moment: these populations can never impact governmental logics or policies; at best they can hail the state, demanding to be recognized.

What is missing from Chatterjee's account then is any substantive treatment of squatters' politics. He is correct that once populations comport themselves as what he calls “moral communities” – my formula of legibility plus legitimacy – they may gain recognition from municipal governments. But how do populations become legible and legitimate in the first place? As I argue throughout this dissertation, “population-ness” can't be taken for granted but is rather the *outcome* of struggles over representation. When governments decide to favor one settlement over another, this isn't simply imposed from on high, as in Foucauldian accounts of biopolitics, but is instead the outcome of complex political processes that play out on the terrain of civil society – a space that Chatterjee writes out of squatter's lives altogether. My criticism of his formulation then is not that he divorces Gramscian terminology from its intended meaning. Indeed, this is precisely what Gramsci did to the term when he appropriated it from Hegel and Marx (Bobbio 1987 [1976]; Coutinho 2013). But in returning to a liberal conception of civil society, he excludes squatters from the politics of representation altogether. Squatters in this telling are inherently tied to amorphous “populations,” but their own struggles over political representation don't seem to matter.

This is of course backwards. While he's certainly right that squatters are excluded from standardized legal channels and that they need to become objects of governmental calculation, the notion that associational politics is limited to “elite groups” (Chatterjee 2004:4) flies in the face of everything I discovered while researching the politics of land occupations in Cape Town. Most surprising is his awareness of the implications of this expulsion of the poor from civil society, which is of course the very terrain of representational politics. The separation of political from civil society, he insists, continues the longstanding Subaltern Studies project of distinguishing “between an organized elite domain and an unorganized subaltern domain” (Chatterjee 2004:39; cf. Guha 1982). What's surprising about this project is that it echoes a central component of modernization theory: that surplus populations are inherently disorganized and remain external to the sphere of politics. We've already encountered the Marxist<sup>107</sup> iteration

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<sup>107</sup> This isn't only apparent in subsequent stagist versions of Marxism, from Kautsky through Stalin (and the latter's influence on CPGB historians like Hobsbawm), but also in Marx's own writings. The most obvious examples are his account of the peasantry, a “sack of potatoes,” as incapable of self-representation in the *18<sup>th</sup> Brumaire* (Marx 1963 [1852]), and the highly contested phrase “*dem Idiotismus des Landlebens*” from the *Manifesto*, alternatively translated as “the idiocy of living on the land” (Marx and Engels 1996 [1848]:5) and the “isolation of rural life” (Marx and Engels 2005 [1848]:46). While

of modernization theory with Hobsbawm's assertion that peasants remain "pre-political." We can also find this distinction in the case of urban marginality theory as taken to task by Perlman (1976), Portes (1972), Safa (1970), and others for limiting the space of rationality, organization, and sanctioned politics to those with access to employment and formal housing. The same distinction marked the social disorganization theory of the early Chicago School (Park and Burgess 1984 [1925]; Shaw and McKay 1969 [1942]; Thomas and Znaniecki 1984 [1920]): "marginal men" were deemed inherently disorganized, fundamentally incapable of articulating their politics and thereby excluded from the space of civil society.<sup>108</sup> Yet here is Partha Chatterjee, one of modernization theory's most vociferous critics, reproducing the same distinction!

Another Foucauldian account, that of James Scott (1998), similarly excludes "populations" from the sphere of politics. He argues that statist projects entail rationalization and standardization, which amount to strategies of asserting control over civil society. Governments attempt to render society legible so that subjects can be "seen" by the state. In practice, this means comprehensively partitioning the ungovernable space of "society" into calculable, visible, and manipulable units, which ultimately means that governments constitute populations from above. They then act upon these populations, standardizing their language, mapping their land, shaping urban space, measuring their wealth and productivity, and most substantially for our purposes, acting upon them – or as Scott aptly puts it, finely tuning state interventions (ibid.:77).

And what agency do the governed have to shape these interventions? Scott discusses the prospect of withdrawal from the gaze of the state by resisting being measured, worked upon, and governed: becoming "illegible," as he puts it (ibid.:78). There's even less possibility of affecting policy outcomes than in Chatterjee; residents' only options are withdrawal or resignation. But as in the case of contemporary invocations of Polanyi's double movement<sup>109</sup>, this limits our understanding of state intervention to a single, irreducible project: for Polanyi, repairing the fabric of society, and in Scott, rationalizing that society. Of course state intervention for Polanyi is an inherently good thing, which is a far cry from the anarchist bent of Scott's analysis. But for both authors, the pendulum swings back and forth between more and less state intervention. Scott's subjects may be able to duck behind an obstacle in order to avoid the swinging weight, but there is no possibility in this account of them affecting *how* they are governed, the very content of state intervention. As the divergent trajectories of Rivenland and Holfield demonstrate, residents' own politics can impact what are otherwise theorized as one-size-fits-all policies. From the state-centric perspective, we know that the City of Cape Town wanted both occupations cleared. The literature imputes motivations ranging from profitability to governability, but this, much like Scott's account, only describes policies as formulated – which is rarely identical to policy as actually implemented, even in some of the authoritarian contexts he describes, or say, in apartheid South Africa. Urban policy may be devised on the terrain of political society, but we can't analyze actually existing policies without seeing how these ideal

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much has been made of the Greek etymology of the German word for idiocy, revealing its emphasis on privacy over stupidity, both translations are equally revealing in terms of Marx's initial skepticism about the possibility of representational politics among the subproletariat and peasantry.

<sup>108</sup> The Chicago School's second generation dismantled these assumptions (e.g. Suttles 1968), though more recent urban ecological work under the guise of "neighborhood effects" appears intent upon reviving them (Sampson 1993; Sampson and Groves 1989; Sampson and Wilson 1995).

<sup>109</sup> See my discussion in Chapter 1.

state visions are refracted through civil society. To restate the point, we need to break with the theoretical tradition that runs from early liberal political theory through the Chicago School, modernization theory, marginality theory, and ultimately permeates certain postcolonial and Foucauldian corners: the age-old separation of a passive subproletariat from an active state that projects policies upon populations. Socio-spatially marginalized populations *do* have politics, and they can represent themselves. The question then is how their own struggles over representation affect their very recognition, which ultimately affects policy outcomes, ranging from eviction to the upgrading of housing to service provision.

## **2. Working within civil society can be a barrier to the formation of collectivities; exiting civil society can mitigate against fragmentation.**

At the root of the divergent outcomes in the two occupations was the recognition achieved through collective representation in Holfield but not in Rivenland. But how was it that Holfield managed to constitute itself as a collectivity, whereas Rivenland remained fragmented into contending factions? This brings me to my second point. Collective representation – the inclusive, expansive approach to politics – works in a really surprising way. Typically, we would assume that connecting to existing organizations in civil society would be the most efficient way for squatters to integrate themselves into civic life and earn the right to stay put. But as the case of Rivenland illustrates so powerfully, being absorbed into existing civil society organizations can be demobilizing. In that case, cliques of squatters sought out representatives of partisan front groups like the Mitchell's Plain Housing Association, or else party-affiliated charities like Cape Care, in order to legitimize their claims to the land. But they jealously guarded access to these contacts from their neighbors' advances – what I call the politics of petty proprietorship. By doing so, Rivenland as a whole appeared to outsiders to be fragmented into factions. Working within civil society paradoxically led to the division of the group.

In Holfield, meanwhile, we saw something quite different: residents exited civil society, so to speak. This means that rather than trying to work with partisan representatives, this group of squatters viewed them as a potential source of division. They proceeded to expel groups like the Pan-Africanist Congress of Azania and the Ses'khona People's Rights Movement from the occupation. In fact, they remained so skeptical of the potential fallout from party involvement that they even attacked non-partisan workers from the Independent Electoral Commission when they tried to register new voters in Holfield. Instead of working with parties then, they resolved their struggles over representation autonomously, first delegating authority to Bonginkosi, and subsequently to an elected representative committee. As such, the Holfield occupation appeared to outsiders, not least of whom was the judge, to be organized into a coherent collectivity, both legible and legitimate.

And why were the Holfield residents able to exit civil society, whereas the Rivenland squatters were not? As I argue in Chapter 4, some of the Samora Machel residents who ended up leading the Holfield occupation had decades of organizing experience, going back to the anti-apartheid movement and both apartheid and post-apartheid labor struggles. They were well versed in strategies of mobilizing their community, as opposed to the Tafelsig backyarders who ended up participating in the Rivenland and sports fields occupations. This isn't to say that none of them had such a background – I would occasionally meet old anti-apartheid militants in Rivenland – but these were few and far between.

Some of it also likely derives from the respective socio-spatial characteristics of their previous living situations. Of course some of the Holfield occupiers also came from backyards, but most of the first wave of the occupation's leadership came from Samora – Bonginkosi, Khwezi, and others. Life in a sprawling, overcrowded informal settlement necessitated that residents make collective decisions about communal governance in that settlement, or in the language of this dissertation, they had to resolve their struggles over representation. These struggles played out in both Samora and in Rivenland, and while we certainly can't transpose them from one context to the other, we can safely assume that Samora residents were well versed in the need for settlement committees when they occupied the field.

We can't say the same for Rivenland, whose participants were frequently the only tenants in a backyard before they decided to occupy the field. Even in cases where they were not – I encountered numerous instances of four or five shacks in a single backyard, for example – they didn't need to resolve issues of representation with other tenants. Instead, they typically resolved them on an individualized basis through the mediation of the homeowner, who was of course their landlord. But there was no tradition of forming backyard tenants' unions or even informal representative bodies. So when the occupation began, they were only hailed as a collectivity by the MPHA, whose town hall meetings in the lead-up to the occupation were residents' only sites of contact with one another. By contrast, when Ses'khona approached the Samora occupiers, many of the residents had already discussed occupying land, and they certainly didn't need some external organization to call their collective association into being; they were already connected in this way.

But while social and spatial constraints played a role in circumscribing the strategies available to the occupiers in both cases, we shouldn't read their representative bodies as simply reflective of existing social divisions – or lack thereof. Squabbles were a constant in Holfield, even if they weren't reflected in the political leadership – at least until Lwazi's business scheme was discovered. And the entrenched factions that developed in Rivenland didn't reflect pre-existing social divisions. Most of the occupiers had never encountered indigenist<sup>110</sup> rhetoric before they encountered First People First. And while Colored anti-Black racism is fairly common in Cape Town, many of them weren't vocal in these terms until they were hailed by ANC and Cape Party-affiliated actors. Thus my findings parallel many of the arguments of political sociologists writing under the banner of “political articulation” (De Leon, Desai, and Tugal 2009, 2015; Eidlin 2016) insofar as it rejects any naturalization of political coalitions. As Cedric De Leon, Manali Desai, and Cihan Tugal (2015:7-13) argue so compellingly, the history of political sociology is haunted by the “reflection hypothesis,” the notion that political parties (and more broadly, representative bodies) express entrenched relationships, interests, and values.

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<sup>110</sup> In the latest (May 2018) round of conflict between mostly Black Holfield squatters and the formally housed Colored residents across the road, the latter camp have fairly consistently begun to deploy indigenist rhetoric in the service of anti-Blackness. That is, they tie their own ancestry to the Western Cape's indigenous populations – the Khoikhoi and the San – and frame Black residents as “migrants” because their ancestors traveled southward from the Great Lakes region well over a thousand years ago. These narratives are currently being forwarded on neighborhood-wide WhatsApp chains, often articulated to a Colored nationalism, complete with #proudlycoloured hashtags. Oddly enough, the Black squatters are simultaneously portrayed as colonizers (they invaded Colored/Khoisan space, both the region and the neighborhood) and colonized (akin to the dehumanized occupants living in Fanon's (2004 [1961]) “native town”).

But as they point out, parties don't only express existing interests; they often call people's preferences into being in the first place. Certainly people already have social identities and interests, "but parties have the potential to 'make' them at certain historical conjunctures and remake them at others, thereby making power" (ibid.:21). This "making" – what they call "political articulation" – entails the creation of a stable system of signification, which in turn unites disparate individuals and groups under a shared project.

This isn't far off from what transpired in Holfield. The organic leadership that emerged from Samora sutured together a few disparate elements into a single project of occupation: people's need to escape overcrowded shacks and unaffordable backyards; their desire to start households of their own; and perhaps most importantly, the self-realization of the post-apartheid liberation project. Because the post-apartheid government could not adequately house people dispossessed under colonialism and apartheid, they formed a movement to do it themselves. It wasn't until this leadership organized the squatters into a coherent movement – articulated their interests, we might say – that their politics came into being as such. It certainly wasn't some simple reflection of their objective interests. Many of the Rivenland occupiers had comparable interests, yet the MPHA articulated their political project quite differently. There was nothing about failed housing delivery, but instead the MPHA postured as if they were helping to realize that scheme. They interpellated squatters as leaders of individual households – as recipients of distributed plots of land – thereby producing a competitive individualism: the politics of petty proprietorship. Just as the Holfield committee doesn't reflect some primordial unity, Rivenland's politics don't express some latent desire for private property inherent in the squatters. Instead, it was brought into being by the MPHA.

Yet there's also a major difference between my findings and those of the political articulation camp. For those authors, parties are the major agents of alliance building; it is parties that call collective interests into being. But in the case of land occupations, parties (or at the very least, their front groups) appear to play a consistently divisive role. It was in Holfield where residents expelled all party representatives that the struggle over representation was resolved into a unified elected committee. But in Rivenland, parties, charities, and other organizations actually inhibited the formation of such a representative body.

De Leon and his coauthors (ibid.:14) are skeptical of this sort of account, noting the persistence of Michelsian arguments in social movement theory, including the idea that parties are self-interested organizations which tend to inhibit radical social transformation. I certainly wouldn't universalize my claim, but I do think certain characteristics of the post-apartheid conjuncture limit the ability of parties to actually articulate unified coalitions in land occupations. Above all, the failure of both of South Africa's major parties to make any progress in closing the housing backlog brands both the ANC and the DA as unlikely candidates for calling occupations into being. Besides, most occupations occur in the run-up to local elections, and this, in combination with heavy-handed partisanship by party advocates, make occupiers skeptical that they're being used and may be abandoned in the long run. Their alternative – self-organization – seems more viable on a number of fronts. First, a number of non-partisan housing-related social movements helped organize land occupations in the early 2000s, and these were roundly condemned by most major parties. Second, older participants often resent the ANC's cooptation of some of their previous political organizations from the 1980s, ranging from United Democratic Front affiliates to civic associations, all of which were effectively demobilized by

the party in the early 1990s. Third, high profile cases of occupations led by opposition parties are more likely to be met with increased repression when their competitors are in power.

Finally, parties and their front groups tend to operate in a very specific way in land occupations, and more generally, among the urban subproletariat. Ses'khona, the PAC, the MPHA, and Cape Care all offered goods and services to residents instead of simply trying to re-articulate their interests, values, and identities. Whether this was access to a lawyer, plots of land, bags of old bread, blankets, or clothes, this constituted a clientelistic mode of distribution. This doesn't really qualify as political articulation for De Leon et al., as they define "means of articulation" more narrowly as the deployment of mechanisms that states "*uniquely* possess to politicize social differences that might not otherwise be politically salient" (ibid.:3; emphasis in original); and so this brand of petty clientelism falls beyond the purview of partisan hegemonic projects. Instead, the distribution of these commonly attainable goods and services – not unique to parties – tends to divide residents, and it does so in two ways. First, without any kind of unifying values or identities, residents tend to squabble over access to these goods. And second, given the size of the occupations considered here, partisan distributors require middlepeople to allot goods, which in turn creates (relatively) powerful gatekeepers who use these distribution networks to accrue political capital. Or in short, clientelism produces factionalism, and partisan clientelism is no exception.

Nevertheless, I still want to highlight the affinity between my argument and that in the political articulation literature: factional divisions are actively constructed; they don't simply reflect primordial political differences or some sort of identitarian logic. But I also want to suggest that especially in subproletarian contexts, we might consider agents of political articulation beyond parties. In an aside, De Leon et al. suggest this as a possibility "where political organizations are weak or do not have decisive influence over the state and civil society" (2015:31). While the ANC and DA certainly aren't weak, both parties have been riven by internal conflict in recent years, with the ANC hemorrhaging support among urban residents. Under such conditions, they suggest, agents beyond parties can "offer...integrating logics." Indeed, they even note some of the potential crises that can emerge under such conditions, many of which will be quite familiar from the Holfield occupation: "perpetual instability," as we've seen with one committee after another; "overbearing charismatic figures" like Bonginkosi; and finally, "turmoil," which they suggest means fascism or civil war, but I might also raise the cases of the arson wars, culminating in the displacement of dozens of residents.

### **3. Collective representation isn't always about pressuring the state but can just as easily be about seeking recognition.**

So collective representation is easier to achieve when residents exit civil society, expelling mediating organizations like political parties and charities. But why is collective representation so important? This brings me to my third thesis. At this point, the reader is probably thinking to herself that my findings aren't particularly surprising after all. My comparison appears to reveal an organized occupation successfully pressuring the state where a disorganized occupation could not: a standard narrative of resource mobilization. But there's a problem with this explanation: the occupiers never did try to pressure the state. In fact, they never posed a threat to the state's coercive apparatus, and it was never their intention to pressure the state in this way. This is why the resource mobilization approach to studying social



movements doesn't get us very far. If with McCarthy and Zald (1977:1217-18) we define social movements in relation to their goals, viz. "changing some elements of the social structure and/or reward distribution of a society," then neither the elected committee in Holfield nor the contending factions in Rivenland qualify as such. Even if we leave to the side the question of formalization – how social movements become formally constituted social movement organizations – the very goals of the occupations' representatives don't appear to meet McCarthy and Zald's key criterion of social movements: what is it that they want?

In the case of both occupations – and with a few exceptions<sup>111</sup>, the majority of occupations – residents simply wanted to be recognized by the municipal government, or more precisely, by a High Court judge. While they would subsequently demand that the City install additional water standpipes, toilets, and electricity, they weren't demanding houses, or as much as they'd like to see it, an overhaul of the country's housing delivery program. Some of them were openly skeptical of capitalism, and others were even members of anti-capitalist organizations, but no one described their participation to me in terms of some broader attempt to decommodify land. These actions were far more routine: the squatters simply wanted a place to erect shacks, and they hoped that the government would leave them alone. Neither Robert Ross nor Lyton moved to have the squatters removed from their respective properties until the City pressured them to file for eviction interdicts. The residents' moments of open struggle – the closest they would come to approximating social movement organizations – only occurred when agents of the City's coercive apparatus, including the police and ALIU, quite literally attacked residents, or else tried to dismantle their housing and repossess their belongings. The frontal confrontations were largely defensive, and we might say the same about the occupiers' non-coercive tactics. When the Holfield residents marched on Cape Town's Civic Center, or when they rallied outside of the High Court, they weren't trying to transform housing policy or even press for some less significant reform. They were trying to get the government to leave them in peace. When they marched on the Civic Center, they wanted the DHS and its Anti-Land Invasion Unit, not to mention the police with whom these offices worked, to leave them alone. And when they chanted outside of the High Court, they hoped the judge would recognize them as having some sort of legitimacy to stay on the field. They wanted their legitimacy recognized, which was much the same as wanting to be left alone – achieving what, to repurpose a term from the sociologist Liza Weinstein (2014), who herself adapted it from Chester Hartman (1984), we might call the right to stay put.

Of course for Hartman the concept was intimately tied to anti-gentrification struggles, and for Weinstein, it is a slogan that underpins a Mumbai-based mobilization against eviction that drew in activists and academics from across the globe. But in my use, I want to suggest

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<sup>111</sup> There have certainly been occupations tied to social movement organizations, as well as more informally organized occupations that sought to transform social structure, or at the very least, the nature of land and housing distribution, but these are exceptional. We can think here of some of the earliest occupations organized by the Landless Peoples Movement near Johannesburg, or even some of the initial Abahlali baseMjondolo occupations in Durban. But most occupations aren't about social transformation, however much we as observers may desire such an end; they're far more conservative than that, typically about securing access to a bit of land and ideally, avoiding any confrontation with the state. Classic pieces in resource mobilization theory then that focus on the role of coercion – I'm thinking here especially of the early work of Charles Tilly (1973, 1975) – don't do much for us here, as they take social revolutions as a prototypical case of successful movements. Land occupations are usually a far more mundane affair.

something slightly different: land occupations are rarely transformative, nor do they typically qualify as social movements. Certainly they transform the social geography of cities, and the post-apartheid period has seen the increasing informalization of neighborhoods since the transition to democracy. But they aren't typically conscious or coordinated attempts to affect urban policy, let alone challenge the status of land or housing as commodities. This is the danger in reading them as inherently revolutionary, as far too many self-proclaimed radical academics are wont to do. This is particularly an issue in South Africa, where the bulk of the literature on housing struggles involves studies of formalized social movements like Abahlali baseMjondolo, the Anti-Eviction Campaign, and the Landless Peoples Movement. Certainly these organizations have been involved in occupations, but these are the exception; the overwhelming majority of cases are not tied to movements or even parties. We need to think through the politics of occupations not as we want them to be, but as they actually are. And this means recognizing the fact that most participants in land occupations aren't aiming at anything transformative. Most likely, they just want a place to erect some shelter and be left alone

In my narrative then, the significance of collective representation does not lie in the combined power it bestows upon squatters to realize their will through pressure applied on the state, whether through coercive means or the marshaling of symbolic resources. Instead, it lies in the recognition it gives residents in the face of the law. When the Holfield occupiers elected a unified committee, they became legible to the judge as a singular population; and they became legitimate to the judge as homeless people in need rather than opportunists scrambling for handouts. The key point here is that in these sorts of actions, collective representation isn't a way to pressure the state, but a way to secure recognition on the state's legal terrain. This doesn't mean that these aren't struggles worth our sympathy. But it does mean that reimagining them as revolutionary assaults on the state or capital bears little to no correspondence with occupations as they tend to actually play out, and indeed, such a politics would be remarkably alien<sup>112</sup> even to some of their most enthusiastic participants.

#### **4. Legal and institutional context is essential to understanding livelihood struggles in the postcolonial world.**

And why is it that residents can orient their social struggles toward achieving recognition from the state instead of having to apply direct pressure, whether symbolic or coercive? What enables a political strategy distinct from the way we typically envision social movement politics? The obvious answer is that the post-apartheid Constitution guarantees freedom from eviction unless a judge can think of a reason why removal would be warranted. But constitutions have no power of their own; they need to be backed up by a legal system that is both strong and relatively autonomous. In the apartheid period, beginning in the late 1940s, the law functioned as a key means of realizing the national project of separate development. Key political determinations – such as who qualified as members of each racial group, who was allowed to live where, employment decisions – were all made in the courts. And this autonomy of the law has continued

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<sup>112</sup> Remember that in the case of Rivenland, most of the occupiers thought their actions were legal until the police showed up the next morning. And even in Holfield, most of the residents were fairly skeptical of activist groups like the Housing Assembly, let alone political parties. This sort of anti-politics is probably a more apt descriptor than conservative. Squatters aren't necessarily averse to social transformation; they just don't see occupations as part of the process.

into the post-apartheid period, with legal decision-making as the central terrain of struggle in the government's project of remedying the social inequalities left behind by years of apartheid rule. In other postcolonial contexts, this is the phenomenon the Comaroffs (2006) describe as the "judicialization of politics" and that Gautam Bhan (2016) refines as the "judicialization of resistance": the shifting of key social and political struggles onto the legal terrain. Nowhere is this truer than in South Africa, where the degree of autonomy afforded to the law is quite distinctive in the global South.

This isn't to say that South Africa is entirely unique. Generally speaking, my dissertation explores how postcolonial democracies tend to balance two needs: the need to regulate the influx of racialized surplus populations to cities on the one hand, and the need to reproduce their own legitimacy as democratic states on the other. We've seen how this plays out in the South African case with its relatively autonomous legal system. The government can no longer simply shift populations indiscriminately, but now requires a mechanism of selection that allows it to represent itself as both objective and just. This is the legal process whereby a court decides whether a population can be justly removed. Even if in reality business is carried out "from case to case," the government represents all cases as "equal before the law" (Weber 1978:983). This is what facilitates the state's self-representation as democratic: it can safely relocate populations found to be "opportunists" or "queue jumpers" insofar as their actions can be represented as a threat to the democratic order. If squatters demand housing from the government immediately, but tens of thousands of others are already waiting, then their demands purportedly violate the objectivity of the post-apartheid redistributive process – a central component of South Africa's democratization project. Framed this way, these "threats to democracy" can be safely evicted without undermining the government's own legitimacy as the chief arbiter of democracy. This is why postcolonial democracies tend to abandon the indiscriminate approach to dispossession that marked colonial regimes, opting instead for this mode of selective dispossession: sorting "deserving" recipients from the "undeserving" chaff.

In this sense, South Africa is like other postcolonial democracies attempting to resolve urban and housing crises. While that country may be at one end of the continuum in terms of the autonomy of its legal system and the extent to which its constitution renders socio-economic rights justiciable, we can imagine using a more fully elaborated spectrum to begin to compare South Africa with other postcolonies – some not too far removed from South Africa's legal-institutional context. Brazil, for example, has some version of guaranteed access to urban land built into its 1988 Constitution (Budds 2005), which was amended in 2000 to make housing a social right (Valença and Bonates 2010). Far from an empty guarantee, it was given teeth with the passage of the 2001 City Statute, which prioritizes social uses of urban housing over its commercial value. Two years later, as the Workers Party (PT) came to power nationally, they established a new Ministry of Cities and National Council of Cities, both of which worked to build up the capacity of municipalities to actually deliver on their promises of providing low-income housing (Fernandes 2007:183). While of course not quite identical to South Africa's constitutional guarantee to housing coupled with freedom from eviction, the Lula regime to its credit did attempt to reduce the frequency of evictions as they expanded housing provision in the early 2000s. Yet in Brazil, real estate developers have been able to engage in more blatant urban land grabs than they have in South African cities. Given the comparable legal-institutional contexts, we need to understand why.

Or take Indian cities, where recent work has shown that mass urban evictions also go through the courts (Bhan 2009; Ghertner 2008). But they operate according to a completely different logic, with rulings on the basis of how orderly settlements appear – how much they conform to a desired image of the city (Ghertner 2010, 2015). Without a constitutional framework comparable to South Africa and Brazil's, how should we understand this process of judicialization? Subsequent work should treat these cases, and many others, in comparative perspective, thinking through two interrelated sets of questions. First, how does legal-institutional context matter? This is where we might map national cases onto a spectrum, with constitutionally guaranteed housing and eviction protections at one end. Then we would need to interrogate how this context is refracted through residents' demands for recognition, and how these demands have shaped the translation of policy as formulated into policy as actually implemented as in the "integral state" approach deployed in this dissertation. And second, we need to explain the tendency of politics to "judicialize," with housing policies shifting from the exclusive province of the executive and legislative branches to its effective oversight by the courts. And so legal-institutional context becomes not only cause, but consequence. The task then is to think through both simultaneously.



These two domains – the legal-institutional in which residents pursue recognition, and the communal-popular in which residents seek representation – are thus inextricably intertwined. We can't think residents' politics without reference to the legal-institutional context, or else we encounter the problem raised by my third thesis: the mode of residents' engagement with the state requires a careful analysis of the terrain upon which they put forward demands. Not every collective plea advanced by the urban poor takes the form of a radical social movement, or even a social movement at all. In post-apartheid South Africa, much of what has been interpreted as a new wave of militancy, a movement of movements, and a rebellion of the poor may in fact be closer to what Chatterjee describes as subaltern attempts to hail the distributive apparatus of the state, securing access to necessary goods and services. This is the irony of reading Chatterjee with the Comaroffs: yes, politics may be judicialized in the postcolony, but poor residents must force their way onto this political-legal terrain, as they're excluded from the sphere of guaranteed rights, or what typically goes under the name of citizenship.

But at the same time, we can't think the legal-institutional context without reference to residents' struggles over representation. This defines the limit of my fourth thesis: as important as this context may be, it mustn't be theorized as some autonomous force or ultimately determinative variable independent of struggles in civil society. This is of course the primary limit of Chatterjee, Scott, and others who overstate the ability of states to define populations and act upon them. As I've argued throughout this dissertation, populations often work to define themselves as populations. And so any state project predicated upon managing surplus populations is contingent upon how these populations render themselves visible to the state in the first place. These subproletarian struggles in civil society are articulated to the formal processes of policy- and law-making that Gramsci called "political society." He characterized the integral state – the combination of civil and political societies – as a feature of advanced capitalist states with developed parliamentary structures. But I argue that integral states are an essential feature of all capitalist democracies, not least among them postcolonial states. Decolonization typically

includes the relaxation of controls on population mobility, whether in South Africa or the Indian subcontinent, across the Maghreb or in much of sub-Saharan Africa and parts of Southeast Asia. As these legal strictures are lifted, residents who were previously relegated to underdeveloped sections of the country return to cities en masse, eager to find employment. This precipitates a crisis of sudden urbanization in which the demand overwhelms supply to such an extent that states fail to close the housing backlog. Even in instances where housing delivery does not exist on any scale, democratic states develop technologies of population management that allow them to manipulate populations in urban space, but do so without jeopardizing their democratic legitimacy.

In South Africa, the post-apartheid Constitution's promise of housing for all is an instructive example of an attempt to legislate the problem away. But as a capitalist democracy, the Constitution did not provide the material means through which the state could achieve this goal. Given its limited resources, this precarious welfare state could hardly keep pace with the Sisyphean demand unleashed by the abrogation of apartheid restrictions on mobility. As a result, residents in occupations and informal settlements must vie with one another over scarce resources, as only some can secure goods and services from municipal governments. Thus struggles over recognition assume a competitive dimension. The stakes of community politics far exceed formal representation. As I have demonstrated in this dissertation, struggles over representation and recognition can actually determine access to material wellbeing. This is the competitive nature of a capitalist democracy marked by scarcity that underlies the very nature of social spending after apartheid.

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## Appendix

### Notes on Data and Method

I didn't think much of it at the time. As I made my way down a narrow pathway winding among Holfield's shacks, perched as they were on rolling dunes, a group of small children began to chant, "*Abelungu, abelungu*," using the plural form of the isiXhosa term for white people. Aisha, Muhammad, and Mike had arranged for me to sit in on a Holfield committee meeting, and we linked up with Lwazi and began to walk toward the makeshift crèche where they held their meetings. But why were they calling us *abelungu* instead of just targeting me as an *umlungu* in the singular? Did my presence make the rest of the group white?

Three years later, this memory resurfaced as I met with Karen, a former Holfield committee member who had to flee the settlement. I set up the interview through a mutual acquaintance, but I wasn't sure she'd remember me. I'd met her in passing a few times, but I couldn't have made much of an impression. Either I was sitting in the corner of a shack, frantically scrawling notes during one of the committee's meetings, or else I was on the periphery of a crowd during an occupation-wide report-back, invariably doing the same. But she remembered quite a bit about me: that I was a researcher from the United States, that I was studying land occupations, that I was particularly fascinated by militant protests.

I told her how remarkable her memory was, and she started to giggle. "You know," Karen told me, "the people, they all remember you. Do you see many white people here in Mitchell's Plain? *Nee*, man, there's no white people here." She had a point. When I first began fieldwork in the township in 2012, a group of kids would run after my hulking 1980 Mercedes – "[rentamercedes.co.za](http://rentamercedes.co.za)," it read on the side in 150-point font, just in case I were trying to be discreet. They'd chant, "*Polisie, polisie*," presumably to warn the streets of an impending roundup. It took over a month for them to stop, and even then, they occasionally kept it up, almost as if it were a game. I was being trolled by a pack of first graders. But Karen was right: I'd been going regularly to Mitchell's Plain for six years by that point, and I'd seen two white people during the entire period (excepting police and Anti-Land Invasion Unit agents of course): one was shopping in a nearby mall, and the other was Marina, the white woman from Cape Care who was active in Rivenland.

But it wasn't the phenotypic novelty of my skin color that made my whiteness so memorable. Karen and the other committee members, much like the kids chanting "*abelungu*" after me, were materialists at heart. They knew that when white people come to Mitchell's Plain, and above all, when white people visit informal settlements in Mitchell's Plain, they come bearing resources. They didn't care how I accounted for my presence, or that I made clear from the outset that I wasn't prepared to distribute a thing. They of course politely smiled and nodded, but the prospect of a white person constantly visiting the occupation without something to give – blankets, food, jobs, money, privileged access to a lawyer or the state, something! – was entirely alien.

"Everyone thought Aisha was DA for the longest time," Karen continued, referring to Cape Town's ruling party. "So they thought Housing Assembly was DA," which was particularly rich given that the social movement was sharply critical of all political parties. Aisha and Housing Assembly as DA? How could they possibly think such a thing? I asked her. The group regularly organized protests against the DA, the ANC, and even the self-proclaimed revolutionaries in the EFF. The Housing Assembly's chairperson as DA? It seemed ridiculous on

the face of it. Again, Karen laughed. “Because she brought you. They think she’s DA, or maybe you’re going to bring blankets for the children, or food for the people, or maybe you’re helping us get proper toilets, man. But they think you’re bringing us something, and that doesn’t just happen. So they think Aisha organized it all, but how did she get you here? She must’ve joined your party. Or something, man. But that doesn’t just happen. They think, what did she do for you?”

No matter that I was typically silent during visits to Holfield or any other land occupation. I was happy to answer any questions of course, and I’d make small talk to retain my contacts’ trust, but I also knew this wasn’t a case of proper participant observation. I was certainly an observer, but a participant? Yet apparently my time in occupations made an impression, and so I spent quite a bit of time thinking about ways to minimize my impact.

### **The Question of Reactivity**

Jack Katz (1983:137) warns of one variant of this danger when he describes the problem of reactivity: the very presence of the researcher can “confound substantive findings.” Of course, many of the cases he considers involve interview-based research instead of proper ethnography, and many self-identifying instances of ethnographic research are actually closer to the interview model, carrying out one-on-one interrogations in the field. But participant observation fieldwork is necessarily reactive insofar as ethnographic research is an intervention into a field of power relations: “we are automatically implicated in relations of domination” as soon as we enter the field (Burawoy 2009:56). This being the case, Michael Burawoy (*ibid.*:32) advocates for the deliberate violation of Katz’s principle of reactivity. “A social order,” he writes, “reveals itself in the way it responds to pressure” (*ibid.*:44). “Even the most passive observer produces ripples worthy of examination.” Rereading his essay all these years later, I now thought of myself standing in the corner of that makeshift crèche in Holfield, pretending to be invisible, silent, objective, scientific. But how could a 6’2” white man in the corner of a largely Black settlement in Mitchell’s Plain comport himself as a fly on the wall? He obviously couldn’t, and my presence in Holfield, however tactfully I thought I’d pulled it off, attracted attention. I might as well have been wearing an elaborate Halloween costume.

As much as I wished to observe the genesis of struggles over representation in Rivenland, in Holfield, and elsewhere, my very presence apparently affected the constitution of my object of analysis. I was there to study the formation of informal representative bodies, yet resource-bearing outsiders were frequently a catalyst for faction formation. As far-fetched as it seems that squatters might constitute a political disagreement around me – those aligned with me and those who were not – I also had no reason to doubt the accuracy of Karen’s account. Indeed, what she described was generally how I experienced fieldwork in Cape Town. I can’t recall a single instance in which an adult contact couldn’t remember me in the field, even when we’d only met once and the subsequent encounter was years later. And why did they remember who I was, that I was a visiting researcher from the United States, that I tended to spend a lot of time with Aisha and Muhammad, that I was often with Mike, or that I used to hang around in Blikkiesdorp and townships in the southern suburbs but was now spending most of my time in Mitchell’s Plain? They viewed me as a point of access to material resources. Short of being reincarnated as an unemployed backyarder from Tafelsig – and even then! – avoiding reactivity wasn’t possible.

Nor was it particularly desirable. Burawoy's point that we should actually embrace reactivity is well founded: I was there to study how residents represented themselves to the government, and the dynamic we might think to guard against – the formation of factions – was already in motion. Whether it was me or any other outsider (and there were many), the notion that my presence might affect an outcome, however unstable, isn't problematic from a methodological perspective. The ethnographer as external observer is a positivist fantasy. I wasn't there to witness some idealized "pure" process of political representation, but to identify this process as it interacted with the social world, and in this case, that social world involved me. We do live in the world we study, after all.

The solution then isn't to repress one's presence in the field, but to consciously reflect upon it, teasing out all of the various effects it may have on one's object of analysis. And as with the observing sociologist, this object too exists in the social world, not in some sterilized test tube abstracted from it. "This is not a hindrance," Burawoy (2009:9) insists, "but an indispensable support for social research." As long as we are clear about the ways that we as researchers intervene in the field, as long as we reflect upon the effects these interventions may have, and as long as we tie these effects to processes beyond the hyper-localized scales of our field sites, we can continue to lay claim to the mantle of social science. The residents of Rivenland and Holfield may have had the misfortune of encountering agents of party front groups and self-interested charities and even a few oblivious lawyers, but they were also unlucky enough to encounter an American sociologist making his way across the Cape Flats.

## Two Reactivities

It should be clear then that from a methodological and epistemological standpoint, I make no bones about being an active presence in the field. Indeed, it was my presence that illuminated the social dynamics I studied – struggles over representation – in the first place. Far from hindering my ability to understand informal politics in land occupations, as long as I was reflexive in my analysis, the effects of my presence provided a clear window into representational dynamics. Karen never would've described faction formation so lucidly to me in relation to other outsiders; but when she did so in relation to my own incursion into the occupation, she felt comfortable describing how my presence affected their internal discussions, and we began to discuss how a similar dynamic was at work in other encounters between residents and outsiders. The same was true in other discussions with occupiers in both Rivenland and Holfield.

But reactivity in relation to scientific inquiry is only one dimension of the problem, and one relatively far removed from the quotidian concerns of residents themselves. Certainly faulty sociological analysis could adversely impact policy outcomes down the road, but there's little chance that my work will be read by many of the occupiers, a sociologist's fantasy notwithstanding. But there's a second type of reactivity that absolutely impacts residents' lives, and this is where I'm hesitant to dismiss reactivity as solely of epistemological significance. In addition to epistemological reactivity, there's what we might call *ethical reactivity*: how does the sociologist's intrusion into a given situation affect the livelihood and wellbeing of the real people being analyzed?

This takes on particular significance in the land occupations I studied. As the contents of this dissertation hopefully make quite clear, factionalism can have extremely violent

consequences. In most cases, this entails tense debates and perhaps a bit of shouting, or as I like to think of it, politics. But these standoffs unfortunately degenerate into violence far more frequently than researchers might like to admit. In the best cases, these were just spontaneous fistfights as a means of settling a disagreement. But in other instances, residents tossed burning rags into rivals' shacks in the middle of the night, or in a few cases, as in Holfield, they explicitly attempted to murder rivals. But even less explicitly violent effects of factionalism could be disastrous. If the argument of this dissertation is correct, for example, and factionalism increases the likelihood of eviction, and the incursion of powerful outsiders into an occupation increases the likelihood of factionalism, then the best thing an ethnographer can do in relation to land occupations is to stay away. But how then to conduct research at all?

### **The Merits of Bias**

My mandate then was, essentially, to stay away – quite odd for someone trying to make a career as a participant observer. Of course I didn't stay away, but I needed to limit my visits to both occupations (as well as to others I studied during this period) to situations in which I wouldn't be associated with one faction or another. That meant that during settlement-wide meetings or elected committee meetings, my attendance wouldn't be seen as particularly partisan, though even this is an overstatement, as Karen's criticism makes quite clear. The very act of showing up in a car with some residents and not others was viewed by residents as my taking sides, and what amounts to much the same thing, as residents successfully using me in order to access resources. For this reason, I never spent the night in the occupations. Safety concerns aside – a big aside – I also couldn't be perceived as aligning myself with a single household or even set of residents while staying in the occupation. Instead, I would stay with contacts in a backyard shack in the vicinity, as I did during much of the Holfield drama, or else I would drive back to the city center, where I rented an apartment during my fieldwork, returning the next day, as I did in Rivenland.

But whose backyard shack did I stay in, and wouldn't that in itself mark me as partisan? Gossip travels quickly in Mitchell's Plain, and within weeks, everyone knew I was staying in Aisha and Muhammad's shack after they had to leave Holfield. Word also got around that I was sitting in on Housing Assembly meetings, both in Mitchell's Plain and in Salt River, not far from the city center, and so many occupiers assumed I was working for that party – which, if you recall, is how many squatters perceived the organization, even though it was openly hostile to party politics.

Did this perceived partiality affect my ability to analyze struggles over representation in each respective occupation objectively? Absolutely. And if we were to take a positivistic approach “that reduces social science to the natural science model and suppresses the hermeneutic dimension” (Burawoy 1991:3), this might be a problem. But as I've already argued, the hypothetical standpoint of the neutral observer is a figment of the positivist imagination. Occupying a particular vantage point isn't problematic insofar as we recognize the limits of doing so, as well as the ways in which this standpoint affects our observations and general outlook. And how did this perspective affect my analysis of the situation? I got quite close to Aisha and Muhammad, spending months with their family over the course of six years. All of their children know me well, as do many of their extended family members, spread as they are across the Western Cape. For years after they were evicted from Rivenland, we would stay up

late, sitting on the queen mattress in the back of their wendy house. They'd regale me with tales of Rahim's *tik*-fueled rants, the time some of Marina's followers tried to beat up a single mother in her early 20s, or the elaborate scheme that the MPHA had devised to skim a few bucks from each of the participants. From their perspective, which actually mirrored the judge's to some extent, the MPHA-led faction was characterized by narrow opportunism.

And they weren't necessarily wrong. Members of this faction, and indeed the majority of the occupiers at Rivenland, protected their self-identified plots at any cost: what I've called the politics of petty proprietorship. But my use of this concept should not be mistaken for political condemnation or moralistic judgment. "Petty" describes the limited nature of the property in question, not the squatters' interpersonal behavior: think here of the petty bourgeoisie, for example, who are smallholders to be sure but aren't necessarily trifling or spiteful. As an outside observer living in a very different context, it would be all too easy for me to pass moralistic judgment, especially if we were to read my story in reductive causal terms: factionalism yields eviction, and so these people are foolishly undermining themselves. Condemning their behavior is akin to decrying their false consciousness, as if (a) we would expect people struggling just to survive to think about their situation in relation to some concept of totality, and (b) this sort of strategic view would necessarily yield identical results in every context. As Gramsci teaches us, "interests are not given but always have to be politically and ideologically constructed" (Hall 1988 [1987]:167). When the occupation began, the MPHA framed the occupation as the distribution of plots to homeowners in the making. We can scoff about a scenario in which someone living under an overturned shopping cart thinks of themselves as a prospective homeowner, but it was actually a fairly rational position.

Since the transition, discourses of citizenship were very much tied to employment (Barchieisi 2011) and property ownership. But given the unemployment rate in this section of Mitchell's Plain, property was their best bet. The MPHA brilliantly sutured this notion of citizenship to one of personal autonomy, of freedom, that appealed to backyarders who wanted a home of their own. Besides, given the history of South Africa's urban land occupations becoming tolerated informal settlements and subsequently being upgraded by the DHS, it wasn't such a stretch. As Alejandro Portes (1972:286) put it nearly fifty years ago, "Ways of acting in the slum are structurally determined to the extent that individuals continuously look for the most efficient way of improving their positions within the limits and the barriers created by the existing social and economic organization." To his conception of structure, we might add the moment of articulation: the very framing of the occupation and *pace* Hall, the way that residents' interests are constructed and presented to them. What's important isn't just structure as such, but the way that residents understand structure as both constituting limits to action and enabling certain strategies, and this is where framing proves crucial.

It was only in identifying with one faction that I was able to gain a full account of its members' politics, as well as their perception of the limits of the politics of rival factions. The alternative of course was to simply interview members from all factions. But given their heightened skepticism of all outsiders, this didn't appear particularly fruitful. I gained an intimate and exceedingly personalized account of one faction's experience in the process, and it's crucial that I never generalize this very particular narrative to the entire occupation. But I could've never obtained this level of detail, including interpersonal squabbles, fears, apprehensions, and how the experience impacted their relations with friends and family elsewhere in the township, if I'd simply interviewed a cross section of squatters. Feasibility



issues aside, the information I'd get would be worthless: many of them would tell me what they thought I wanted to hear, most likely reproducing an image of a valiant social movement struggling for justice. What I learned instead didn't always represent the occupiers in an ideal light, but it certainly portrayed them in actually existing terms. But if I'd just interviewed a random sample, they'd perceive the white American as the bearer of resources and tell me whatever they assumed it would take to gain access.

### **Triangulation as Method**

And so my sample was biased, to be sure, yet this bias is precisely what I was trying to study: how factions emerge and become entrenched (and dissolve again and reform again) in the process of struggles over representation and for recognition. And I did all of this while minimizing my impact on faction formation as much as I possibly could, which was primarily by "triangulating" multiple data sources. I gained access to Aisha's diary, which was particularly useful given that she participated in both occupations discussed here. Besides, to my knowledge no other participant kept a detailed written account of the process, and so it's not as if I erroneously relied too heavily upon one account at the expense of others. Certainly unwritten accounts exist for every participant, but again, I didn't consider straightforward interviews to be a reliable source in such a fraught context. And as I argue in more detail above, fly-on-the-wall ethnography simply wasn't an option, at least not in ethical terms.

My next best option then was to contextualize Aisha's claims as much as possible, which I did by comparing her journal's contents with a number of different sources. I drew on eleven hours of camcorder footage filmed by Muhammad, and I discussed the footage with many of the occupiers months and even years after they were evicted. I had the recordings digitalized, and then we watched the videos on my laptop in various backyard shacks. These were informal focus groups, so to speak. In addition, I scoured community newspapers and local radio stations for accounts, constructing an archive with every mention of either occupation, as well as any reference to the politics of land occupation and even housing. I always compared Aisha's accounts to those relayed to local media, as well as any alternative accounts I heard from her rivals. I also consulted other TRU members to make sure that I wasn't projecting one person's voice onto an entire faction, and I spoke with those without any firm factional allegiance as well, though this latter category was fairly small, as it was difficult to survive in the occupation without a well-established group of allies. And I interviewed a number of housing officials who worked with one or both occupations and got their account of political maneuvering in the settlement.

I wish I could've done the same with some of TRU's rivals, but of course that's not how politics works. Once the occupiers were evicted, I was able to more openly spend time with Aisha and Muhammad, even staying with them for extended periods. Doing so had no bearing on violence they faced in their daily lives, in stark contrast to the situation they experienced in Rivenland. But it did come with a trade-off. On the one hand, I wouldn't be able to get sincere accounts from their rivals, as they were convinced that Aisha was using me to gain preferential treatment from the City, or at the very least, to scam a few rands off of me. On the other, I would be able to get this sort of account from Aisha, Muhammad, and other TRU members. I built rapport with them over a number of years, even after (and *especially* after) the eviction. As a number of them became active in the Housing Assembly, I offered to drive them to and from

meetings, shuttling organizers all over Mitchell's Plain. We'd watch both American and South African standup comedy together, often with their kids, who were fascinated by Black American comics riffing on race – an entirely alien concept to their own experience of growing up “Colored” after apartheid. We read together, sometimes short texts by Marx or Luxemburg, or else fragments on South African history, discussing the relevance of this writing to their lives in contemporary Cape Town. As we became increasingly familiar, we had to come to trust each other. I entrusted many of them with my own safety, calling before driving to fetch them in order to get the latest report on shootings to make sure it was safe to drive to their respective blocks. I used to think of these as forecasts of sorts. And they entrusted me with extremely personal narratives involving their children, their parents, drug use, gang affiliation, extreme violence, and all sorts of other sensitive material. It was only in building up this sort of rapport that I was able to access this intimate version of politics, a politics inseparable from their everyday lives, which allowed me to understand why this intimacy mattered in the first place.

And why did it matter? As I argue throughout this dissertation, the contrasting ways in which an organic leadership articulated the project of land occupation affected people's self-understandings of their participation. In one case, they occupied a field in order to collectively realize the post-apartheid promise of access to land and housing; in another, they wanted to gain the autonomy that comes with property ownership. Their own political sense was inseparable from their life goals, their aspirations for their families, and their understandings of their own opportunities and interests. Politics isn't something that we can read off of objective conditions, as if being unemployed and houseless in Mitchell's Plain would necessarily yield some expected form of collective action. Hall's insistence that interests are constructed politically and ideologically in practice is not only a theoretical point but a methodological one: without a deep understanding of people's common sense, their given understanding of their social situation, we can't possibly provide a coherent account of how a group of organizers shapes their worldview. The MPHA, Bonginkosi, the elected committee in Holfield, Marina: none of these leaders encountered generic subproletarians, as if we could understand the divergent trajectories of the occupations given their locations and respective positions in socio-economic space. People had very particular and intensely felt reasons for wanting to build shacks on open fields, and organizers needed to cultivate these feelings through what Gramsci calls intellectual and moral leadership, rearticulating the very project in which they sought to participate. As he writes, “it is not a question of introducing from scratch a scientific form of thought into everyone's individual life, but of renovating and making ‘critical’ an already existing activity” (Gramsci 1971:330-1). And using Aisha's journal, Muhammad's videos, and gaining the long-term trust of a faction of squatters is the only way to gain a real sense of how residents' common sense developed over time. The alternative would be to gain a relatively superficial account of participation from a more representative cross-section of residents, but doing so would not constitute a substantive account of everyday life, to use Lefebvre's term, which is effectively identical to Gramsci's common sense.