

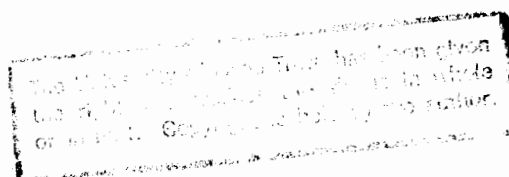
RESTORATION OF LAND: TOWARDS A BIBLICAL JUBILEE IN SOUTH AFRICA

BY

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**IN MEMORY OF MY BELOVED PARENTS
SAMUEL BOETIKIE AND SUSAN MALEBE**

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ABSTRACT

The ongoing nation building process in South Africa depends heavily on theological conceptions such as confession, forgiveness or absolution (amnesty), and reconciliation. In the formation of a "new" nation, South Africans must first acknowledge the wrongs and absurdities of the past thus to obviate any repetitions in future. However, it is axiomatic that the economic imbalances visible all over this country is heavily stifling transformation. In addressing this problem various observers have made submissions that the existing economic gap is substantially attributable to landlessness experienced by black South Africans. This is ascribed to the protracted history of exploitation that saw black people being forcibly removed from their land.

Land restitution is an inevitable consequence of the new dispensation in South Africa. Restitution aims to return people to land dispossessed because of racial laws corresponding to the Land Act of 1913. An alternative is to compensate the victims in other appropriate mechanisms. In facilitating this aspiration the present study proposes, as a solution, the biblical Jubilee as in (Leviticus 25) reiterated by Jesus in (Luke 4:16-30) and further adopted by the Christian Tradition as a theological submission. The Jubilee concept, from its biblical inception, was designed to resolve the landlessness experienced by deprived Jews in ancient Israel. This model has been adopted by various scholars as a guideline in solving similar problems in modern societies. A theological view is deemed necessary since the

legal, political, economic, and agricultural systems have failed to emphasise the moral dimension in reparation and land restitution. The Christian Church in South Africa is identified as the prime facilitator in this country's nation building process. It should therefore assume a leadership role in this process through, in this instance, translating the Jubilee concept in the transformation in our modern society.

A sociolinguistic methodology, particularly anti-language, has been applied in executing this study. Language is a socio-cultural phenomenon constituting the social norms and values which serve as a reservoir of social reality. Anti-language is the language generated by marginalized people to counter social standards set by the status quo. For example, in Africa, anti-language manifests itself where people speak of the land as a "mother" as well as "home" for their Ancestors. The land issue is thus problematized by the links Africans normally maintain with the land. By identifying themselves with the land in this manner Africans attempt to negate the mainstream Western understanding of land. To Africans land is not simply real estate. It has a value which not only connects them to the land, but sustains social links among families, ethnic groups, tribes, and nations.

The impetus of the present study is based on charism which suggests a total break from the shackles of apartheid. A new reality has to be created where a sense of morality will inform

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an unbiased governing system in this country. However, the process of transformation cannot be mobilized only by the government or church. It is fundamental that this be a joint effort supported by every South African citizen.

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ACKNOWLEDGEMENT

The land question is one of the subjects that has dominated the agenda of South African negotiations since the inception of the democratically elected government of the Republic of South Africa in April 1994. Many observers voiced their optimism about the dawn of a new dispensation in this country. However, the question of landlessness lingers on and there seems to be no easy solution to the problem. This apparent hopelessness of the situation overwhelmed me and resulted in an urge for research into the problem. My interest in land matters further crystallised when I was pondering upon a suitable theme for my Masters dissertation.

Dr Welile L. Mazamisa has been of great assistance to me in this research. I found his in-depth knowledge of Biblical Hermeneutics very helpful in executing this study and I thank him for that. My external examiners' report came as a great boost in restructuring this dissertation and is therefore greatly acknowledged. I further would like to extend my special thanks to Dr Chirevo V. Kwenda who supervised this dissertation to its final stages. His unquestionable conversance with the Western epistemology and mastery of the Africa tradition proved extremely beneficial in decoding the biblical Jubilee to contemporary societies.

I would also like to express my gratitude to the Centre for

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CHAPTER 1

INTRODUCTION

This study is organized around the South African government's quest for acquiring land equity in this country. The idea of investigating this aspect was prompted by the problem of landlessness faced by the majority in the South African society. However, land, in this study, shall be viewed from a specific working definition.

Land is a phenomenon which is normally difficult to define in absolute terms. However, the common definition, according to Kenneth P. Davis, is that land is any part of the earth's surface which can be owned as property, and everything annexed to it, whether by nature or by hand of man (*sic*).¹ In addition to Davis' view, Roy H. May refers us to the Hebrew word - 'erets', which renders land as a material reality which basically points to land as two inseparable phenomena, that is, "Nation" and "Cultivable soil".² Both Davis' and May's definitions highlight the important aspect of land ownership.

Land ownership is informed by the basic land concept of tenure.

¹.Kenneth P. Davis, Land Use (San Francisco: McGraw-Hill Book Company, 1976), p.11.

².Roy H. May, The Poor of the Land: A Christian Case for Land Reform (Maryknoll, New York: Orbis Books, 1991), p.51.

Tenure, according to Davis, refers to the right or capacity to have and to hold land for certain uses. Davis points out that, historically, the concept of tenure long preceded the idea of individual land ownership which originates in the Western Tradition.³ Therefore, "tenure", in Marshall Harris' words, means "The holding of property, especially real estate, of or by reference to a superior. Inherent in the word 'held' is the idea of exclusion, that is, to set aside and keep as one's own by shutting out and excluding others from land ownership."⁴ The question of superiority in land authority has been a prime source of legal and other forms of land contention since the arrival of the Europeans settlers in South Africa in 1652.

1.1. PROBLEMS TO BE REDRESSED

The problem to be redressed is landlessness as faced by the South African society, as already mentioned. However, landlessness is not only a South African problem but a world-wide phenomenon. Walter Brueggemann therefore points out that there is a quest among urban communities to belong, notwithstanding the promise of anonymity and freedom in the urban areas. There are socio-political dynamics induced by capitalism which have rendered millions of people landless and homeless world-wide.⁵ Though this

³. Kenneth P. Davis, Land Use (San Francisco: McGraw-Hill Book Company, 1976), p.14.

⁴. Marshall Harris, Origin of the Land Tenure System in the United States (Ames: Iowa State College Press, 1953), p.445.

⁵. Walter Brueggemann, The Land. Place as Gift, Promise and Challenge in Biblical Faith (Philadelphia: Fortress Press, 1977).

is a universal problem the emphasis of the present study is specifically based on the South African situation.

The South African government has explored various diplomatic means in its effort to resolve the present land crisis in the country. For example, the government has promised restitution of land to people whose land was expropriated after the 1913 Native Land Act as a result of discrimination.⁶ The government has further invited submissions of 'Land Claims' to the Claims Court by dispossessed communities. However, moving people back to their original land will not prove to be an easy exercise. The execution of this project will indeed be difficult if not impossible, if South Africans do not start by creating an atmosphere conducive to restitution among the people. Such an atmosphere can be created by implementing not only proper intellectual tools, but by evoking the moral aspect of the problem as well. The problem detected here is that South Africa's landlessness will be hard to settle, hence, the provision of a theological contribution by way of research. However, this study does not claim to be exhaustive since the problem is vast and could still be further explored.

1.2. THE PURPOSE OF THE PRESENT STUDY

The present research seeks to apply the biblical concept of the Jubilee Year as found in Leviticus 25 and Luke 4:16-30 to resolve

⁶. Barometer on Negotiations Vol.5 (Clubview: Regional Research and Report Commission, 1993).

the South African land crisis. The Jubilee concept is genuinely a Jewish institution which Jesus referred to in Luke 4:18, 19 and further adopted into the Christian tradition. The Jubilee is a concept which captured the human imagination both in the Old and New Testaments. Robert S.J. North says the Jubilee involves the freeing of slaves and restitution of property which had been alienated.⁷ North further states that it has recently been surmised that both these releases related primarily to bankrupt debtors.⁸ In the South African scenario, however, we do not deal with 'bankrupt debtors', but with dispossessed masses.

This dissertation, therefore, endeavours to apply the concept of Jubilee as 'Anti-language', from the perspective of the above mentioned biblical texts, to a pragmatic social setting in South Africa. By 'Anti-language' in this instance we basically refer to the framework of an alternative social reality from which deprived people derive their 'normative' self-definition as opposed to that of the so-called normal society.⁹

Furthermore, this study is also aimed at creating a data base or a pool of intellectual and moral tools in pursuit of a feasible solution of resolving the general landlessness in South Africa. The research is intended to furnish the secular world, especially

⁷.Robert S.J. North, Sociology of the Biblical Jubilee (Rome: Pontifical Biblical Institute, 1954), p.2.

⁸.Ibid.

⁹.Leonard Thompson, The Book of Revelation: Apocalypse and the Empire (New York: Oxford University Press, 1990), p.193.

South Africa, with theological tools through which the debate around the land problem can be constructively pursued. A theological approach is essential in this debate because in the Jubilee, land is not merely seen as a political or economic estate, but that it also has a moral dimension. The major purpose of the present study is to submit a moral or ethical perspective which will enhance the legal and political approaches pursued in land restitution. Therefore, the Jubilee model is hereby proposed as a strategic approach to facilitate the discussion around reparation, land redistribution, and restitution in South Africa.

1.3. HYPOTHESIS

Biblical concepts have served as a reservoir of redeeming tools for the "New" South Africa in its quest for nation building. For instance, we shall first attempt to explore the functions of the Truth and Reconciliation Commission (TRC). The TRC is in essence based on theological concepts. It embodies biblical opinions such as, Truth, Reconciliation, Confession, Forgiveness, and Absolution also known as Amnesty. Dirkie Smit correctly points out that the Christian church has naturally been in the business of truth and reconciliation, facilitating confession as well as forgiveness from its beginning.¹⁰ Smit further points out that the Truth Commission carries both mandates of being a juridical and public instrument purporting to heal the South African

¹⁰.Dirkie Smit, "The Truth and Reconciliation Commission - Tentative Religious and Theological Perspectives". In Journal of Theology for Southern Africa, No.90, March 1995,p.3

nation.¹¹

Furthermore, Siphon E. Mzimela (MP, Minister of Correctional Services), said; 'in President Mandela's inauguration speech on 10 May 1994, and later during his State of the Nation Address in Parliament on 24 May 1994, the President announced an amnesty for various categories of serving prisoners'.¹² Among the first groups to be eligible for amnesty were the following categories:

- * all sentenced children under the age of 18 years who were incarcerated on 10 May 1994;

- * all sentenced women incarcerated on 10 May 1994 who are mothers of minor children under the age of 12 years;

- * all sentenced disabled prisoners, certified as disabled by a district surgeon who were incarcerated on 10 May 1994.¹³

Amnesty was further extended to tax evaders by the Tax Amnesty Act of July 1995. This amnesty was announced by the former Minister of Finance, Christopher Liebenberg. It covered income tax (normal tax), value added tax, stamp duty, donations tax, non-residents shareholders tax and secondary tax on companies for

¹¹. Ibid.

¹². Siphon E. Mzimela, "Press Release for the Ministry of Correctional Services." In the Debates (Cape Town: The Government Printer, July 8, 1994), p.66.

¹³. Ibid.

which liability might have arisen prior to March 1, 1994.¹⁴ The question might be, 'if such extravagant compromises could be made, would it be absurd to consider the Jubilee concept as well?'

The hypothesis of the present study is that biblical Jubilee, as a theological model, can serve as an appropriate illustration of an equitable Land Act in South Africa. The question of the 'Jubilee Year', however, eludes many minds because of its complexity; many observers consider the concept of Jubilee as utopian.¹⁵ But after witnessing the adoption of equally complex models, such as amnesty and tax amnesty, for example, it is strongly suggested that the Jubilee concept be given serious consideration. In fact the Truth and Reconciliation Commission (or similar commissions else-where), as well as the highly controversial Amnesty Bill are already being put into practice in South Africa and other parts of the world. Arguably, these models benefit the perpetrators of human rights violations and the rich. But Jubilee is presented as a model which will not only benefit the victims of apartheid, but the whole South African society in its pursuit of national solidarity.

Secondly, the Jubilee Year concept can be applied as an anti-language in which Jesus proclaims the good news of liberation to

¹⁴.R.S.A. Government Gazette No.16564, Vol.361 (Pretoria: Government Printer, July 1995).

¹⁵.Robert S.J. North, Sociology of the Biblical Jubilee (Rome: Ponticifical Biblical Institute, 1954).

the poor. This proclamation embodies a plan for land restitution to the dispossessed. The Jubilee is anti-language in relation to ruling class ideologies of land tenure and land policy in general. This approach has the capability of uncovering the antithesis of bureaucratic orders. It proclaims the restoration of land expropriated from original owners by the Colonists. Lastly, the role of the Church can not be over-emphasised in interpreting theological concepts to secular South Africa and in facilitating the ongoing nation building process.

1.4. METHODOLOGY

Various methods are being implemented in carrying out this research. The researcher has attended a series of serious consultative work sessions with supervisors and fellow students in seminar groups at the University of Cape Town. A substantial amount of the data collected was gathered from library books at the University of Cape Town, the Legal Resources Centre library in Cape Town, and the World Council of Churches libraries in Geneva (Switzerland). Furthermore, parallels have been drawn between the South African land problem and the biblical Jubilee or Sabbatical Year model. This model has been used as a relevant metaphor or 'Anti-language' in the present study.

1.4.1. THE JUBILEE OR SABBATICAL YEAR AS A MORAL MODEL

To solve the problems pertaining to landlessness, that is, land redistribution and restitution in the biblical tradition in

Israel, the Israelites, through the prophet Isaiah, established the ancient Law of the Jubilee Year. For the Israelites, the year of the Jubilee or Sabbatical year as in Leviticus 25 and Luke 4:16-30, was pre-eminently a time of joy, a year of remission or universal pardon. In essence the biblical Jubilee is seen as a symbol of liberation and restitution. Leviticus 25:10, for example, reads as follow: "Proclaim liberty throughout the land and to all the people thereof." Therefore, every seventh year like, every seventh day, was always accounted holy and set aside for rest, but the year that followed seven complete cycles of seven years, that is the fiftieth year, was to be kept as a Sabbatical or Jubilee Year of special solemnity.¹⁶

Although various biblical scholars contend that the Jubilee Laws were never fully implemented,¹⁷ in the present study it is recommended as a metaphoric model, an alternative vision to the South African society. Robert V. Andelson and James M. Dawsey state that the Jubilee Year Law assured that the equal rights of every family to the use of the land would be conserved from generation to generation.¹⁸ Any alienated land would therefore be restored to the original families after fifty years.¹⁹ This might

¹⁶. See the Catholic Encyclopedia In Charles G. Herbermann, et al (ed.), (New York: The Encyclopedia Press, Inc., Vol. VII, 1913), p.532.

¹⁷. See George A. Buttrick, (ed.), The Interpreter's Dictionary of the Bible (New York: Abingdon Press, 1962) Vol.II:1001-2; Vol. VI:141-44.

¹⁸. Robert V. Andelson & James M. Dawsey, From Wasteland to Promised Land: Liberation Theology for a Post-Marxist World (Maryknoll, New York: Orbis Books, 1992), p.83.

¹⁹. Ibid.

might not be fully accomplished in the South African situation. But the Jubilee is conducive to the generosity of spirit required in the formulation and implementation of government land policies today.

1.4.2. SOCIOLINGUISTICS AS A SCIENTIFIC MODEL

What is sociolinguistics? According to Itumeleng J. Mosala this is part of the social scientific methodology which has made a profound impact on Biblical Studies research. Mosala further states that social scientific methods are a departure from the positivist empiricism of the historical critical method.²⁰ Ronald Wardhaugh points out that sociolinguistics is more than a simple mixing of Linguistics and Sociology. He says sociolinguistics looks at the connection of theories that throw light on the interaction of linguistics and social structures.²¹

To achieve its goal this study seeks to implement the two functions of language, that of communicating information and of maintaining relationships between people.²² Language is therefore seen as a powerful tool which can influence social structures. Peter Trudgill states that language is a social cultural phenomenon shaped and informed by values and norms of society;

²⁰. Itumeleng J. Mosala, Biblical Hermeneutics and Black Theology (Grand Rapids, Michigan: Wm. B. Eerdmans, 1989), p.55.

²¹. Ronald Wardhaugh, An Introduction to Sociolinguistics (New York: Basil Blackwell, 1986).

²². Peter Trudgill, Sociolinguistics: An Introduction to Language and Society (London: Penguin, 1983), p.13.

it is used to construct social reality.²³ The powerful or the upper classes normally decide on what standard language should be. Karl Marx and Frederick Engels in *The Communist Manifesto* argue that in every epoch the dominant ideas in society are the ideas of the ruling class.²⁴ This dissertation seeks to rectify the land problem by breaking away from the normative social order created by language as used by the rulers, and implement a discourse of 'Anti-language' grounded in the Jubilee concept to the South African problem.

1.4.3. THE DISCOURSE OF ANTI-LANGUAGE

Within the wider perspective of sociolinguistics, the segment that shall be pursued in this study is that of Anti-language. As already mentioned, anti-language is the language used by the oppressed to reveal the antithesis of the normative language as used by dominant classes. M.A.K. Halliday points out that an anti-language is a language that is parallel to the mainstream norm, and is generated by an anti-society, that is, a group/society that is set up within another society as a conscious alternative to it.²⁵

Halliday further points out that an anti-society arises when a

²³. Ibid.

²⁴. Karl Marx & Frederick Engels, Marx and Engels: Selected Works (Moscow: Progress Publishers, 1968), p.51.

²⁵. M.A.K. Halliday, Language as Social Semiotic: The Social Interpretation of Language and Meaning (London: Edward Arnold, 1978), p.164.

group within a society feels threatened or alienated by the dominant conventional norm of their present social order. The alienated group therefore sees itself as the bearer of an alternative social reality.²⁶ The language generated by such a group to express its alternative view of social reality becomes a mode of resistance to the prevailing social order, while at the same time providing norms of self-definition for the group, relative to the self-understanding of other groups in society. The essence of anti-language is to counter or even resist the status quo and define the oppressed group for what it is not. By doing this anti-language seeks to fortify the existing bonds between the oppressed people and carve an alternative identity.²⁷

1.5. DELIMITATIONS

To begin with, as already indicated, the authenticity of the Jubilee Year theory has already been contended by various Bible scholars.²⁸ A number of studies have been done in this area but have invariably come short of influencing land policies.²⁹

²⁶.Ibid.

²⁷.Leonard Thompson, The Book of Revelation: Apocalypse and the Empire (New York, Oxford: Oxford University Press, 1990)

²⁸.George A. Buttrick, The Interpreter's Dictionary of the Bible (New York: Abingdon Press, 1962) Vol.II:1001-2; Vol.VI:141-44.

²⁹.See Albie Sachs, Protecting Human Rights in New South Africa (Cape Town: Oxford University Press, 1990); ANC Policy Guidelines for the New South Africa, The Land, 1992. Essy Letsoalo, Land Reform in South Africa: A black perspective (Johannesburg: Skotaville, 1987); Michael De Klerk, "Issues and options for land reform." In Michael De Klerk (ed.), A Harvest of Discontent: The Land Question in South Africa (Cape Town: IDASA, 1991); Bernard M. Magubane, The Political Economy of Race and Class in South Africa (New York, London: Monthly Review, 1979); The Government White Paper on Land Reform, 1994; Derek Hanekom, Green Paper The Ministry of Land Affairs in R.S.A., 1996.

To apply this model in practical terms proves to be a very intricate assignment. Therefore, this dissertation does not pretend to provide a political or legal solution to this rather complex land problem in South Africa. This research seeks, however, to facilitate a feasible method in which the land problem can be solved by drawing parallels between the South African situation and the Jubilee concept. Reference shall basically be made to Jubilee in Leviticus 25 and to entirely relevant texts. In the New Testament we shall confine ourselves to Luke 4:16-30.

Lastly, comparisons between the Jubilee and the South African situation is made. Although landlessness affects every South African, that is, people from all faith traditions across the board, this discussion focuses on the Christian tradition for two main reasons. First, the historical links between Christians and the State were always matters for great concern in this country and shall be given consideration in this study. Second, the Christian Church has been selected above other faith traditions to provide a basis from which our discussion can be developed in the interest of clarity and preciseness. In practical terms the Jubilee in this country can be illustrated by highlighting a case study of *"South African Farm Workers"*.

1.6. CONCLUSION

The South African social order was built on an erroneous foundation of a fierce power struggle. Social standards have

always been set by those who possess the land, (i.e. the dominant Colonists, to the disadvantage of other stake holders). Whites view land as property that can be owned by an individual. But to Africans land is also seen as the "mother" of the nation and "home" for the extended family - the Ancestors. In this study Blacks have the same status as that of the deprived Jews in Israel. They are both dispossessed communities. It shall be noticed, therefore, that anti-language patterns in these two world-views take similar inclinations. In both cases anti-language is used as an alternative measure through which dispossessed land can be reclaimed.

For example, the manner in which Africans speak of the land is anti-language because land is not regarded as anybody's "mother" or "home" in "normal" language. The dominant society, the ruling class, is usually seen as the "normal" society, while Africans are seen as an anti-society. The Jubilee concept is a way which is aimed at addressing land imbalances in the Old as well as the New Testament hence providing a metaphoric approach to the current land problem in South Africa. However, to put our discussion into perspective, a brief historical analysis of the South African land problem is inevitable and shall be treated in the next section.

CHAPTER 2

A HISTORIC UPDATE ON LAND MATTERS IN SOUTH AFRICA

South Africa's land problem started when white people first arrived at the Cape coast in 1652. The reason why these Europeans, that is, Jan van Riebeeck, of the Dutch East Indian Company, and his crew, settled in the Cape was to establish a vegetable garden or a supply station for passing ships. The Cape was seen as a half-way station between east and west for trading ships which were sailing from Europe to India and back. Therefore, ships would obtain water and fresh food at this halfway point. Since land was required for this project, the settlers entered into some agreement to acquire land from the Hottentots (*sic*) and the Bushmen (*sic*),³⁰ also known as the Khoi-San³¹. But, unfortunately, this action was the beginning of all land prejudices in South Africa because the settlers started occupying more and more of the land.³²

³⁰. See, J.D. Omen-Cooper, History of Southern Africa (Cape Town: David Philip, 1987), pp.1-51.

³¹. The term "Khoi-San" is a compound word composed, first, 'Khoi' from 'Khoi-Khoi' who were also known as the Hottentots to the settlers. Second, 'San' comes from Xhanga! who the settlers referred to as the 'Bushmen'. However, both the terms 'Hottentot' and 'Bushmen' are now regarded as abusive! See J.T. du Bruyn, Study Guide 2 for HST100-M (Pretoria: UNISA, 1982), pp.31-53.

³². Ibid.

Black South Africans, like many other indigenous tribes around the world, lost their land due to confrontations with white settlers. The first South Africans to deal with the colonial inauspicious confrontation were the Khoisan people at the Cape coast.³³ The main reason for conflict which existed between the Khoisan and the Colonists was the determination of the Khoisan to defend their land, water and pastures. Even though the Khoisan could not meet their counterparts' superior weaponry. The Khoisan defended their resources which to them represented "the capital upon which tribal life is based."³⁴ This conflict is the point of departure, and bone of contention, in South African race relations to date.

The Colonists continued to subdue the tribes of the Cape by their military superiority and quickly expanded the colonial boundaries further into the country. After coercing the now-impooverished Khoisan to work on white farms and assimilate them into their system, the Colonists moved deeper in-land where they met the so-called Bantu³⁵ (sic) tribes, among whom were the Xhosas, the Zulus, the Sothos, and the Ndebeles.³⁶ These, like their southern neighbours, were pastoralists on the move, but they were also

³³.Cornelis W. de Kiewiet, A History of South Africa: Social and Economic (London: Oxford University Press, 1957).

³⁴.Ibid, .p.82.

³⁵.The word "Bantu" is a African term used among the Nguni group which actually means 'People'. However, in South Africa this word was not used in its proper meaning for it was used as a stereotype to categorize Blacks by way of discriminating against them by Whites.

³⁶.Emmanuel Martey, African Theology: Inculturation and Liberation (Maryknoll, New York: Orbis Books, 1993),p.20.

cultivators of the land, like the *Trekboers*³⁷.

Meeting other black tribes resulted in new black against white conflicts. The first recorded "Bantu-Boer" skirmish took place as early as 1702 on the Eastern frontier.³⁸ In these encounters, like before, the whites through their technical advancement, not only defeated the black people, but also dispossessed them of their land and livestock. It was between these two groups that the "Kaffir"³⁹ War" and a series of wars, also referred to as the Hundred Years War from 1779 to 1879 - were fought.⁴⁰ These wars began a long history of land appropriation by whites which lasted for more than three hundred years. Hence, land redistribution and restoration has become a major task which the present South African government has to undertake in the process of nation building.

The battle for land manifested itself in two major wars, that is,

³⁷.The word "Trekboers" is an Afrikaans conjunction of 'Trek' and 'Boers'. 'Trek'- means to migrate. 'Boers' - means Agriculturists. These 'Trekboers' due to economic reasons embarked on what is known as the 'Great Trek' which was an exodus of whites moving into the country from the south at the close of 1835. See Anderson Walker, The Great Trek (London: Adam and Charles Black, 1948), p.4.

³⁸.Lebamang Sebidi, "The Dynamics of the Black Struggle and Its Implication for Black Theology," In Itumeleng J. Mosala and Boetie Tlhagale, (eds.), The Unquestionable Right to be Free (Maryknoll, New York: Orbis Books, 1986), p.4.

³⁹.The word "Kaffir" is an insulting and contemptuous term mostly used by racist whites for black people. See Penny Silva, Wendy Dore et al, (eds.), A Dictionary of South African English on Historical Principles (New York, Oxford: Oxford University Press, 1996), p.342.

⁴⁰.See Pierre Van den Berghe, South Africa: A Study in Conflict (Berkeley: University of California Press, 1965), pp.23-25f. See also Lebamang Sebidi, In Mosala I.J. and Tlhagale, B, (eds.), The Unquestionable Right to be Free (Maryknoll, New York: Orbis Books, 1986), p.4.

the "Bantu-Boer War" between 1779 and 1802 and the "Anglo-Boer War 1899-1902". As already mentioned, the first "Bantu-Boer" skirmish was in 1702 which was the beginning of a 'hundred year conflict' on the Cape Easter Frontier. This comprised a series of relatively minor engagements between Blacks and Whites in the Zuurveld region west of the Fish River - from 1779 up till 1812 - followed by great wars in 1819, 1834-35, 1846-47, 1850-53, 1877-78, and 1880-81.⁴¹ During these war years the Boers did not enjoy the support of their country of origin - Holland. Holland was overrun by the French during the French Revolution and Napoleonic Wars and could not extend support.⁴² This lured the British to the area which led to their occupation of South Africa during the war in 1806.⁴³ For a few years the Boers worked side by side with their new British partners. However, the alliance was short lived due to cultural differences that brought scepticism between the two groups.

The second major South African conflict occurred among these former allies - the Boers and the British in 1815. The first event, heralding the approaching discord between the white races, occurred when Frederick Bezuidenhout (a Boer) was killed by Hottentot soldiers. This happened when Bezuidenhout ignored a

⁴¹. See Shula Marks, "Khoisan Resistance to the Dutch in the Seventeenth and Eighteenth Century", Journal of African History, XIII, I, 1972. Also See Allan F Issacman, "The Tradition of Resistance in Mozambique", Africa Today, 22, 3, July - September 1975.

⁴². John Selby, The Boer War: A Study in Cowardice and Courage (Bristol: Bristol Typesetting Co. Ltd., 1969), p.28.

⁴³. Ibid.

summons for ill-treating his servant and resisting arrest by the soldiers.⁴⁴ Fransjohan Pretorius further points out that in the last years of the nineteenth century British imperialism and Afrikaner nationalism met in a conflict that culminated in the Anglo-Boer War of 1899-1902.⁴⁵ Pretorius attributes this war to a clash of two ideologies. He says British imperialists, on one hand, were convinced that the leaders of Afrikaner nationalism posed a threat to imperial interests in South Africa. The advocates of Afrikaner nationalism, on the other hand, feared that British imperialists were intent on destroying Afrikaner independence in their newly found land - South Africa.

For the Boers it was their own land where they had been settled for generations and which they had fought for and carved out of a wilderness. The Boers therefore regarded the African natives as labour force which should be treated as slaves. The British did not adopt as rigid a stance on the South African land question as did their Boer counterparts. They appeared to be compassionate and even-handed towards the natives. Therefore, each group (Boer and Brit) developed a suspicion of the other running so deeply that it bedeviled any possible diplomatic solution hence resulting in the Anglo-Boer War of 1899-1902.⁴⁶

⁴⁴.Michael Barthorp, The Anglo-Boer War 1815-1902 (Manzini, Durban: Bok Books International, 1987),p.7.

⁴⁵.Fransjohan Pretorius, The Anglo-Boer War 1899-1902 (Cape Town: Don Nelson, 1985).

⁴⁶.Ibid.

Furthermore, as Bernard M. Magubane points out, the tussle for land was intensified by the discovery of diamonds in Kimberley and gold in Gauteng (former Witwatersrand). These minerals were discovered in 1867 and 1884 respectively.⁴⁷ Therefore, the problem of land exploitation became the order of the day up till the present day.

In addition to the land prejudices of the seventeenth and eighteenth century, the beginning of the twentieth century saw the inception of a new trend of "legal land exploitation" when the 1913 Land Act was passed. This act basically yielded two major ways in which Blacks were politically discriminated against during these times. First, that approximately ninety per cent (90%) of the African people's land, land that was culturally tied to Africans, was put under white ownership. Second, squatting and farming was prohibited for Blacks or "Kaffirs" (*sic*). Sharecroppers were turned into labour tenants and others into urban and rural wage workers, while the rest were condemned to poverty in arid land.⁴⁸

The Land Act of 1913 appeared to be the root of many other violating land acts. In 1922 the Native Taxation and Development Act was passed. Its clauses provided for *inter alia*, levying a poll tax of one pound per annum on all Black males in urban areas

⁴⁷.J.D. Omen-Cooper, History of Southern Africa (Cape Town: Davis Philip, 1987), pp.101-157.

⁴⁸.Bernard M. Magubane, The Political Economy of Race and Class in South Africa (New York, London: Monthly Review, 1979).

aged between sixteen and sixty-five.⁴⁹ This Act did not only bind men in urban areas, but extended to those living in rural areas where every male occupant of a hut had to pay a 'hut tax' of ten shillings per annum, irrespective of the poverty in which they lived.⁵⁰

In 1923 the laws pertaining to land were reinforced by an Urban Act. This act was directly related to the expropriation of the African people's land by white settlers. It was aimed at removing Africans from urban areas and congesting them in arid rural areas, while developed areas were reserved for whites. Africans were only permitted to stay in towns and cities on condition that they worked for whites either in their homes or companies.⁵¹ Karrim Essack puts it neatly by saying:

The whole strategy worked out by Imperialism was that the peasant was to become landless but not a permanently urbanized working class, which is the normal process of capitalist development. The mines sought to prevent the permanent working class which could be proletarianised, that is conscious of its own interests as a class.⁵²

Black people were therefore forced into wage labour because they

⁴⁹.Ibid.

⁵⁰.Ibid.

⁵¹.Cornelis W. de Kiewiet, A History of South Africa: Social and Economic (London: Oxford University Press, 1957).

⁵².Karrim Essack, The Peasants March into History (Dar es Salaam: Thackers Publishers, 1989),p.72.

had to provide for their families and also to pay the tax required of them.⁵³

The year 1936 saw the inception of the "Hertzorg Bill". This law is also known as "The Representation of Native Act" or "The Native Trust and Land Act".⁵⁴ The 'Representative Act' virtually seized the African franchise in the Cape and instead provided for the appointment of a 'three white men representatives' policy. This policy simply meant that blacks could not participate in the legislation of the country and they could be represented only by whites. All these oppressive land acts, since the 1913 Land Act, inevitably took their toll in terms of institutionalising poverty in black communities. Magubane states that the struggle for land appeared to be drawing to an end where the white settlers had won. The victims of the conquest were dispossessed and reduced to permanent "hewers of wood and drawers of water."⁵⁵

In spite of the land problems already referred to, the contention was never so serious until the Nationalist Government came to power in 1948. In 1950, the National Party (NP) government introduced the Group Areas Act, which imposed a rigid system of segregation on trading and residential property rights throughout South Africa. The Act was rigorously enforced and had a major impact on the demographics of South African cities. This Act not

⁵³.Ibid.

⁵⁴.Bernard M. Magubane, (1979).

⁵⁵.Ibid.,p.85.

only took its toll on the lives of black people, but also on Coloured people, and Indians in particular. Thousands were removed from their homes and forced to live in segregated areas.⁵⁶ By 'Coloured people' in this case we not referring to 'people of colour' in general, but to a section which originated between the Africans and Europeans. According to Ian Goldin, the notion 'Coloured people'⁵⁷ in this context consists of "Hottentots", which is a "mixed race of European Settlers and Hottentots", and "Malay" people in the Cape.⁵⁸

Black Africans had long been subjected to harsh discrimination laws long before the Group Areas Act was introduced, now it appeared that Coloured and Indian communities also had to bear the brunt of an oppressive political order through the implementation of the Act. Nonetheless, it affected Africans even more, for they were forcibly removed from their land to make way for White, Coloured and Indian towns. The Act also denied Blacks access to commercial and recreational facilities in white-designated areas.⁵⁹ This act stifled the economic status of every South African apart from the white minority.

⁵⁶.See Melville Festenstein & Clair Pickard-Cambridge, Land and Race (Johannesburg: South African Institute of Race Relations, 1987).

⁵⁷.By "Coloured People" in South Africa it is commonly referred to the people who mainly occupy the southern part of the country. They are believed to be offsprings of the White Settlers and African who lived in the Cape when the Settlers arrived in this country in 1652. They mainly speak Afrikaans and some of them normally refuse to be classified as Blacks.

⁵⁸.Ian Goldin, Making Race: The Politics and Economics of Coloured Identity in South Africa (London, New York: Longman, 1987), p.16.

⁵⁹.Melville Festenstein and Clair Pickard-Cambridge, (1987).

The Nationalist Government further introduced various ways of acquiring a greater portion of South Africa's fertile land for whites. For example, the 1960s saw a wave of forced removals of blacks by the government from their properties. Many black residential areas were expropriated by Whites in this manner. This act of forced removals was later enhanced by the "homeland" system which the South African minority regime instituted in the 1970s. The "homeland" system was intended to clear South Africa of its majority black population and therefore leave this country completely "white".⁶⁰ The so-called homelands created were Transkei, Bophuthatatswana, Venda, and Ciskei, also known as the TBVC - States. The homeland system failed dismally since all homelands were dismantled after the elections of 1994.

Until the early 1980s the Group Areas Act was enforced rigidly as the government attempted to reshape the cities to conform to its segregationist goals. The Group Areas Act substantially reshaped the country's urban landscape. In its attempt to unscramble the racially mixed residential patterns completely, it had effected the creation of nine-hundred-and eighteen (918) group areas by December 1985. While it has been defended by its advocates as a means of ensuring orderly urban development, racial harmony, and economic justice, its effects have often been precisely the opposite. This was further underscored by the

⁶⁰. See Anita Claassens, "Rural land Struggle in the Transvaal in the Eighties". Paper presented at a Conference on "Law and Removals" at the University of Cape Town, April 1989), p.4. See also Anita Claassens "For Whites-Only land ownership in South Africa". In Michael de Klerk (ed.), A Harvest of Discontent: The land question in South Africa (Cape Town: IDASA, 1991).

unbanning of the liberation movements, which were labelled by the minority regime as "terrorist organizations", in February 1990. A watershed occurrence was when the life imprisoned African National Congress (ANC) activist, Nelson R. Mandela was released from detention. This act was followed by numerous releases of political prisoners and ultimately by the election of South Africa's first democratically elected government in April 1994.

However, until the 1990s black South Africans, who made up roughly 75 percent of the population, were restricted to about 13 percent of the land. Eighty-six percent of South Africa, including the cities and prime agricultural and mining lands, was occupied by Whites, representing only 12 percent of the population. Blacks were not permitted to own land outside the "homelands" and were to hold "citizenship" and voting rights only in those areas designated independent national states by the government.⁶¹

In the ANC's electoral victory, President Mandela said that "this is the end of one era and the beginning of another." This transformation was not easy. It is also not complete. We have a new South Africa with a new Government of National Unity. We have a new flag and a new national anthem. Our constitution is now legitimate and protective of human rights - of blacks and whites, of women and men, of religious and non-religious. We have a

⁶¹.Robert L. Stivers, Christian E. Gudorf, Alice Frazer Evans, and Robert A. Evans (eds.), Christian Ethics: A Case Method Approach (Maryknoll, New York: Orbis Books, 1994), p.106.

judiciary which centres around pillars of democracy, a constitutional court, Bill of Rights and public protector!"⁶² In spite of Mandela's charismatic speech, however, Sebastian Mallaby, argues that the 'land question' is the hardest of all mandates the post-apartheid government has to face.⁶³ Landlessness does not only result in socio-economic frailty, but it also culminates in violence if not promptly addressed.

2.1. THE DANGER OF LANDLESS SOCIETIES

The struggle for land occupation is not only real to South Africa, but it has sparked major conflicts in other parts of the globe as well. The Middle East is a practical example of an area which has been plagued by this kind of conflict for decades. Throughout history, the lives of people in this part of the world have been affected by 'land politics', war, and power manifestations in terms of who occupies the land. These conflicts have been further exacerbated by the Jewish diaspora, that is, the dispersion of the Jews amongst other nations of the world.⁶⁴

Elizabeth G. Ferris states that the fate of the Palestinians is wrapped up in the struggle for land and identity. The question

⁶².Khoza Mgojo, "The Church in History: Struggle and Challenge." In Pityana, Barney N. and Villa-Vicencio, Charles, (eds.), Being the Church in South Africa Today (Johannesburg: South African Council of Churches, 1995), p.5.

⁶³.Sebastian Mallaby, After Apartheid (London: Clays Ltd., St Ives plc; 1993).

⁶⁴.Elizabeth G. Ferris, Beyond Borders. Refugees, Migrants And Human Rights In The Post-Cold War Era (Geneva: World Council of Churches Publications, 1993).

of identity which is normally based on, "who is seen as Abraham's legitimate descendants between the Jews and Palestinians", has culminated in crucial disputes in the Middle East. This concern impinges directly on who constitute *insiders* and *outsiders* in that region. In other words, who is supposed to own land and who must be alienated. Obviously, those who do not possess land cannot identify themselves with the great forefather, Abraham.

In addition, due to the Jewish diaspora, mentioned earlier, Israel has a perpetual in-gathering of exiles, *aliyah*, which has been central to Israel's life as a nation. Under Israel's "law of return", Jews are granted the exclusive right to immigrate to Israel and automatically receive Israeli citizenship. However, this arrangement is normally stifled by the insufficiency of land for the incoming people. This land insufficiency inevitably results in an influx into Palestine. Hence the failure of land redistribution for the hundreds of thousands of Jews emigrating into Palestine from places like the former Soviet Union, for example, has become a primary cause of conflict in the Middle East.⁶⁵

The fact that the Jubilee is actually a Jewish conception which seems to be disregarded or forgotten by the very people it was meant to help is ironical. One turns to wonder if contemporary Jews still consider the meaning of the Jubilee. Nevertheless, since it appears that the situation in the Middle East is rapidly

⁶⁵. Ibid., p.236.

getting out of hand, I think they [the Jews] need to be reminded of this remedial tool which appears in their own statutory books. Apparently, South Africa, on the other hand, faces a similar situation where, in her case, the majority of citizens were alienated from the land by apartheid laws. Repealing such laws without providing land for the alienated, leaves South Africa in a volatile situation which might go the Middle East way if not addressed timeously and efficiently.

Another example is the 1994 Rwanda Massacre which stunned the whole world through its brutal intensity. In this carnage over a million people lost their lives when war broke out between two ancient neighbours Aba-Hutu and Aba-Tutsi. To many distant observers the 1994 bloodbath in Rwanda was perceived as one of the senseless ethnic upheavals which are so frequent in the African continent, but a close examination shows that this was not the case. The root of the problem stems from mismanagement of land and resources. We shall briefly look into the Rwanda issue with the aim of drawing parallels with the South African land problem.

Rwanda is a small country with a surface area of about 26 338 square kilometres and a population of about 8 million. The density as in 1992 was 843 habitants per square kilometre, and it should be noted that Rwanda is a land with many hills not suitable for cultivation and crop production. The Rwandan government, therefore, had been striving to provide land to the growing population since independence in 1962. The greatest

problem experienced was the influx from arid rural areas to cities such as Kigali - the capital city of Rwanda. Needless to say, this resulted in insufficient resources and a population explosion in the long run.⁶⁶

The Rwandan land crisis, according to James Gasana, started to take its toll in 1980. This was aggravated by the incorrect statistical projection of 1990 in Rwanda which reflected a population of 5 million instead of the actual 7 million at the time. The land discrepancy thus always predicted a socio-political problem. This was manifested in the 1994 Massacre which, as already stated, took over a million lives in Rwanda. Although this violence has been attributed to ethnicity, the inadequacy of land distribution has surely contributed hugely to the loss of limb and lives in that country.

South Africa has already experienced considerable outbreaks of ethnic conflict since the arrival of the Dutch settlers in 1652. Such conflicts escalated at an alarming rate in the 1980s when a trend of black-on-black violence hit the country. Failing to provide the required land to landless South Africans is a potential recipe for further discord which might deal this fragile nation's building process a fatal body blow.

⁶⁶. This information was acquired from an interview with James Gasana. Gasana is the Rwandan former Minister of Agriculture who was later changed to Minister of Defence just before the 1994 Rwanda Massacre. By the time of the interview he had acquired political asylum in Geneva, Switzerland. The interview was conducted by a French Journal named "Histoires de Developpement [Histories of Development], October 1995, Vol.30.

2.2. A POLITICAL RESPONSE TOWARDS LAND REFORM IN SOUTH AFRICA

The government and several political organisations have made various propositions towards solving the land problem. The ANC's Land Commission discussed a variety of possibilities in which it compiled a list of pros and cons. The end result of all these discussions around land is a legislative inscription into the Interim Constitution of South Africa. Under 'Restitution of Land', there is a clause which provided for restitution of the land to people who were dispossessed after the 1913 Native Land Act as a result of discrimination.⁶⁷

The ANC's ultimate view is that claims of communities to land restitution would be settled by a Land Claims Court.⁶⁸ Land claims, according to Claassens, would be informed by the value and *de facto* practices which exist in different areas. Thus there are claims to birthright, to the fact that people have lived on land for generations, to the fact that age-old contracts and agreements have been in operation for generations, on inheritance, on ownership of title deeds or trust documents, and on the fact that people have spent labour resources in developing land and making it productive.⁶⁹

⁶⁷.Ibid.

⁶⁸.cf. The African National Congress Political Guidelines 1992, See Anita Claassens, "For Whites only - Land in South Africa". In Michael de Klerk (ed.), A Harvest of Discontent: The Land question in South Africa (Cape Town: IDASA, 1991).

⁶⁹.Anita Claassens, (1991),p.59.

Nevertheless, the ANC's proposition was not openheartedly adopted by all parties, especially extremist organizations such as the Conservative Party (CP) (which embodies right-wing extremists), the Pan-Africanist Congress (PAC), and the Azanian People's Organization (AZAPO) (left-wing extremists). We shall attempt to briefly examine the stance of various political parties on the issue of land.

Extreme left-wing parties, the PAC and AZAPO, maintained a view differing in principle from the rest on land matters. The PAC's position on the restoration of land 'is that the land and all natural resources belong to the African people as a whole, and therefore, all benefits, financial and otherwise, accruing from these assets must be shared equally among the people'.⁷⁰ It must be noted that the PAC held a rigid position on this issue, and originally maintained that land must be nationalized. But they later shifted to a policy of socialisation of the land.⁷¹

AZAPO, declared that the land question be central to any future economic dispensation in South Africa. Their view on land is reminiscent of the authentic Jubilee concept. It is formulated as follow: 'It is clear that because land is the primary means of production, it belongs to the people and cannot become the

⁷⁰. Barometer on Negotiations, Vol.5 (Clubview: Regional Research and Report Commission, 1993), p.7.

⁷¹. Ibid.

property of an individual or State.'⁷² The AZAPO's perspective on land makes inroads into the core of our deliberations in this dissertation.

The Democratic Party (DP) maintains that land must be restored to victims of the Group Areas Act. For them in order to redress the imbalances in land ownership, the State must assume responsibility for the redistribution of land. According to them, land that is owned by the State must be distributed on the principle of 'willing seller, willing buyer'.⁷³ The DP rather adopted a non-extremist view to the land question.

Needless to say, the right-wing extremists like the Conservative Party and the Afrikaner Volksunie do not embrace the concept of land redistribution at all. These, of course, are the people who up till 1995 possessed about 87% of the South African land. They are beneficiaries of the subjugative land laws enacted by the previous government. They would therefore obviously feel very uncomfortable with concepts like 'land restitution' and 'land redistribution'. Their central opinion remained based on what they call "*self-determination of the 'white homeland'*". This opinion is based on the old-fashioned ideology of "separate homelands for separate nations", which has dismally failed in the past.⁷⁴

⁷².Ernest Harsch, "Land Reform in South Africa: On Whose Terms?" Transafrica Forum, 8:4 (Winter 1991/1992), pp.31-32.

⁷³.Ibid., p.5.

⁷⁴.Barometer on Negotiations, Vol.5, (1993).

The Afrikaner Volksunie, who collaborated with the CP shared similar convictions in this regard. They also do not advocate redistribution of land, let alone restitution. The Afrikaner Volksunie lobbied around the same "white homeland" strategy but rather called it "Afrikaner State." Trying to avoid racist accusations they are embarking on an Afrikaner Cultural dispensation. They argue that the State priority should not be the redistribution of land, but the provision of houses for black people, because, according to them, "land is not a basic need for any individual."⁷⁵ We shall now attempt to examine the steps taken by the South Africans so far in addressing the problem at hand.

2.3. REPARATION AND RESTITUTION OF LAND IN SOUTH AFRICA

After all has been said and done one wonders what the latest developments, in terms of restoration of land matters, are in South Africa. The political leader of Zimbabwe, President Robert Mugabe, when he was interviewed by a local television station on the land problem in his country said by way of a folk tale:

"A man (*sic*) once invaded his neighbour's house and expropriated it. Obviously, the dispossessed person had to improvise and build a new house which was of a lower value than the first one. After this had happened, there came a time for reconciliation and the former invader expected to shake hands with his victim without

⁷⁵.Ibid.,p.17.

giving back what he (*sic*) took in a deceitful manner.⁷⁶

In this short parable Mugabe simply indicates that reconciliation is not possible without reparation and restitution. But is this paradigm feasible in the South African context? What strategies can be followed if this is to be achieved? Klaus Nurnberger has done some groundwork in this regard. He submits that reparation and restitution are two sides of the same coin. Nurnberger points out that reparation, on one hand, addresses the losses or injuries inflicted through deliberate forms of injustice such as dehumanisation, underpayment and exploitation of the people beyond the people's capacity to be human.⁷⁷ Restitution, on the other hand, arises from forms of land dispossession in which the indigenous people have been rendered landless.⁷⁸

Welile L. Mazamisa further states that it is essential that 'reparation' and 'restitution' of land be distinguished from each other. As already mentioned, *Reparation*, on one hand, is geared to addressing the prejudices against human rights.⁷⁹ According to K. Beavon it is applicable under certain conditions, for instance:

⁷⁶.President Robert Mugabe of Zimbabwe was interviewed on a programme named 'Current Affairs' on the South African Broadcasting Cooperation (SABC), in April 18, 1996.

⁷⁷.Klaus Nurberger, "Thesis on the Theology of the Land in its Overall Context." In Conradie E.M. et al, (eds.), Church and Land (Stellenbosch: Stellenbosch Economic Project, 1992),p.18.

⁷⁸.Ibid.

⁷⁹.Welile L. Mazamisa, "Reparation and Land". In John de Gruchy and Charles Villa-Vicencio (eds.), Doing Ethics in Context (Cape Town: David Philip Publishers (Pty), Ltd., 1994),p.211.

* The remedy may be achieved by restoring any other piece of land and not necessarily the same land which was dispossessed. Other compensative ways may be implemented, for instance, rural development programmes, sharing the use of land, the payment of money, etc.

* The wrong or disadvantage deserving reparation could also have been suffered indirectly, for example by the descendants of those originally dispossessed or by individual members of a community which no longer exists.

* Similarly, the call for reparation is not dependent upon the question as to whether or not the original wrongdoer (e.g. the State) still has the land in order to give it back.

* This process concerns both historic and current interests.⁸⁰

Restitution: This concept on the other hand is more restricted than reparation for it lays out a specific approach to a specific case, for example:

* The remedy is the granting of land rather than

⁸⁰ .K. Beavon, U.F. Research: Summaries on Critical Issues (Johannesburg: Urban Foundation, 1993), p.7.

something else of economic value, such as money, as compensation.

* It must be the *same land* of which people were originally dispossessed.

* The individual or community dispossessed *must* be the claimant or *must still exist* as a cohesive group.

* The individual land must be given back to the *same agency* that originally took it. (i.e. The State must still be the owner of the land or be able to re-acquire it in order to give it back.⁸¹

It must be clear by now that the implementation of both concepts of 'reparation' and 'restitution' can be rather complex in a practical setting. These notions have both legal as well as theological connotations. Mazamisa, therefore, advises that the present South African Government should analyze the political as well as the theological and moral aspects of this matter if a positive input on the general landlessness is to be accomplished.⁸² Before alluding to biblical models on land, let us first examine the political input already made in this issue. The advent of the democratically elected South African government has initiated heated debates on the land problem at different

⁸¹. Ibid.

⁸². Welile L. Mazamisa, (1994), p.211.

levels. Old oppressive Land Acts are invariably amended with new ones.

2.4. THE SOUTH AFRICAN LAND POLICY IN 1996

The South African transformation to democracy has been seen as a milestone in the country's history. The country's democratically acquired freedom is envied by many other countries around the globe. However, "freedom" can be seen from various alternative views. According to John de Gruchy, "freedom", from a liberal perspective, refers to personal liberty and the protection of human rights, whereas for socialists, freedom refers primarily to the liberation from oppression and poverty.⁸³ Nevertheless, I think a better view would be at least a combination of the two views. But I would like to highlight some aspects from a socialist point of view. Freedom for all begins when everyone has equal access to resources, education, housing, health care as well as land.⁸⁴ One is forced to sympathise with the New South African Government given the legacy of injustice as well as the debt they inherited from their predecessors. However, this does not free them from the mandate to deliver the 'goods' to the impoverished common people who voted it into office.

In its endeavour to address the landlessness in the country, the

⁸³. John de Gruchy, Christianity and Democracy (Cape Town, Johannesburg: David Philip, 1995), p.22.

⁸⁴. Ibid.

South African Government of National Unity, through the Ministry of Land Affairs under Minister Derek Hanekom, produced a 'Green Paper' on February 10, 1996. Hanekom points out that the document was produced after an extensive process of public consultation around land policy issues.⁸⁵ The main objective of the 'Green Paper', which is to be considered in both urban and rural environments, is to redress the following concerns:

- * the injustices of racially-based land dispossession;
- * the inequitable distribution of land ownership;
- * the need for security of tenure for all;
- * the need for sustainable use of land;
- * the need for rapid release of land for development;
- * the need to record and register all rights in property; and
- * the need to administer public land in an affective manner.⁸⁶

The points stated above bring us to the essence of this document, which is Land Redistribution and Restitution. The study on land as commissioned by the Department of Land Affairs sets forth the view that South Africans, especially Blacks, have a high demand for land. As already mentioned, for black people land is not just seen as an economic property, but it physically locates their sense of being - past and present. But for white minorities land

⁸⁵.Derek Hanekom, Green Paper, The Ministry of Land Affairs, R.S.A., 1996.

⁸⁶.Ibid.

is viewed as an economic commodity of productive value.

2.5. SUMMARY

The poverty that grips the majority of contemporary South African citizens emanated from a long history of land dispossession. More than three and half (3,5) million people and their descendants have been victims of racial dispossession and forced removals. However, the time has come to embark on restoring the land to its rightful owners.

The Government of National Unity has embarked on a land restoration policy by implementing legal concepts like land redistribution and restitution. Nonetheless, the legal efficacy of these terms has not been fully established. Therefore, the exercise seems far from completion since the method applied needs better clarification. Among others, biblical scholars still have to put forward a theological interpretation of the tools to be applied in this South African nation building project.

CHAPTER 3

EXEGESIS OF LEVITICUS 25 AND LUKE 4:16-30

3.1. INTRODUCTION

The proclamation of the Jubilee Year, in both the Old Testament Leviticus 25 and the New Testament Luke 4:16-30, is declared in symbolic and metaphoric language. In the Old Testament the book of Leviticus begins at the foot of Mount Sinai. Its author is believed to be Moses and his audience were the Israelites. This was the time for Israel to regroup as a nation and learn the importance of following God as they prepared to march towards the Promised Land.

In the New Testament, in a passage written by Luke to a Jewish audience, Jesus announces the Jubilee Year to a Jewish audience in a synagogue in Nazareth. Jesus was quoting the prophet Isaiah of the Old Testament. Therefore, the Jubilee manifesto is found to be in accordance with Isaiah 61:1,2 which reads as follow:

The spirit of the Lord God is upon me, because the Lord has anointed me; He has sent me to bring good news to the oppressed, to bind up the brokenhearted, to proclaim liberty to the captive, and release to the prisoners; to proclaim the year of the Lord's favour, and the day of vengeance of our God; to comfort all who

mourn;⁸⁷

According to K. Elliger, Isaiah 60-62 can primarily be attributed to an early post-exilic prophet known as Trito-Isaiah.⁸⁸ C. Westermann, in his detailed approach, further writes: "Chapters 60-62 comes from the nucleus of the message contained in the book of Trito-Isaiah. They reproduce the message of a prophet of the period after exile."⁸⁹ This message was probably put together when the remaining tribes of Israel were returning from exile (6th century B.C.), but its roots go back to the founding of their nation (13th century B.C.) and it reflects the concerns of the prophets during the monarchy (11th to 6th century B.C.).⁹⁰

In this passage Isaiah prophesy the deliverance of Israel from Babylon as a time of Jubilee when all debts are cancelled, all slaves are freed, and all property is returned to its original owners Leviticus 25. However, the release from Babylonian exile had not brought the fulfilment the people had expected; they were still conquered and oppressed and most imperatively, the land was still in the hands of those who dispossessed it of its rightful owners. So Isaiah must have been referring to a future Messianic

⁸⁷.Holy Bible, New Revised Standard Version (Iowa: Iowa World Bible Publishers, 1989).

⁸⁸.K. Elliger, Die Einheit Tritojesaja (Stuttgard: Beihefte zur Zeitschrift vom Alten und Neuen Testament 45, Kohlhammer, 1928). As Cited in P.A. Smith, Rhetoric and Redaction in Trito-Isaiah: The Structure Growth And Authorship of Isaiah 56-66 (New York, Koln: E.J. Brill, 1995), p.22.

⁸⁹.C. Westermann, Jesaja 40-66, p.237 (English translation by D.M.G. Stalker, In Isaiah 40-66 (London: Old Testament Library, 1969), p.296.

⁹⁰.World Council of Churches (WCC), Turn to God: Rejoice in Hope (Geneva: WCC Publications, 1996), p.10.

age. Jesus Christ in Luke 4:16-30 boldly announced this era by saying: "*Today this scripture is fulfilled in your hearing.*" One of the features of anti-language in this passage is that a reversal of the prevailing setting in Israel is announced. There is therefore transformation in that 'good news is brought to the oppressed', 'the brokenhearted are healed', 'liberty is proclaimed to the captives', 'release to the prisoners'. Since Jubilee is a reversal of Israel's social setting it can be viewed as anti-language in this context.

3.1.1. EXEGESIS OF LEVITICUS 25

The term "Jubilee" originates from the Hebrew word "joble", which means "a ram's horn", and from the instrument used in proclaiming the celebration which denotes an idea of rejoicing. Furthermore, it is traced that the word "jubilation", now adopted in most European languages, also finds its origin in "joble".⁹¹ For Israel the Jubilee Year was in any case pre-eminently a time of joy, a year of remission, a year of universal pardon. Every seventh day, and seventh year were regarded as Sabbatical circles. Therefore, the year that follows seven Sabbatical circles, the fiftieth year, would be the Jubilee Year and was to be kept as a Sabbatical year of special solemnity.⁹² Leviticus 25:10 reads:

⁹¹. See *The Catholic Encyclopedia* (Ed. in Chief), Charles G. Herbermann, (New York: The Encyclopedia Press, Inc., Vol. VII, 1913).

⁹². *Ibid.*, p.532.

And you shall hallow the fiftieth year and you shall proclaim liberty throughout the land to all its inhabitants. It shall be a Jubilee for you: you shall return, every one of you, to your property and every one of you to your family.

There is a degree of resemblance between the Jubilee as was proclaimed in the Old Testament and the current South African scenario. Like the oppressed Jews in the Old Testament many South Africans were driven into exile as Whites expropriated their land. Therefore the new government can be seen as the advent of a Jubilee proclamation made to all inhabitants of South Africa. This is the time to return to disinherited property and to families which were scattered by the apartheid regime.

The author of Jubilee advises his audience not to sow, or reap the aftergrowth, or harvest the unpruned vines, for it is a Jubilee. When sales are made with neighbours they shall be executed with all fairness. This passage was written with the aim of redressing the economic imbalances as a result of the deceitful ways adopted by Israel.

Leaving the aftergrowth and the unpruned vines for the poor to glean is another manifestation of anti-language in this text. In simple terms this means that those who have enriched themselves over the years should give the poor a chance to profit from the fruit of the land. In South Africa this goal is highly aspired to, hence, the implementation of Affirmative Action, where the deprived people are said to be granted first preference in the

allocation of employment. All this trouble is taken to balance the South African economic state.

The Jubilee concept does not only consider a land redemption proposition, but it further proposes slave redemption methods as well. Leviticus 25:47-48, 54 reads:

If resident aliens among you prosper, and if any of your kin fall into difficulty with one of them and sell themselves to an alien, or to a branch of the alien's family, after they have sold themselves they shall have right of redemption; one of their brothers may redeem them, ... And if they have not been redeemed in any of these ways, they and their children with them shall go free in the Jubilee year.

3.1.2. EXEGESIS OF LUKE 4:16-30

The prophetic Jubilee proclamation was not confined to the Old Testament only. The same proclamation was used by Jesus to explain the central concern of his ministry in the New Testament Luke 4:16-30, as already mentioned. Several of the prophets were so vehement about God's demand for justice that they called into question the very worship of Israel and foretold the destruction of the temple.⁹³ In the same manner Jesus confronted the religious establishment of his time, which was linked with the wealthy landholders, the temple-state and the Roman empire.⁹⁴

⁹³.World Council of Churches, (1996),p.13.

⁹⁴.Ibid.

The scene of this scripture is Nazareth in a Jewish synagogue (v.16, 20, 28) and time, a Sabbath (v.16). The actors are Jesus, the synagogue attendants and the crowd. As Michael Prior has noted, the story in Luke 4:16-30 develops in three phases.⁹⁵

Phase 1: Jesus' Actions and the Crowds' Reaction (vv. 16-20)

As already stated, the story consists of three actors and can thus be divided according to the actions of each character. Phase one (vv. 16-20) begins with Jesus, and ends with the expectation of the crowd. We shall attempt to unpack the first phase.

Simple Chiastic Structure of (vv. 16-20)

It shall be noted that the style of composition of a literary unit often reflects a rhythm which indicates wherein the stress of the piece resides.⁹⁶ The author's intention is normally indicated by the literary structure of the text. For example, it shall be realized that in this section emphasis is laid on the activities of Jesus while the other actors have a passive role.

- A. He *stood up* to read;
- B. *there was given to him* the book of the prophet
Isaiah
- C. He *opened the book* and found the place...

⁹⁵.Michael Prior, Jesus: The Liberator; Nazareth Liberation Theology (Luke 4:16-30) (Sheffield: Sheffield Academic Press, 1995), p.151.

⁹⁶.Ibid.

D. *'The Spirit of the Lord is upon me...*

C'. *He closed the book,*

B'. *and gave it back to the attendant,*

A'. *and sat down.*

It will be noticed that the concentric arrangement of the narrative of Phase 1 emphasizes the combined quotation from Isaiah. This section therefore serves to illuminate and enrich Isaiah 58:6 and 61:1-2b. In these sections "the year of the Lord's favour" is proclaimed. In fulfilment of "the year of the Lord's favour" or the Jubilee mandate Jesus brought good news to the poor as the breaking in of God's reign. According to Jesus, this was a time to release prisoners (most of whom were there because of debts), to the recovery of sight to the blind and to the healing of all kinds of diseases, as liberation of the oppressed. He taught that God's reign would comfort those who mourn, give land back to the meek and fill the hungry with justice. Not only did he heal the sick, but he broke the taboos that marginalized people, above all the unclean, the sinners, women and children. And he gave them first priority in God's reign. To do this he had to challenge the guardians of the social, economic, political and religious system, first the scribes and Pharisees, later Herodians and Sadducees, finally the high priest. How did Jesus execute this complicated task?

Jesus could not openly challenge the status quo for this could have been a dangerous and unwise thing to do. He therefore

strategically applied anti-language in the form of prayer. Jesus taught his disciples to pray for the coming of God's reign, to forgive debts, to serve one another with humility and to be ready to give their lives for others as he was bound to do. This prayer is based on a framework of anti-language since its essence suggests an antithesis of the contemporary status quo.

Phase 2: Jesus' Actions and the Crowd's Reaction (vv.21-22)

In the second phase Jesus' audience enter into the scenario of the text.

A. And he began to say to them,

B. 'Today this scripture has been fulfilled in your hearing'.

A'. And all spoke well of him, and wondered at the gracious words which proceeded out of his mouth; and they said, 'Is not this Joseph's son?'

Phase 3: The Crowd's Action and Jesus' Reaction (vv. 23-29)

The actors here are the crowd and Jesus.

A. And they said, 'Is not this Joseph's son?'

B. And he said to them, 'Doubtless you will quote to me this proverb, "Physician, heal yourself; what we have heard you did at Capernaum, do here also in your own country."

C. And he said, 'Truly I say to you, no prophet is acceptable in his own country...'

D. there were many widows in Israel in the days of Elijah...many lepers in Israel in the time of the prophet Elisha...

C'. When they heard this, all in the synagogue were filled with wrath.

B'. And they rose up and put him out of the city, and led him to the brow of the hill on which their city was built, that they might throw him down headlong.

A'. But passing through the midst of them he went away.⁹⁷

At the core of each of the three phases is a link between the mission of Jesus in the New Testament and the Old Testament: a combined quotation from Isaiah 61:1-2b; 58:6, as already pointed out. In Luke 4:21 there is a radical interpretation of the prophecy made in Isaiah. A justification of this text is further made by reference to Elijah and Elisha. Thus the incorporation of the Old Testament texts shows the centrality of the presentation of Jesus as one on whom the prophetic Spirit has descended.

⁹⁷. Ibid., p.154.

3.2. SUMMARY

The idea of Jubilee in Leviticus 25 comes as a prophetic message aimed at levelling economic imbalances in Israel in the Old Testament. It was initially based on Israelite rituals which signify joy and solidarity among the nation. This ritual is based on periods of seven days, seven years, and seven times seven years which were regarded as Sabbatical circles. The year that follows seven Sabbatical circles is the Jubilee year.

The significance of the Jubilee concept is further revitalized to suit the Christian Church of the New Testament. By proclaiming "the year of the Lord's favour", Jesus acts in fulfilment of this prophetic message and thus gives the Jubilee a Christological meaning. The Lord's prayer in Matthew 6:9-13 authenticates some of the issues brought up in the Jubilee proclamation.

CHAPTER 4

TRANSLATING JUBILEE FROM ANCIENT TO MODERN SOCIETY

4.1. INTRODUCTION

The previous section exegetes the biblical Jubilee in both the Old and New Testament. However, we will not be doing justice to this text by leaving it in its ancient biblical state. It must be decoded to suit contemporary societies. Carlos Mesters argues that the Bible is not just about past history only. It is also a mirror to be held up to reflect the story of today and lend it a new perspective.⁹⁸

However, it has to be noted that a direct application of ancient notions, like the Jubilee and the Mosaic model, for instance, to contemporary societies without re-adjustments might backfire. This happens because of the dissimilarities that normally exist between ancient and modern societies due to the times in which they lived. Nevertheless, I deem it essential to briefly appropriate the Jubilee in the African culture before any Christian and post-Colonial consultations can be made. Amilcar

⁹⁸. Carlos Mesters, "The Use of the Bible in Christian Comments of the Common People." In Norman Gottwald (ed.), The Bible and Liberation: Political and Social Hermeneutics (Maryknoll, New York: Orbis Books, 1984).

Cabral states that "one of the most serious mistakes, if not the most serious mistake, made by the colonial powers in Africa, may have been to ignore or under-estimate the strength of African culture".⁹⁹ We dare not repeat this error in this treatise.

Land expropriation is not a new thing in Africa. In the past ancient Africa used to experience warring factions between different ethnic groups and tribes which, at times, resulted in the capturing of prisoners of war as slaves, the confiscation of property, even women and land. In this process some would obviously lose not only their belongings, but their identity as well and therefore become "nobodies" in that society. They would thus be seen as servants and aliens by their conquerors or "masters".¹⁰⁰ This, according to African culture, is an awful state of affairs since such people, due to their state of "nobodiness", cannot even be regarded as Ancestors after they have died.

However, Africans had ways and means through which this state of servitude and "nobodiness" could be reversed. In Africa no duration or fixed intervals were established to release those who have lost their freedom. Their release happened spontaneously in a process in which they were absorbed into society normally

⁹⁹.Cited in Emmanuel Martey, African Theology: Inculturation and Liberation (Maryknoll, New York: Orbis Books, 1993), p.13.

¹⁰⁰.Note: African Masters are not similar to "Slave Masters" as perceived in the African Slave Trade appearing in the history of the Atlantic Slave Trade. In the African case emphasis was not put on trading as such, but on a social setting which was sometimes governed by the rule of nature of "the survival of the fittest" which at times ended in assimilation of the conquered group.

because of their good acts in that society. After an indefinite period of "nobodiness" slaves would normally be set free and given permission to marry or re-marry, have children, as well as access to a piece of land in most cases. The process of transforming slaves from the state of "nobodiness" to members of a nation was marked by events of jubilation in Africa. This is precisely what the Jubilee models embodies, though the Jubilee continues to specify the time frames for liberation in Sabbatic circles and the Jubilee Year ultimately.

Coming to the biblical appropriation of the Jubilee we shall realize that biblical scholars have invariably attempted to modify the Jubilee to correspond to Christian societies. It has been noted earlier that Luke 4:16-30, (though in this text Jesus was addressing a Jewish audience), has been adopted by the Christian Tradition to use Jubilee in the New Testament as a means to ensure continuity. We must also acknowledge that the New Testament text does not cover all the areas as was proclaimed by the prophet Isaiah in the Old Testament. But it certainly acts as a conjunction of the two biblical dispensations.

The Jubilee conception has also been appropriated to correspond with post-colonial societies. In his attempt to address the landlessness which existed in modern societies, Henry George interpreted the essence of the Mosaic model to the age in all its economic aspects, rural or urban, agricultural or industrial,

technologically undeveloped or advanced.¹⁰¹

In his update of the Mosaic model George suggests that in addressing this problem, land should be left in private hands but, according to him, the land value should be appropriated via taxation.¹⁰² In his own words ... "*It is not necessary to confiscate land; it is only necessary to confiscate rent*", he argues.¹⁰³ This taxation should be proportional to the value attached to each respective land. The problem with this model, however, is that tax evaders can easily stifle restoration of resources to the needy. Secondly, it has no accommodation for societies who need land to occupy more than compensation. But this was not the end of the road for submissions of this nature. Various scholars have submitted land restitution models through which Jubilee can be appropriated in the current South African scenario. The Department of Land Affairs, for example, has established South Africa's new Land Act from submissions from various current scholars.

¹⁰¹. Cited in Robert V. Andelson and James M. Dawsey, *From Wasteland to Promised Land: Liberation Theology for a Post-Marxist World* (Maryknoll, New York: Orbis Books, 1992), p.89.

¹⁰². Ibid.

¹⁰³. Ibid., p.405.

4.2. JUBILEE PROCLAIMED FOR SOUTH AFRICAN FARM WORKERS AS A PRACTICAL MODEL

Confining ourselves to the *South African Farm Workers* case study, let us now examine if the Jubilee is possible in the South African context. The South African 'Farm Workers system' is a legacy of slavery which originated in this country after Africans had lost their land to Whites, as already mentioned. However, slavery was officially ended by the British in 1834.¹⁰⁴ After the abolition of slavery in the Cape, farmers began to complain about the lack of voluntary labour and to seek ways of binding labourers to the farms. The British imperialist, Cecil John Rhodes, consequently pronounced a typically inflexible view in 1894: 'It must be brought home to them [Black people] that in the future, nine-tenths of them will have to spend their lives in daily labour, in physical work, in manual labour'.¹⁰⁵ The Colonial Government ensured Rhodes' view by forcing blacks to work for white farmers by confiscating their land and destroying their livelihood. The government further introduced taxation in order to drive people into cash economy.¹⁰⁶

Farm workers mostly constitute the marginalised people in South African communities. They are the poorest of the poor and normally lack representation in any of the country's social

¹⁰⁴.Wendy Davies, *We Cry For Our Land: Farm Workers in South Africa* (Oxford: Oxfam, 1990).

¹⁰⁵.Ibid.,p.1.

¹⁰⁶.Ibid.

structures. These people are normally exploited and can be evicted at any time at the whim of their employers. These dismissals often occur when workers complain about poor working conditions or attempt to join a union where they can register their plight. Furthermore, when farms change hands, new owners usually feel no obligation towards farm workers whom they 'inherit' from the previous owners.¹⁰⁷

The South African government has taken corrective steps in this regard, however. The National Land Committee (NLC) has proposed that District Councils be elected at a local level. These Councils would ensure that local political priorities are addressed.¹⁰⁸ Alistair McIntosh points out that 'to counter elite domination in District Councils, there needs "to be specific targeting of marginal groups (such as farm workers, the landless, the poor and women) to enable them to exert greater leverage on local affairs."¹⁰⁹

The question of farm workers cannot only be resolved through political methods, but this crucial problem must be viewed from a moral perspective as well. First, since farm workers have generally been denied education, which would ensure them a better

¹⁰⁷.Wendy Davies, (1990), p.33.

¹⁰⁸.Alistair McIntosh, "Towards A Rural Local Government Policy For South Africa: Options to be Considered; A Proposal rural local government policy framework commissioned by the Institute of Local Government and Development from the National Land Commission," September 1993. In Terence Fife (Ed.), Farm Workers and Rural Local Government: Towards Participation and Service Delivery (Stellenbosch: Centre For Rural Legal Studies, July 1994), pp.16,17.

¹⁰⁹.Alistair McIntosh, (1993), p.4.

position in modern society, they must be given priority in a free education system. Second, the affinity farm workers have established with the land, which they have always cultivated, must be considered. They cannot be easily evicted from such land. It is therefore strongly argued that both *Land redemption* and *Slave redemption*, which are enveloped in the Jubilee concept, are long overdue among farm workers and the land they have cultivated all these years. Correcting the Farm Workers' land problem in South Africa could serve as a micro-model which might set a trend for other larger land restitution projects in the country.

Implementing this plan to the Farm Workers' case has its difficulties, however. Firstly, leaving the land solely in the hands of farm workers would be futile since they are not expected to be financially viable to sustain farming activities. Unfortunately, farm workers are usually illiterate due to grossly unfair educational policies.

Secondly, the question of white farmers who now own these farms cannot be overlooked. They have also spent their lives working on these farms. White farmers cannot be wished off their farms for they have invested large amounts in these farms and have thus a strong connection with the farm land. Furthermore, they have a history which links them to the land which must be taken seriously. This could be heard from the words of Eugene Terreblanche (leader of the Afrikaner Weerstandsbeweging (AWB)). In a television interview he stated that his forefathers paid for South Africa or part of it in instalments of blood. For these

reasons it shall be realized that it is imperative to find the right moral values on which the foundation for a new South African society can be laid.¹¹⁰

4.3. OTHER PRACTICAL MODELS

The previous sections demonstrated the complexity of land restitution. In dealing with this problem, Nestor Davidson of the Legal Resources Centre in Cape Town submitted a restitution proposal to the Department of Land Affairs at a Task Team meeting in June 1995. The purpose of this proposal was, firstly, to define the role of government and provide a policy framework for restitution of rights in land used for urban residents. Secondly, to relate purposes to persons dispossessed of such rights under or for the purpose of furthering the objects of any racially based discriminatory law, such as, for example, the Group Areas Act and the Community Development Act.¹¹¹

Among others, this proposal contains a set of alternative options which can be followed in pursuing land restitution initiatives in different situations. For example, the task team gave four possible options in which land claims can be addressed.

¹¹⁰. Sigqibo Dwane, "Theology and the Land Question". In Journal of Black Theology in South Africa 5, 2. 1991.

¹¹¹. This proposal was prepared by Nestor Davidson as an input to the Restoration Task Team for discussion purposes. It further develops some of the arguments presented at the meeting of the task team, under the auspices of the Legal Resources Centre, held on June 13, 1995. It further reflects some of the proposals of the meeting.

4.3.1. OPTION ONE

The restitution (restoration) of rights in land in the form of a development-directed group restitution initiative.

4.3.1.1. Such an option could be pursued in cases where land from which people were removed, or part thereof, is available for restoration to a group of claimants acting jointly. Option One requires that sufficient land from which persons were removed be available provided the use of such land for restoration purposes is feasible.

4.3.1.2. The implementation of such an initiative means that individual claimants should organise themselves into a group, form a representative structure and participate in arrangements to obtain and develop land for residential uses and other purposes.

4.3.1.3. It is important to note that claimants would not necessarily seek to be resettled in the actual portion of land from which they were dispossessed, but that available land be replanned and developed to accommodate their specific claims.

(For example, a certain Mr. Abdullah who was removed from South End, Port Elizabeth, will share in land that is redeveloped in Fairview with other claimants from Central and Korsten.)

4.3.1.4. Such an approach relies on the willingness of certain claimants whose land is still intact to "share the land" and for claimants for whom restoration may not be feasible to accept a "land exchange".

4.3.2. OPTION TWO

Affording groups of claimants the right to participate in housing development schemes on alternative State-owned, public or private land from which people were not removed. This option could also be pursued in conjunction with option one.

4.3.3. OPTION THREE

The return of individual portions of land for residents and related uses where it is feasible to effect such actual restoration.

4.3.3.1. Examples are where the actual home, business premise and/ or vacant land from which claimants were removed is still intact. This requires that the relevant buildings have

not been demolished or subdivided as a result of urban development, the original zoning has not changed and the land has not been transformed to such an extent that it is not practicable to restore the right in question.

4.3.3.2. The option could present major budgetary constraints as a result of the increase in property values even if a previous compensation is taken into account.

4.3.4. OPTION FOUR

Paying compensation to claimants.¹¹²

4.4. THE CHARLESTOWN CASE STUDY¹¹³

INTRODUCTION

This case study purports to examine various options which may be implemented in effecting land restitution in real situations. Former land-owners of Charlestown were forcibly removed from their land in the 1960s and 1970s. But since their removal, the

¹¹². Ibid., pp.4-5.

¹¹³. The Charlestown Case Study was conducted and prepared by Bridget Murphy and the Association for Rural Advancement, July 1995. Charlestown in a small area in Natal. This information was retrieved from the Legal Resources Centre (Cape Town: Cape Town Library).

people of Charlestown have been committed to returning to their land. When, in 1990, there seemed to be a change in government policy, they were actively engaged in activities with other communities, similarly placed, to get back their land. After the aborted attempt to occupy their land in 1991, the Charlestown people made a submission to the Advisory Commission on Land Allocation and Charlestown was successfully awarded the return of their land.

APPROACHES TO THE RETURN OF TITLE

Charlestown was informed of their successful claim to the Advisory Commission on Land Allocation in December 1992. The award held that the President had agreed in principle to return ownership to the previous owners of Charlestown, Clavis and Clavis Extension. The Department of Regional and Land Affairs was therefore tasked with negotiating the implementation of this decision with other stake holders. The community was allowed to reclaim directly from the Development Services Board (DSB).

After thorough consideration it was decided that 369 lots in Clavis would be sold to former tenants at R100 per lot. This would be effected after applicants have been screened by the DSB. Provided the transfers of these plots were effected on a "block" basis, the total cost of transfer would amount to R450. This amount included the purchase price (R100), survey diagram costs and transfer costs. The DSB was to prepare the deeds of sale.

However, the repayment of the expropriated amount generated much discussion. DSB then agreed with the community that the principle of repaying this amount was wrong. It was later decided that the DSB would levy a nominal amount in this regard, and that the community members would repay this. A community trust would be established to receive these payments and this money would be used for community development projects.

PROBLEMS ENCOUNTERED IN THIS PROCEDURE

- * An identified constraint was that screening of applicants occurred only once a month due to limited time availability. Hence, screening needs ample time.
- * Until such time as all claims have been lodged and the nominal amounts been paid, no transfer of title could take place. This is based on the premise that transfers executed in bulk will cost less.
- * The process did not recognise the physical cost of participation by members of the community committee. All actors participating in meetings and screening sessions were paid functionaries. For committee members to participate in the forum and screening session meant incurring other expenses in travelling and time from work. This in itself necessarily implied that participation in these activities was restricted to certain members of the committee.

4.5. SUMMARY

During the times of oppression in Israel people were imprisoned and could only go free in the Jubilee year. Similarly, for many centuries, Africans were captured by European Slave Traders and harshly stripped of their possessions and identity. In various cases Africans were first taken from the land. Subsequently the African land was left with no one to cultivate it. In South Africa, as already stated, some black people were forcibly removed from it. There were those who had no property and were left with only their labour to sell. This scenario is usually realized among farm workers in this country. In most cases farm workers are linked to the farms on which they work because most are born on these farms. In some instances, as will be noted in the next chapter, their parents were buried on these farms. They have subsequently become a part of the farm land. Therefore, these people cannot be removed from these farms having spent many years working and generating an income for the farmer. It will also be recognised that Jubilee aims at balancing social life by focusing on land ownership, which is the primary source of economic, social, family and personal life. In this way the spirit, if not the letter, of the biblical Jubilee will have been captured.

However, as already noted, there is another crucial factors, (i.e. the current land owners), who must be taken into consideration. as already submitted. It is common for farmers to invest millions of rands in the land they own. Uprooting them

from this land, without considering all relevant issues, will be a repetition of what they did to previous land owners. In the spirit of nation building, so yearned for in the post-apartheid era, it is important to explore all amicable methods possible to resolve South Africa's landlessness. The Jubilee is thus submitted as a biblical framework on which other models can be conceived.

Having considered the Jubilee model, the Christian community of South Africa must ask themselves how faithful they are to God's commandments as expressed in the Jubilee and Sabbatical years. How can Christians bring good news to the poor, release prisoners, give sight to the blind, liberate the oppressed - especially in the form of land to the expropriated? An attempt will be made to answer this question in chapter six. We require to bring these mandates down to the present, in concrete ways, remembering that Jesus, through small acts of healing and caring and even by disobeying legalistic regulations, was breaking down the walls of oppression and bringing in God's reign.

CHAPTER 5

THE LINKS BETWEEN THE LAND AND ITS PEOPLE

5.1. INTRODUCTION

Roy H. May (Junior), in his description of land, was earlier quoted making allusions to the Hebrew meaning of land which defines it as both "Nation" and "Cultivable soil".¹¹⁴ This means that the land and its people are inseparable. This is real on various levels of most indigenous cultures. We shall now attempt to examine the validity of this theory.

5.2. THE RELATIONSHIP OF THE LAND WITH ITS WOMEN

It has been stated already that Africans view the land as the "mother" of the nation. This is because it provides the nation with warmth and food like a mother does for her family. This connection between women and the land seems to elude the mind of their male counterparts. It is a common trend amongst men to overlook the position of women when discussing land matters. According to Laurel Rose, this shortcoming is apparent in the literature of customary land tenure systems.¹¹⁵ Rose tabulates

¹¹⁴.Roy H. May, Jr, (1991),p.51.

¹¹⁵.P.K.A. Amoah, "Some Legal Aspects of the Customary Land Tenure System of Botswana, Lesotho and Swaziland: A Comparative Study." (Esulwini: SWADEX 14, Paper presented at the Workshop on Rural Environment and Development Planning in Swaziland, May 1-10, 1978).

the mistakes in the customary land tenure system as follows:

* First, the literature tends to generalize transformations in customary land tenure system that affects women's usufruct rights, thereby minimizing the significance of structural and historical particularities in each system;

* Second, emphasis is laid on the "average" married woman, while overlooking widows and women separated from their husbands;

* Third, at times the literature emphasizes stereotypical responses of women to land relations - such as women's reliance upon males for access to land - which results in denying women roles as actors who creatively cope with real life situations in creative ways;

* In sum, failing to acknowledge the dynamism of women-land relations. This by losing sight of the actual behaviour of individual women who are capable to achieve their land acquisition goals.¹¹⁶

However, this has proved to be a grievous omission since women, especially African women, have a closer relationship with their

¹¹⁶. Ibid., p.178.

environment than men.¹¹⁷ In rural African settings women provide most of the labour for agricultural production. Jean Davison further points out that women's relation to land affects the political economy of their lives as producers-procreators. Conversely, women's productive-procreative role influences their access to and use of land.¹¹⁸ This demonstrates a significant link between the land and its women. Women and land are often addressed in similar terms, for example, land is habitually referred to as being fertile or barren and the same terms are often used to characterize women. A Jubilee declaration which suggests land restoration might also embody liberation for women since in essence they are the people who are dispossessed of their cultivable soil.

5.3. HOW THE AFRICAN CULTURE RELATES TO LAND

Africans, as already mentioned, regard the land as a "home" for their extended family or Ancestors. Most African Traditionalists regard their Ancestors as guardians of individuals, families and the whole clan. Those in the flesh, therefore, constantly seek communion with the departed, hence maintaining an eternal bond with them.¹¹⁹ The "home" of the departed is believed to be their graves which are on the same land on which the living dwell. In

¹¹⁷.Sharada J. Schaffter, ACISCA Consultation on Women and Men in Dynamic Partnership For Social Change (Seoul: Korea Christian Academy, 1990),p.51.

¹¹⁸.Jean Davison, Agriculture, Women, And Land: The African Experience (Boulder, London: Westview Press, 1988),pp.1,2.

¹¹⁹.John S. Mbiti, Bible And Theology in the African Christianity (Oxford: Oxford University Press, 1987),p.21.

this manner the inhabitants of the land have a common identity with their land for in it is merged the bones of their Ancestors. They "talk" to them and venerate them.¹²⁰

Janet Hodgson, in affirmation of this fact, draws us to a study case of the Xhosa people in the Ciskei. She points out that these people, in common with other African people in the region, have a mystical attachment to the land through their Ancestors. To maintain this link they bury their Chiefs in their cattle kraals, the place of the Ancestors. All these grave sites are regarded as holy places or shrines, where men meet their Ancestors,¹²¹ and the land is therefore sanctified by this association.¹²²

When a child is born in the Nguni culture, for instance, its umbilical cord is buried in a secluded spot in the house or in the homestead after it has been removed by the midwife. Hence the Zulu proverb: "*Ngokuhlala ngiseGoli, kodwa inkaba yami iseMlazi*", meaning, "I live in Johannesburg, but my umbilical cord is at Umlazi".¹²³ The African culture of enshrining the baby's umbilical cord can be seen as "unculturedness" or "irrationality" in the Western world-view. But this is precisely the point of

¹²⁰.Ibid.

¹²¹.Note: Women are not allowed to enter the cattle kraal in most African customs.

¹²².Janet Hodson, "Ntaba kaNdoda: Orchestrating Symbols for National Unity in Ciskei," In Journal of Theology for Southern Africa 58 (University of Cape Town, 1987),p.21.

¹²³.Sebusiso T. Masondo, "Land is Heaven and Earth" (Cape Town: Masters' Thesis in the University of Cape Town, 1995),p.100.

anti-society. They express themselves in ways that cannot be understood by "normative" cultures. It is fair to say the soul of Africans is inherent in the African soil. Put in anti-language, it is clear that Africans "respect" the land and therefore attach no market value to it.¹²⁴ It is anti-language because this notion negates the fundamentals of the western epistemology concerning land which, in principle, regards land as real estate or a means of livelihood.

Jesus also cited the parable of the widow of Zarephath in Sidon towards the end of this passage. This widow, despite the fact that she was from a pagan background, received Elijah's sympathy and was saved. Naaman the Syrian, who was also of pagan origin, was cleansed of his leprosy while many lepers in Israel were left unclean. On this note Jesus' audience, the central Jewish society, got offended and drove him out of the city (v.25-30). In citing this parable Jesus was demonstrating God's preference for the underdog.

5.4. LAND AS AN IMPORTANT COMPONENT IN AFRICAN RELIGION

The concept of religion, like that of land, cannot be nailed to a specific definition because of its diversity. Various scholars have however divided religion into two major categories, namely, the Western-derived religions and the Afro-Asian-derived

¹²⁴.Robson Silitsena, "Impact of Colonialism on Land use in Central and Southern Africa." In Paul A. Olson (ed.), The Struggle for Land: Indigenous Insight and Industrial Empire in the Semiarid World (Lincoln, London: University of Nebraska, 1990), p.151.

religions. Briefly, Western-derived religions, on one hand, tend to lay emphases on the sharp distinction between the religious and non-religious dimensions of culture. Here religion is equated with beliefs, particularly the belief in a supreme being.¹²⁵

Afro-Asian-derived religions, on the other hand, are said to be more materialistically oriented. This means they are normally informed by tangible things. They are not abstract. Sociologists and Anthropologists argue that religion, from the latter perspective, is never an abstract set of ideas, values, or experiences developed separately from the total cultural matrix. And that many indigenous religious beliefs, customs, and rituals can be understood only in reference to this matrix.¹²⁶ Land, a provider of life, has a vital religious significance in the African context. It is regarded as a sacred social asset.

African people have always been linked to their land by way of tenure. This means to them that the land has a communal significance. Put in the language of the major culture of the African, it will be realized that religion and land are intimately intertwined. While land may be regarded as sacred in some generalized sense, specific areas are more significant in that they are sources and locales of power and identity, tying people to each other and to their past. The locales in question are fundamentally significant in that through them customary

¹²⁵.Mircea Eliade, The Encyclopedia of Religion, Vol.12, (Ed. in Chief), Mircea Eliade (New York: Macmillan Publishing Company, 1987),p.283.

¹²⁶.Ibid.,p.284.

leaders, Chiefs and Kings, are empowered. Addressing the land as locales of power is a way of applying anti-language so as to link people with their land. In this manner using anti-language can be seen as a powerful tool. In Africa a Chief, King or Queen can only hold office if he or she possesses land. Hence, no land, no power, no king!

The tendency of connecting land to society is also found in the Bible. In I Kings 21 King Ahab planned to deceitfully take Naboth's vineyard after his wife had plotted for Naboth's false accusal. Naboth refused to relinquish or sell his land to the King saying '*The Lord forbids that I Should give the inheritance of my father*' (Verse 3), because it did not belong to him but to the family (the living, the dead and those to come). The same Biblical sentiment on land is expressed in the African tradition where land does not belong to anyone, but to the traditional leaders who are only trustees. This means that God is the sole land owner.

Nonetheless, it must be borne in mind that the term; "God", has different connotations in Western and African world-views. Briefly, in the Western culture, the notion of God is generally seen as a 'Symbol for Divinity' which is Holy. It is connected with Holy places - Synagogues or Church buildings, certain holidays and practices.¹²⁷ But according to Gabriel M Setiloane, the African world-view, considers God in the following terms:

¹²⁷.Gabriel M. Setiloane, African Theology: An Introduction (Johannesburg, Skotaville Publishers, 1986).

UThixo and UQamatha: (the Owner of All, friend and foe alike;

Modiri: The Doer (Creator) although they never actually told how "Modiri" did create.

Motlhodi: The Source: "*Motlhodi wa Botshelo*": The creator of Life.¹²⁸

In the context of the present study "God" is viewed as "The Source" "*Umdali*", "*Motlhodi*", of all life. Therefore, the God who possesses the land is seen as a provider in the African tradition. He possesses the land and we are all equal shareholders.

Mazamisa argues that the African traditional understanding of land is similar to that of the biblical tradition because both have literal and symbolic intentions.¹²⁹ He points out that land is not only earthly turf, but 'it bears surpluses of meaning known only to those who lose and yearn for it'.¹³⁰ He further submits that this is all encapsulated in the idea of *ubuntu-botho*¹³¹ which 'is essentially about historical placement in the

¹²⁸.Ibid.,p.26.

¹²⁹.Welile L. Mazamisa, "'Umhlaba' And the Ethics of Reparation", (University of Cape Town: Unpublished Paper, 1993).

¹³⁰.Ibid.

¹³¹."Ubuntu-Botho" is a dynamic South African metaphor used among the Nguni and Sotho-Tswana people, that describes the significance of group solidarity, on survival issues, that is central to the African communities. As a result of poverty and deprivation Africans have to survive through brotherly reciprocity and individual self-reliance. In essence, "Ubuntu-Botho" is a universal concept embedded in the social fibre of poor and marginalised

earth, but that historical placement subsumes surplus meanings both rooted in and transcending literalism.¹³²

A 'religion' based on experiences linked to the land provides Africans with the terminology to express themselves in relation to their expropriated land, as already noted. Africans therefore carry deep "respect" for the land. In affirmation of this point Gabriel M. Setiloane states that land is a holy commodity which belongs to God exclusively.¹³³ Therefore, no one is to be excluded from benefiting from its fruit.

It must be clarified, however, that the concept of land does not always constitute the status of 'religion'. So then, when does land become 'religion'? Referring to land as a 'religion' is an antithesis to standard culture. This is language as used among the poor who constitute anti-society, hence, land comprises characteristics of an anti-religion.

societies. Therefore, it shall be noted that this concept although manifested in the African culture, actually transcends African roots for it is real among marginalised people around the globe. For example, it functions among the Khoisan of South Africa, among the Aborigines of Australia, among the Harlem of New York, as well as the Brixton in the United Kingdom. The key values of "Ubuntu-Botho" are: group solidarity, conformity, compassion, respect, human dignity and collective unity.

¹³². Ibid., p.5.

¹³³. Gabriel M Setiloane, "Land in the Negotiation Chambers - An Afro-centric Approach", In Journal of Theology for Southern Africa, 5, 2, 1991.

5.5. SUMMARY

This section has proved to us that land, be it inherited, allotted, purchased or seized, is the most basic resource of agricultural production. Africans are not only connected to the land in a reciprocal relationship, but also maintain other strong cultural bonds. For example, the umbilical cord which had united the baby to its mother now symbolically unites it to a piece of land. If this particular piece of land is to be sold it means that its inhabitants shall be rendered rootless.

In Africa women are prime food producers. Therefore, women's relationship to land, as conceptualized in numerous native societies, is a critical factor in their ability to produce food for their families. Various world governing bodies do not consider the importance of women and thus discriminate against them despite the vital role they play in society. Moreover, in oppressed societies the women's plight is more serious, for in these societies they usually turn to be the 'oppressed of the oppressed'. The women's plight is identified with the plight of the land, for example, both are often referred to as being barren or fertile. Since the Jubilee is proclaiming a general freedom of the oppressed, it is expected to facilitate a process in which women will also be emancipated from their state of subjugation.

Lastly, the association between the land and African religion is indisputable. This association renders land expropriation as a grievous fault since it not only alienates people from their

land, but it detaches them from the entity which links them to their Ancestors and their God. The way in which Africans express themselves about land is anti-language because it is not part of the "accepted" ways of speaking about land. The fact that their Ancestors are buried on land makes it very important to them.

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CHAPTER 6

JUBILEE MANIFESTATIONS IN THE NEW TESTAMENT CHURCH

6.1. INTRODUCTION

The Jubilee concept, as already mentioned, was adopted into the New Testament from the Old Testament. Jesus first started to lay groundwork for the Jubilee when he taught his disciples to pray in Matthew's account of the Lord's prayer Matthew 6:9-13. The Lord's prayer points to the key aspects of social justice in the following extract: "...give us this day our daily bread", and "forgive us our sins." (v.11, 12). How can the Lord provide bread when there is no land to cultivate crops? The concept of 'forgiveness' goes side by side with the relinquishing of possession which can be manifest in restitution to the destitute. These points are upheld both as a theological and liturgical interest in the Jewish as well as the Christian tradition.¹³⁴

¹³⁴. The Lord's Prayer in the Christian tradition, "... Your Kingdom come, Your will be done on earth as it is heaven" (Matthew 6:10), resembles the Jewish Kaddish: "Exalted and hallowed be his great name in the world which he created according to his will. May he let his Kingdom rule in your lifetime and in your days, and in the lifetime of the whole house of Israel, speedily and soon. Praise be his great name from eternity to eternity. And to this say: Amen." See E. Lohmeyer, "Our Father": An Introduction to the Lord's Prayer, translated by J. Bowden (New York: Harper & Row, 1965), pp.302-304. For the discussion of the theological and ethical implications of the Lord's Prayer, see M.H. Crosby, Thy Will be Done: Praying the Our Father as Subversive Activity (Maryknoll, New York: Orbis Books, 1977), See also D.M. Shriver, Jr., The Lord's Prayer: A way of Life (Atlanta: John Knox Press, 1983).

However, this argument does not suggest that the Lord's prayer was meant to serve as anti-language only. The spirituality of this prayer is acknowledged and can be pursued as a field of study on its own. But for the sake of the present discourse we shall limit our discussion to the anti-language attributes in this text.

Concern with the role of land is a dominant theme in the Bible, and continues to appeal to the present day Christian Church in South Africa.¹³⁵ In essence the Christian Church's view on land tenure is that land belongs to God, and tenure can be bestowed only by Him. Charles Avila points out that Basil the Great of the early Church "criticizes those who make *idia*, (private), what should actually be *koina*, (public) - which is designed for the common use of all".¹³⁶ Basil the Great thought that "basically, all persons have an equal right to the land, just as they all have the right to the air they breathe."¹³⁷

To be precise in our reference to 'The Christian Church' let us focus on what constitutes the Christian Church in South Africa.

¹³⁵.The history of the Christian Church in South Africa is marked with events of both confrontation and co-operation between Church and State. The position of the Church has more often been influenced by the State. Therefore, by "Church" in South Africa we refer to two fundamental segments, that is, the Afrikaans Churches, for example, the Dutch Reformed Church, the English-speaking also known as the Mission Churches, for example the Roman Catholic, the Anglican, the Methodist Churches and so forth, See Charles Villa-Vicencio, Between Christ and Caesar: Classic and Contemporary Texts on Church and State (Cape Town: David Philip, 1986); Zolile Mbali, The Churches And Racism: A Black South African Perspective (London: SCM Press Ltd, 1987).

¹³⁶.Charles Avila, Ownership: Early Christian Teaching (Maryknoll, New York: Orbis Books, 1983), p.53.

¹³⁷.Ibid.

It is true that the history of the Christian Church in South Africa begins with the coming of the Dutch in 1652, the French Huguenots in 1688, and the early German settlers a little later.¹³⁸ Loosely speaking, the Christian Church basically embodies churches that believe and conform to the lordship of Jesus Christ. We must be aware, however, that focusing our discussion on the Christian tradition in South Africa does not necessarily imply that this country is entirely Christian.¹³⁹ People from other faith traditions such as Muslims, Jews, Hindus, Buddhists, and African Traditionalist are also affected by the problem at hand. But the Christian faith in this country is highlighted, for the sake of explicitness, in a way that will be in harmony with the mood and limitations of the present study.

The first and predominant Settlers Church in this country was the Dutch Reformed Church (DRC), which was initially controlled by the classis (i.e. the governing Church body) in Amsterdam. The DRC later exploited the language differences that existed between various groups in South Africa and made it a contentious issue. This act resulted in their becoming an Afrikaner Church. The institution of the DRC was later followed by the establishment of the German Lutherans and the Roman Catholic Church both of which struggled to build their identity in South Africa. Missionary work continued to infiltrate Africa from Europe. This

¹³⁸.John W. de Gruchy, The Church Struggle in South Africa (Cape Town: David Philip, 1979), p.1.

¹³⁹.See John W. de Gruchy & Martin Prozesky, (eds.), In A South African Guide to World Religions (Cape Town: David Philip, 1991).

further infiltration brought with it the Church of England, or the Anglican Church and the Scottish Presbyterian Church. The Methodist Church, which started between 1820 and 1823, expanded and is today the largest English Church in South Africa. Colonialism did not only transport missionaries from Europe to Africa, but also brought ideologies such as Calvinism to Africa. The Bantu Presbyterian Church was one of the first "Black" churches in this country.¹⁴⁰ However, many other Black Churches were later established due to missionary work.

In sum, the most conspicuous feature of the Christian Church in South Africa has been its connivance with the State. Nevertheless, this connivance was not a reality in the South African context only, but was manifest in other parts of the world even before the advent of the ideology of Christianity in this country. This type of connivance was adopted by the Church in South Africa as a legacy from other parts of the world such as Europe, for example. Charles Villa-Vicencio rightfully noted that South Africa is a high-profile microcosm of the problems of the world. Certainly, he argues, the relationship of the Church to the State in South Africa is an overt example of less obvious strains between church and state in other parts of the world.¹⁴¹ This level of explicitness can be attributed to a variety of factors: the intensity with which the apartheid policy of this country was theologically promoted, the continuing effects of

¹⁴⁰.Ibid.

¹⁴¹.Charles Villa-Vicencio, Between Christ and Caesar: Classic and Contemporary Texts on Church and State (Cape Town: David Philip, 1986).

neo-Calvinist Afrikaner nationalism, religio-cultural resistance to the impact of secularism, the abiding success of missionary activity, and the intensity of African religiosity.¹⁴²

The Christian Church is seen as one of the main players who should facilitate an equitable solution to the South African landlessness. This comes not only as a Christian obligation, but as an act of penance because a great section of the Christian Church in South Africa condoned the oppressive system of the apartheid era. Jaap Durant states that the church in this country always took an ambiguous stance in relation to political matters. For example, whenever asked to respond to issues like the Group Areas Act, the franchise for black people, and many concomitant atrocities committed by the State, the Church's response was that the "church" was not called to participate in politics.¹⁴³

However, this stance is contrary to the mandate of the church as laid out in the New Testament. Addressing the Laodicean church, the Lord, through Saint John, in Revelation 4:15-16 says:

I know your works; you are neither cold nor hot. I wish you were either cold or hot. So, because you are lukewarm, and neither cold nor hot, I am about to spit you out of my mouth."

¹⁴². Charles Villa-Vicencio, Between Christ and Caesar: Classic And Contemporary Texts on Church and State (Cape Town: David Philip, 1986).

¹⁴³. Jaap Durand, "Church and State in South Africa: Karl Barth v/s Abraham Kuyper, In Charles Villa-Vicencio, (ed.), On Reading Karl Barth in South Africa (Michigan: Wm. B. Eerdmans Publishing Co., 1988), p.133.

The Christian Church in South Africa cannot be separated from the country's land problem. Land has played a very significant role in the history of the Mission of the Church. In rural areas very often large farms were occupied in order to establish missions. This study does not intend to reduce missionary work to land matters. There are other great deeds Missionaries have done in the establishment of the Christian Church in Africa. But the intensive bearing missionaries had on African land dispossession is allude to in this discussion. Individual missionaries have often played an important role in granting land to the Church.

This act was further promoted by Cicil John Rhodes who also granted land to the Church for the establishment of missions.¹⁴⁴ The Church in this way became the owner of substantial pieces of land in rural areas which the Chiefs and local people had to evacuate. The Church in South Africa must therefore lead by example and restore such land to its rightful owners.

In the light of the gospel of Jesus the Church must prevent social injustices and rehabilitate not only the victims of apartheid, but the perpetrators as well in the case of South Africa. The Christian Church's role, therefore, is stewardship expressed in concepts such as *koinonia* and *diakonia*. What is meant by stewardship, *koinonia* and *diakonia* in this instance?

¹⁴⁴ .E. Bruwer, "The Church and Land Reform: The Case of the Dutch Reformed Church Family". In E.M. Conradie, D.E. de Villiers & J. Kinghorn, (eds.), Church And Land: Working Documents on the Post-Apartheid Economy (Stellenbosch: Centre for Contextual Hermeneutics University of Stellenbosh, 1992).

6.2. CHRISTIAN STEWARDSHIP

Stewardship, according to T.A. Kantonen, is the English word which can best be demonstrated in the Greek word "oikonomia". A direct translation of the word shall be, "oikos": meaning house, and "nomos": meaning law. Therefore the term stewardship refers to the management of household affairs.¹⁴⁵ In the gospel a steward is a slave or hired servant to whom the owner entrusts the management of his household. The Church holds a similar position in God's plan of salvation for the world. The Church should never be seen as separate from the society in which it lives. It should fulfil the role of a servant and moral custodian of the people of God. In the Christian Bible the apostle of Jesus, Saint Peter, writing to the congregations, emphasises this point in I Peter 4:8-10 by saying:

Above all, maintain constant love for one another, for love covers a multitude of sins. Be hospitable to one another without complaining. Like good stewards of the manifold grace of God, serve one another with whatever gift each of you has received.

Nevertheless, one might perhaps assume that it is unrealistic to base such a crucial aspect as the redistribution of land on such fragile terms as 'love' and 'gift'. But these are the key concepts which underpins the process of stewardship and which, if it were otherwise, would be despised by secular rationality.

¹⁴⁵.T.A. Kantonen, A Theology for Christian Stewardship (Philadelphia: Muhlenberg Press, 1956), p.2.

Max Weber, from a Social Scientific view, considers society as men (*sic*) acting under the common motivation and finding the appropriate means for attaining their chosen ends. That end, as he puts it, is *gain* through producing commodities for profit. Being gain oriented seems to Weber to be the value orientation of all men (*sic*) who, in *capitalist* societies, are regarded as reasonable which constitutes the essence of a *capitalist* society.¹⁴⁶ Hence, the substance of a *capitalist* society, according to Weber, embraces the heading "capitalism" and economic "rationalism".¹⁴⁷

Capitalism, which in principle stifles the prospects of Jubilee, invariably informs bureaucracy in modern societies. However, Weber introduced a balancing concept for bureaucracy: the concept *Charisma*. 'Charisma' literally means 'gift of grace'.¹⁴⁸ Charismatic leadership, which the Church should give to the community in which it exists, is required to break away from the disenchantment of the modern world, what Weber would otherwise call 'The Iron Cage'¹⁴⁹. In essence Weber argues strongly that societies must break away from what is normally perceived as "rational" and move towards ultimate salvation by adopting what appears to be "irrational" to the normative society. In other

¹⁴⁶.Max Weber, The Protestant Ethics and the Spirit of Capitalism (1864-1920) (London: Allen & Uwin, 1976).

¹⁴⁷.Ibid.

¹⁴⁸.H.H. Gerth & C. Wright Mills (eds.), From Max Weber: Essays in Sociology (London: Routledge & Kegan Paul Ltd., 1948),p.52.

¹⁴⁹.Max Weber, (1976).

words, societies must escape from the iron cage, as Weber likes to put it.¹⁵⁰ According to Lawrence A. Scaff, an 'Iron Cage' is a rationalized way of living, driven by purposive-rational or instrumental orientations, divided into opposed life-order and value-sphere, (without a genuinely new prophetic truth), yet racked by endless search for absolute experience and spiritual wholeness.¹⁵¹ It is hard to suggest the implementation of a Jubilee model under "rational" conditions, hence a charismatic approach appears to be more appealing in the land restitution process in South Africa. Jubilee actually suggests an escape from the old capitalist procedure of give-and-take which ultimately creates an iron cage in itself.

6.3. "KOINONIA" AND "DIAKONIA"

The notion of *koinonia* and *diakonia* originate from the lexicon of the poor. What is *koinonia*? This concept has a Greek origins. It burst into prominence in I Corinthians, that is, in the Pauline corpus. John Reumann says *koinonia* springs from the root meaning of "common", often in contrast to what is "private".¹⁵² This word refers to unity which can be evident in marriage bonds or that which binds society. It is frequently used as "the participation in the sharing" of something; also as "giving a

¹⁵⁰.Ibid.

¹⁵¹.Lawrence A Scaff, Fleeing the Iron Cage (Berkeley, Los Angeles: University of California Press, 1989), p.224.

¹⁵².See John Reumann, "The Biblical Witness to Koinonia". In Thomas F. Best and Gunther Gassmann, (eds.), On the way to Fuller Koinonia (Geneva: WCC Publications, 1994), pp.40-41.

share" of something and as "imparting".¹⁵³ In sum, the term *koinonia* embodies a whole cultural outlook of "common life" and "common good" related to a complex set of factors such as "justice" [*dikaiosyne*], "order" [*kosmos*], which all signify a harmonious relationship or friendship [*philia*].¹⁵⁴

Perhaps the relevant question that one might ask at this stage is; 'How can this concept be interpreted in the present South African land crisis?'. South African land has been privatised since the early days of colonisation. For this country *koinonia* will therefore mean that the time to **share** the land which has been possessed by a small white minority has arrived. Subsequently, this notion is precisely what the Jubilee entails.

Furthermore, the notion of sharing encompasses the substance of Communism. Communism is based on the theory or social organization in which the possession of all property is held on common or **shared** terms. This hypothesis put forward laid by the Germans Karl Marx and Friedrich Engels and emerged as a radically liberative document called *The Communist Manifesto* written in 1847. The intention of this document was to counter *capitalism* in a state where economic production could be evenly shared among the *proletariat*.¹⁵⁵ In essence *The Communist Manifesto* was designed to create a new epoch in human history, as a socio-

¹⁵³. Ibid.

¹⁵⁴. Ibid.

¹⁵⁵. Karl Marx and Friederich Engles, Socialism: Utopian and Scientific (New York: 1935).

economic order with unrestricted abundance of productivity but **no private ownership of the means of production**, an order without classes, class struggle, exploitation and oppression.¹⁵⁶ In sum, Communism is about equitable economic benefits and a fair access to things that produce wealth like the land for example.

Diakonia is supplementary to *koinonia* but it goes further to extend the intention to share with "others" or "neighbours". This concept basically undergirds two fundamental dimensions. First, *diakonia* is understood as accentuating the need for one to declare his or her life to others, as well as being critically aware of how personal life choices affect the wellbeing of others. From this process of "forgetting self" and considering others comes the wonderful transforming power of *diakonia*, as Claudius Cecon and Kristian Paludan put it.¹⁵⁷ Second, *diakonia* also involves a perpetual struggle against the forces of death that manifest themselves in various forms of prejudices against humanity. For instance, racial segregation, discriminating against women, child abuse, and so forth.¹⁵⁸

Sharing with one another and caring for others has a basic religious moral aspect. Sharing and caring for your neighbour is the substance of the ethics of most world religions. Robert E.

¹⁵⁶.Karl Marx and Friederich Engels, The Communist Manifesto (London: 1848 and many modern editions).

¹⁵⁷.Claudius Cecon and Kristian Paludan, My Neighbour-Myself: Visions of Diakonia (Geneva: WCC Publications, 1988),p.45.

¹⁵⁸.Ibid.

Goodin states that ethics is a theory of social relations. The injunctions of ethics are principally, he continues, injunctions to do good for people [others].¹⁵⁹ Therefore sharing land with the expropriated is ethically correct just as much as it is not good to deprive others from land. In other words the goodness of Jubilee is in the common understanding of sharing which guarantees a peaceful future.

Finally, it is very important to remember that 'sharing' and 'caring' cannot materialize without **love** which is the core of Christian Ethics. Arguably, the importance of love is not confined to the Christian faith only. It is a common denominator to various faith traditions. The importance of love was highlighted by Jesus when one of the scribes asked him, "Which commandment is the first of all [in the Bible]?", in Mark 12:28-31 which reads as follow:

One of the scribes came near and heard them disputing with one another, and seeing that he answered them well, he asked him. "Which commandment is the first of all?" Jesus answered, "The first is 'Hear, O Israel: the Lord our God, the Lord your God with all your heart, and with all your soul, and with all your mind, and with all your strength'. The second is this, 'You shall love your neighbour as yourself.' There is no other commandment greater than these."

Love is the foundation of true freedom and self-control which is

¹⁵⁹.Robert E. Goodin, "Utility and the good". In Peter Singer (ed.), A Companion to Ethics (Oxford: Blackwell Publishers Ltd., 1991),p.241.

directed towards self-giving in communion and friendship with God and with people. To inculcate the culture of giving the Church must start by preaching love. Land restitution can be built on the love that exist between neighbours. People exchange gifts only when an atmosphere of love has been created.

We have just explored an abundant repertoire of theological tools which only the Church can decode in conventional terms. These expressions should be demonstrated in practical terms. Therefore, the South African Church has an ethical, political and economic role to fulfil in its society. Servaas van der Berg, Professor of Economics at the University of Stellenbosch, describes the duties of the church in South Africa as follows:

- * the Church should raise the ethical issues around past injustices, but equally
- * it should not disregard the ethical issues surrounding present material or social inequalities.
- * in particular, it should be a voice for the poor, especially with regard to the actions of or services provided by the State. The poor in our society (especially the rural poor, and in particular women) are marginalised, and this may even grow worse under a new political dispensation, because the poorest are usually voiceless. This is what the Church should help

to overcome.¹⁶⁰

Van der Berg continues by stating that the Church, if it wishes to represent the weak, should help to articulate the needs of the poor. And land is one of the principal needs the poor so desperately require. Additionally, the historical and emotional elements poor people attach to their land makes the land problem an issue the Church cannot afford to ignore.¹⁶¹

6.4. SUMMARY

It should be clear by now that the Christian Church is a major player in the nation building process in South Africa. The Church is a pivotal institution which can provide the secular world with the necessary stimulus to accomplish the mammoth task of restoring land equity in the country.

It was mentioned that a section of the Christian Church in South Africa supported the process which encouraged land expropriation. But it must also be mentioned that there was a segment which condemned apartheid. To those John de Gruchy says: "We are no longer engaged in the task of breaking down unjust structures but of building up new ones."¹⁶² This is the time in which the Church

¹⁶⁰.Servaas van der Berg, "Workshop on Church and Land". In E.M. Conradie, D.E. de Villiers, and J. Kinghorn, (eds.) Church And Land (Stellenbosch: Centre for Contextual Hermeneutics, University of Stellenbosch, 1992), p.2.

¹⁶¹.Ibid.,p.3.

¹⁶².John de Gruchy, (1995).

in South Africa must act in unity and pursue its mandate through creating a milieu conducive to a biblical Jubilee, a Jubilee in which the poor can regain their land. In facilitating this process the Church can certainly regain some of its integrity previously lost.

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CONCLUSION

The quest for land has proved to be one of the most contentious and sensitive of all debatable issues negotiators normally have to face. This happens because land is not only seen as a source of livelihood, but also as a phenomenon from which most African people derive their sense of identity. This study has pointed out that the land problem in South Africa has to be resolved in an amicable way to enhance the healing process and to ensure a lasting peace in this country.

Against this background the present study has attempted to introduce the Jubilee model as an moral ethic which can support other strategies presently being followed to resolve the land question. It should be made clear, however, that ethics is not a method for arriving at clear, simple answers to our moral problems. At best the Jubilee model can be used as a benchmark to allow us to be reflective and self-conscious about the effect of our choices on our individual and corporate humanity. The Jubilee is therefore used to provide a vision for the South African community in their aspiration to solve the present land crisis.

In this study we further attempted to decode the Jubilee conception which originates from the Jewish tradition and appropriate it to contemporary societies. The Jubilee proclamation articulated the concern of the God of Israel which

came through the prophet Isaiah in the Old Testament as written in the book of Leviticus 25. This concern was raised due to the manner in which the Jewish status quo exploited the poor by manipulating the land at their disposal. Hence, the Jubilee was announced as a framework in which land can equitably be distributed among all Jewish people.

The Christian tradition, in pursuit of an accommodative solution to a similar land problem faced by Israel, adopted the Jewish conception of Jubilee from the Old Testament echoed in a speech by Jesus in Luke 4:16-30, though this speech was directed to a Jewish audience. This study appropriates this ancient Jewish concept to various societies in a chronological pattern, that is, to the Christian tradition, to the African world-view and then to post-Colonial Capitalistic societies especially in South Africa.

However, a direct application of the Jubilee concept to modern societies without decoding it to suit the modern dispensation proved to be inappropriate due to the diversities that normally exist between ancient and modern communities. The Jubilee concept only makes sense to contemporary societies if interpreted in contemporary terms. Hence, a sociolinguistic approach, anti-language, which is prevalent among oppressed people, both in ancient and modern times, has been applied to bridge the gap between the ancient and modern scenario. In this study the application of the biblical Jubilee to the South African land quest is presented to create a land ethics based on the moral

intent in this notion. This is done in order to create a platform from which this crucial aspect can be addressed. This ethical message can further be presented to contemporary South Africa as a guideline in her endeavour to solve the ongoing deep-seated socio-econo-political land problems.

As we draw towards the end of this discussion a proposition, in which the biblical Jubilee model is submitted as an amiable solution to the land problem, is made. The Jubilee is not proposed as a punitive measure. It should be set in motion in a manner attuned to the present nation building process in the country, yet not overlooking the gravity of the problem at hand. In this process both the land owners and dispossessed have to be taken seriously. But obviously, on one hand, emphasis must be laid on restoring land to the landless since they have been the victims, and are still in a feeble economic condition. On the other hand, various options must be explored considering the investment white farmers have made on the land. This should be pursued with the intention of giving to balance to South Africa's social groups in which we see an enormous economic gap between the rich and the poor. The impending judgement for this country would be devastating, that is, a full scale civil war or racial discord which would ultimately stifle nation building if land redistribution is not executed with all the expeditiousness it deserves.

The Christian Church in South Africa should champion the process of reparation and land restitution in this country. The Christian

Church, however, cannot be expected to effect change to South Africa as a solo player since other members of the nation are not affiliated to it. But it is viewed as a prime actor capable to facilitate a charismatic approach to the whole problem. This means that the Church is expected to lead the conventional society towards a breaking away from its "rationality" by providing an alternative which will ensure ultimate liberation to all South Africans. In other words the Church must help the nation break away from what Max Weber names "the iron cage". A new epoch must be created where nation building is informed by forgiveness, reparation, and restitution all of which embrace the essence of reconciliation the required cement for the South African nation. Reconciliation in a South African perspective can only be achieved once the two forces in conflict, land owners and the dispossessed in this instance, come to some understanding, guided by the principles of reparation and restitution. Finally, like Ruth¹⁶³ in the Old Testament, we must leave behind our familiar world and journey into a "new world" a new world which will not accommodate a repetition of the mistakes of the past.

¹⁶³. Ruth is a legendary figure in the Bible who left her people and her religion, after the death of her husbands and returned with her mother-in-law to her mother-in-law's people. It is a moving example of a person's willingness to surrender his or her own precious beliefs and culture because of the love for others. See the book of Ruth in the Old Testament.

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