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Anthony Johnson

The Graduate Center, City University of New York

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POST-APARTHEID CITIZENSHIP AND THE POLITICS OF EVICTIONS IN INNER CITY JOHANNESBURG

by

ANTHONY JOHNSON

A dissertation submitted to the Graduate Faculty in Anthropology in partial fulfillment of the requirements for the degree of Doctor of Philosophy, The City University of New York

2016
Post-Apartheid Citizenship and the Politics of Evictions in Inner City Johannesburg

by

Anthony Johnson

This manuscript has been read and accepted for the Graduate Faculty in Anthropology in satisfaction of the dissertation requirement for the degree of Doctor of Philosophy.

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Abstract

Post-Apartheid Citizenship and the Politics of Evictions in Inner City Johannesburg

by

Anthony Johnson

Advisor: Leith Mullings

Based in Johannesburg, South Africa, this ethnographic study examines the phenomenon of eviction within the context of the post-apartheid constitutional right to housing and legal protections against evictions. Rather than view evictions as a singular event, evictions are treated as a lived experience intrinsically linked to the historical, political, and economic life of inner city Johannesburg and more broadly South Africa. I address how South Africa’s constitution creates both a platform for housing advocates to contest evictions and also allows property owners to evict tenants. To analyze evictions, I collected data through participant observation, media sources, archives, interviews, and legal documents. Working at the intersection of urban anthropology and contemporary studies of race and space, I begin by linking the historical process of land dispossession as a result of settler colonialism to current urban formations. I then analyze how the construction of evictions in popular media obscures the consequences of asymmetrical property relations established during the Apartheid era. Next I address how local activists organize to challenge evictions. Contributing to the broader anthropological study of the city, I conclude by concentrating on the limits of constitutional judgments on behalf of evicted tenants living in transitional housing facilities and explore the way evictions have become broader metaphors for the incomplete transformation of post-apartheid South African society.
Acknowledgements

The adage it takes a village cannot understate the collective mentorship and friendships that supported me to complete this long journey, through my doctoral studies and the completion of the dissertation. Despite the isolating experience of writing the dissertation, this process reflects the labor and love from a number of individuals that aided my research, mental health and ability to complete this achievement. Over time these individuals became communities and unflinchingly encouraged my efforts to pursue this path and remember the service that accompanies this goal. First I would like to express my appreciation to Drs. Leith Mullings, Setha Low and Don Robotham of my dissertation doctoral committee. Their scholarship and support for my research guided me through this demanding process. I would also like to express my gratitude to Ellen DeRiso, whose assistance throughout my time at the Graduate Center has been invaluable. During my time at the Graduate Center a number of faculty members outside of Anthropology had an indelible affect on my life and scholarship. Posthumously, I am sincerely indebted to the mentorship and guidance of Jerry Watts, who provided both financial and intellectual support for me to pursue my research in South Africa. I am sad that he was not able to see this moment, but the fruits of his labor are present throughout my work. I am also grateful for funding during the writing stage of my dissertation from the Office of Educational Opportunity and Diversity Programs.

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study. I would also like to extend special thanks to Jackie Dugard and Stuart Wilson who hosted me as a research intern at SERI. In addition, I greatly benefited from the research, activism and policy research on housing and evictions by Kate Tissington. I am proud to call her a friend. I am also grateful to the collegiality of the Witwatersrand’s Department of Anthropology and Hylton White, whose institutional support enabled me to carry out my study. Special thanks to Kelly Gillespie and Leigh-Ann Naidoo who opened their home to me and have been extraordinary friends. Over the years, their encouragement of my research has been unwavering and I am wholeheartedly thankful for their support.

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Introduction

Displacement has a long history in South Africa. Today the ANC’s desire to modernize Johannesburg and make it “clean and livable” is juxtaposed with the everyday violence the party unleashes on poor working people that it claims to serve and that historically were its power base during the anti-apartheid struggle. Recent events like the World Cup in 2010 and the gentrification of urban areas throughout cities in South Africa have reinvigorated discussions about forced displacement in the New South Africa. Evictions carried out by the Johannesburg Police Department or private security firms like the Red Ants continue to complicate South Africa’s constitutional right to adequate housing and laws against evictions. In March of 2015, the South African Police Service and the Red Ants raided converted factories and a men’s hostel. According to news reports, some residents shouted, “Sifuna ukudla iSushi noMaboneng!” “We want to eat sushi in Maboneng!”¹ The statement made reference to Vusi Kunene, the sushi entrepreneur, but also to the gentrified enclave of businesses known as Maboneng, near the evictions.

Maboneng, a Sotho word meaning ‘place of light’ contrasts the areas unaffordability and gentrification. For the residents evicted and protesting their forced removals from the nearby hostel, their eviction represented the expansion of places like Maboneng. The competing visions of inner city Johannesburg as a burgeoning scene of

hip boutiques, art galleries and expensive lofts often collide with the other realities of dilapidated buildings that house the poor. This more recent eviction in the inner city neighborhood of Jeppestown also signaled the city’s complicity with evictions despite constitutional court rulings prohibiting evictions without the provision of alternate accommodations.²

Despite hundreds left homeless, evictions carried out under the authority of private ownership persists as a significant loophole to hastily remove unwanted groups living in buildings throughout the inner city. My dissertation interrogates this tension between the constitutional right to housing and legal protections against evictions. On one hand, evictions continue to occur and brute economic forces drive urban redevelopment plans that adversely affect the everyday lives of poor South Africans living in the inner city. On the other hand, tenants who face evictions or have been evicted, resist the collusion between government and private entities to evict groups without a fight.

Forced removals reveal the inconsistencies between the constitution’s protection of housing rights and property rights. This subtle, yet far-reaching contradictions surrounding evictions demonstrates how marginalized communities are too often failed by the normal workings of democracy; yet participate in oppositional practices to challenge evictions procedures.

My initial interest in studying evictions in Johannesburg’s inner city arose as a result of my master’s thesis on gentrification in Harlem. While the contemporary effects

of gentrification in Harlem have been well chronicled, historical parameters that propelled recent large-scale redevelopment of Harlem remained absent from contemporary discussions at that time. My research not only examined what plans were envisioned for Harlem, but the actors involved in establishing the Harlem we see today, but which was proposed some 40 years prior. Much of my concern about Harlem also had to do with popular struggles around material resources like housing, and social unrest related to issues like displacement, eviction, or urban redevelopment. As Harlem continues to grapple with these issues today, gentrification has garnered mixed reviews.

Some Harlemites and outsiders alike have pointed to the reduction of crime and the addition of corporate chain stores as positive examples of the neighborhood’s growth from a place of decline. (Hyra 2008) Yet detractors convincingly argued that Harlem has become a showcase for the unevenness of urban redevelopment, ushering in a new era of “negro removal” as Harlem writer James Baldwin phrased it when commenting on policies of urban renewal. (Negro Digest 1963, 27) In many ways Harlem has become unaffordable for the majority of its working class residents and community-based proprietors. Instead many Harlemites have been out-priced and displaced by the machinations of real-estate capitalism unleashed on the Harlem community.

While the focus of my dissertation is not Harlem nor does it reflect a comparative analysis between Harlem and inner-city Johannesburg, through my repeated trips to South Africa during my time as a master’s student in the Institute of Research in

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African American Studies at Columbia University, I noticed parallels between the United States’ and South Africa’s treatment of black urban populations. Although many studies treat South Africa’s apartheid as a system comparable to the United States’ Jim Crow era, these racial systems converge and diverge in distinct ways. For example, South African cities followed similar racial, class and geographic patterns as their U.S. counterparts. However more explicit placements of groups into distinct racial areas, curfews or the use of identification like South African passes did not exist in the United States. These observations led me to engage in research aimed at delinking associations between urban decline and the behavior or culture of inner-city residents, and to demonstrate that evictions are not the solution.

Few phenomena traverse the spectacular and the mundane quite like the scene of an eviction. Everyday personal belongings are strewn on public streets and passersby walk by without missing a beat. Despite the public spectacle of an eviction, they are difficult to systematically track and observe. When an eviction notice is served for a building or an individual household, the actual eviction may not take place on the date listed on the notice. In addition, when individuals contact legal representation or community activists to challenge their eviction, legal recourse can delay the proceedings. While evictions are difficult to observe at the specific time of forced removal, I began to understand evictions as encompassing more than the moment of removal, and focused my attention on the everyday struggles to contest removal. Rather than view evictions as discrete occurrences I began to see them as an ongoing operation of state institutions, and an ongoing site of contestation for residents.
Evictions are a material expression of democracy’s incomplete achievement in post-apartheid South Africa. Taking this into consideration, eviction practices highlight the paradoxical nature of South Africa’s democratic constitution. Evictions demonstrate how urban residents make demands on the state to uphold housing rights, while living through the state’s inability to secure those rights. This contradiction lies at the heart of my study and suggests that while the constitution expanded political freedoms and was framed as a resolution to the history of Apartheid, it simultaneously masks the political and economic interests that continue to undermine South Africa’s democratic environment.

Methodology

From 2008 to 2014 I traveled to South Africa to conduct this research. Over the course of this time, I spent two months in 2011 as a research intern for the Socio Economic Rights Institute and eight months gathering data for my study of evictions. My position as a research intern at the Socio Economic Rights Institute (SERI) in 2011 gave me the opportunity to understand eviction litigation and constitutional rights to housing. As a researcher, I met local government officials, grassroots organizations, and tenants involved in eviction processes. My experiences culminated in a research paper for SERI. Through my interactions with government officials, organizers, and tenants, I formed valuable relationships that allowed me to extend my field study through 2013–2014. Through my previous affiliation with the Socio Economic Rights Institute I gained the trust of a community-based organization and developed a long-standing relationship with this group for the duration of my field study.
From July 2013 to Feb 2014, I observed and documented the work of the Inner City Resource Center (ICRC) -- a community-based non-profit organization providing guidance and instruction for individuals in inner city Johannesburg who received eviction notices, including property owners assigned for eviction. As a participant observer my research included attending and filming the organizations meetings, attending the City of Johannesburg’s housing tribunal with staff members, accompanying staff members to tenant residences, and travelling with staff members to observe evictions. After gaining the trust of the organization leader, I conducted structured interviews with tenants who received assistance from the Resource Center onsite. As our relationship deepened, I also began to visit tenants at home.

Through my previous affiliation with the Socio Economic Rights Institute, which provides legal representation, I also encountered residents who were evicted and used litigation to receive placement in one of the City’s transitional housing locations. My last site of exploration was the Inner City Gazette, a local newspaper which primarily reported on various issues in the inner city. My first interactions with Moses Moyo, the owner and founder of the paper, began through his Twitter feed and developed throughout my fieldwork. Moses was an activist and former organizer of the housing advocacy organization called Friends of the Inner City Forum. Over the course of my field study, Moses introduced me to tenants going through eviction processes and gave me informal tours of the city.

I met regularly with members of the Inner City Resource Center, SERI, and the Inner City Gazette and carried out structured and semi-structured interviews. These grassroots and nonprofit groups provided an insider voice to the issue of evictions. My
ethnographic encounters included tenants, tenant residences, local community organizations, community activists challenging evictions, and attorneys working on behalf of tenants. I also walked throughout the inner city every day to gain a greater familiarity with the urban context of my study.

Over the course of my research, inner city Johannesburg has received a great deal of attention from property owners and government officials who wish to redevelop areas in decline. While the media and government officials often portray evictions as a result of tenant negligence or impropriety, my research broadens this perspective and adds depth to the discussion of evictions that move beyond tenant responsibility. In addition to my interviews and discussions with local activists, my conversations with everyday South Africans, government officials, artists, tenants, and researchers strengthened my understanding of evictions in inner city Johannesburg.

Over time, my association with local activists and my daily encounters with the Inner City Resource Center paved the way for more intimate engagements with residents in their homes. My position as an affiliate of Wits University and my status as an American compelled many residents to see me as an outsider, but my relationships with staff members at ICRC specifically helped me form solid relationships with tenants. The organizations’ dealings with funders and researchers in the past also helped smooth things over with informants and potential informants. I also believe as a Black researcher, my identity played a role in encouraging informants and interviewees that they could speak more openly about their evictions. In some cases people referred to me when speaking as “we blacks.” My results from direct and participant observation were
recorded in field notes. These methods allowed me to identify the experiences and life stories of individuals directly involved in processes of eviction.

Setting

My research took place in inner city Johannesburg. It is a densely populated area that includes several districts and the Central Business Corridor. The maps below give a sense of the area’s physical boundaries. The area is home to a significant number of African immigrants and asylum seekers. The inner city is also comprised of a large number of South African migrants from rural areas seeking employment and better economic opportunities. Despite the area’s vibrancy and function as a central node of commerce at varying levels, very little data exists on the exact demographics of the inner city. I was unable to find specific breakdowns of the various groups living in the inner city that include documented and undocumented national migrants. Even though Johannesburg’s inner city is often characterized as a slum or “no-go zone” a number of important government offices for the ANC, local newspapers and performance spaces have locations in the inner city. My brief description of the setting aims to demonstrate that the inner city does not provide a singular experience of urban life for individuals living there or those facing evictions. According to the Official Website of The City of Johannesburg, the inner city population included 217,000 residents across 37,000 residential units. The City also claimed that 800,000 commuters enter the area each day.4

To highlight the geographic areas of my research, two maps (Figure 1, Figure 2) feature various districts of inner city Johannesburg, namely Hillbrow, Jeppestown, Braamfontein, Central Business District (CBD), Joubert Park, and Berea. Both maps offer a spatial description of the inner city by neighborhood. The first map, used by a community organization, presents inner city neighborhoods as both separate and also overlapping. The second map, used by the City of Johannesburg, portrays the inner city at the street level and by neighborhood. The second map also includes the caption Urban Development Zone to emphasize how the city government planned to develop areas of blight. Figure 2 also demonstrates how expansive the inner city is in relation to redevelopment plans, and to what extent the City of Johannesburg has used tax incentives to lure property developers by designating areas of previous decline as places of potential investment and development. This process underscores Henri Lefebvre’s assertion that, “today the state and its bureaucratic and political apparatuses intervene continually in space, and make use of space in its instrumental aspect in order to intervene at all levels and through every agency of the economic realm.” (Lefebvre 1992, 378) Through this process, deleterious environments or places of previous decline also now become sites of intense growth shepherded by the state to encourage capitalist growth, but along the same lines of capitalist accumulation that created stark areas of inequality in the first place. (Brenner 2009, 126)
Figure 1. Map of Inner City Johannesburg (Friends of the Inner City Forum)\(^5\)

Theoretical Orientation

Urban anthropology is the theoretical guidepost and framework for my study of evictions in Johannesburg. In this dissertation evictions serve as a touchstone to understand the competing processes of urban redevelopment and affordable housing for the poor. Through urban anthropology I view evictions as a pathway to understanding inner city communities and Johannesburg as a whole. As a methodology I am inclined to understand inner city Johannesburg “as an urban region made up of complex

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6 Berea Johannesburg Map - http://washingtonchampionsleague.com/wp-includes/pomo/berea-jhb-map
interrelationships of places and a space of flows dependent on the whims of global capital.” (Low 2014, 26)

Urban anthropology offers a valuable guide to theorize the city and social relations in urban contexts. (Low 2014) Urban anthropologists have also understood the city as a key site to interpret social structures in relation to the articulation of race, gender and class dynamics. (Mullings 1987, 1997; Gregory 1998; Jackson 2001) While my research is inspired by the rich tradition of African urbanism, I am also aware of the important role of comparative transnational examples. In reference to African urbanism, anthropologists have a long history of examining processes of urbanization in African cities and have written ethnographies that focus on accelerated population shifts from rural to urban locales and how these changes impact the daily lives of Africans laborers and residents. (Epstein 1958; Gluckman 1961; Mayer and Mayer 1971) Anthropologists have also demonstrated a particular interest in the social structures of these cities, the practice of quotidian activities and the evolution of various social relations in urban African settings. (Ferguson 1999; Larkin 2004; Besteman 2008) Working in line with these ethnographic studies, this research aims to pursue a close examination of the experiences of urban communities and provide an analysis of evictions as a personification of cultural and social experiences situated in political struggles over housing amid large-scale urban transformations throughout inner-city communities in Johannesburg.

Anthropological research has a rich history of studying cities and the material conditions that effect urban communities. These studies have captured the impact of transnational labor processes, political transitions, and changing global economic
developments. (Ferguson 1999; Ferguson 2006; Hansen 1996) My research also credits the work of anthropologists and urbanists that have challenged the idea of culture as a bounded arena and have demonstrated how too often racialized urban communities have been depicted as culturally isolated from institutional structures of power that affect their daily lives without considering the heterogeneity of these urban communities and how they develop political solutions to challenge social inequalities. (Comaroff 1985; Mullings 2003; Simone 2004, 2009) The exponential growth of cities in Asia, South America and Africa have also called attention to the importance of understanding the livelihoods of urban populations directly affected by inadequate social institutions and the consequences of global economic systems. As Burawoy has suggested, disciplines like anthropology, with a methodological framework rooted in participant observation and ethnography, can draw attention specifically to how social groups encounter phenomena like globalization. (Burawoy 2000)

Theoretical contributions to urban change and uneven development highlight important reasons why communities subjected to radical urban transformations should be critiqued with consideration of state processes and capital circulation. (Mullings 1987; Simone and Abouhani 2005; Hyra 2008) Moreover, forced evictions in South Africa present a profound contradiction between the country’s ongoing pursuit of equality and social justice alongside the reality of growing class inequalities, reinforced by racial divisions of the past. These images of evictions are invariably connected to South Africa’s history of racial separation and the current dilemma of providing housing for the poor.
In studying evictions in inner city Johannesburg my research is influenced by ethnographic studies of racialized communities in large urban areas. These ethnographies provide an important template for the role of history, spatial exclusion and racialization as it applies to everyday lives of these populations, particularly in the United States, where comparative studies have called attention to structural features of inequality and various forms of resistance in contemporary black urban environments. Although inner city Johannesburg has a distinct history and development, overlapping responses to demographic shifts, like the influx of black residents, anti-black discourses of peril and subsequent municipal practices of divestment created similar social consequences for these marginalized populations. Abdoumaliq Simone alludes to these connections by writing:

On the surface, inner city Johannesburg has many features in common with inner cities in the United States. Many of the economic and political mechanisms that produced American inner-city ghettos have been at work in Johannesburg, and these are only reinforced by the strong influence of U.S. urban policy on South Africa. But larges swathes of Johannesburg reflect the failures of strong regulatory systems and the economic and social informalities commonly associated with urban Africa. To this extent, inner city Johannesburg is a kind of hybrid: part American, part Africa. (Simone 2008, 84)

In line with other studies of inner city life, in his study of black life in South Central Los Angeles, Joao Costa Vargas explained that, “Black communities’ own comprehensions of themselves, in turn, have to be understood as dialogues and struggles with histories, institutions, persons, and ideas that go well beyond the confines of the imposed ghetto.” (Vargas 2006, 26) Costas Vargas’ ethnography emphasized the varied and complex nature of black communities elided by studies that singularly focus on policy or bounded notions of sociability. Equally contemporary evictions are a historical
problem grounded in the antecedents of dispossession in South Africa. Media outlets and policy recommendations or proposals have framed evictions in ways that shy away from locating local resistance to evictions and the conditions that lead to forced removals by tenants themselves.

**Anthropology and Evictions**

Anthropologists have contributed to a number of recent studies on evictions. These anthropological approaches to evictions illuminate the role of evictions amid changing urban dynamics and the persons affected by large-scale urban transformations. (Herzfeld 2009; Harms 2012, 2013) Harms’ research on Saigon provides a useful theoretical framework to understand the everyday implications of displacement through power and temporality. (Harms 2013) His work also traces variegated responses of dissent and to what effect powerful acts of displacement may resonate with displaced persons despite seemingly uneven effects.

My dissertation is guided by the following research questions: 1) how have evictions affected the daily lives of urban residents? I am particularly interested in how they see themselves in relation to these occurrences. 2) What are the social effects of the new housing and eviction crisis? What mechanisms shape popular discourse on evictions and inner city Johannesburg? 3) What, if any, political strategies emerge to demand the fulfillment of constitutionally guaranteed rights, and how does the pursuit of these rights reshape politics at local levels?

My dissertation argues that evictions are not singular events, but phenomena that must be understood within the context of South Africa’s colonial history and linked to
the historical origins of settler colonialism. My research also suggests that while evictions expose the paradoxes of democratic citizenship, an analysis of grassroots activism is important to understanding post-apartheid political organizing and central to dismantling mainstream tropes about the urban poor. As a result evictions reveal broader conflicts over hegemonic representations of the inner city, municipal practices and contemporary implications of urban redevelopment in an African city. Lastly, I argue that as a phenomenon, evictions have long lives and carry a substantive persistence inscribed in the daily lives of the urban poor long after the actual incident of displacement.

**Organization**

Chapter 1 provides an overview of my methodological approach to an ethnographic study of evictions. In this chapter I introduce the area of my research and give a brief description of inner city Johannesburg. I then turn my attention towards the research questions that will guide this study.

Chapter 2 focuses on the United Nations definition of evictions and the circumstances that lead to evictions globally. I also consider how eviction litigation since the end Apartheid served as important examples to indicate the ongoing struggles around evictions and housing. The later sections of this chapter address the role of race and citizenship as they relate to housing rights and eviction practices.

Chapter 3 examines the role of the post-Apartheid South Africa’s constitution in relation to housing and eviction practices. I also provide an extended discussion of the development and political context of the Constitution.
Chapter 4 situates contemporary evictions in inner city Johannesburg through South Africa’s history of dispossession. My concern is that recent evictions, more specifically urban forced removals in South Africa have been divorced from the politics of dispossession that commenced with the arrival of European settlers. In 2013, the Witwatersrand Art Museum commemorated the Natives Land Act of 1913 and exhibited the social effects of dispossession throughout the 20th and 21st centuries. In this chapter, I examine both the Natives Land Act of 1913 and the Groups Areas Act of 1950 as significant markers of spatial and racial exclusion that inform and maintain racialized urban spaces today. This chapter considers dispossession as a central part of the socio-political formation of South Africa and a critical lens through which to view evictions in post-apartheid Johannesburg.

Chapter 5 examines the development of inner city Johannesburg and the housing conditions that influenced a dramatic demographic change in the area since the late 1970’s. I also address municipal efforts to rebrand inner city Johannesburg and how those processes of redevelopment have often led to displacement.

Chapter 6 explores the contested terrain of evictions through the media. This chapter’s theoretical orientation is foregrounded through Stuart Hall’s analysis of hegemony through media representations. Popular discourses about the poor’s depravity intersect with broader discussions of race, poverty and criminality. My aim in this chapter is to explore how evictees themselves disrupt these hegemonic perspectives by identifying the material stakes of their removals. I explore how media portrayals of evictions and evicted tenants elide power-laden relationships between tenants and landlords. I also address how tenants respond to eviction notices and how tenant
experiences of evictions differ from media depictions. After the release of the film 
*Jerusalema: Gangster’s Paradise*, popular discourse about inner city Johannesburg 
associated evictions with building hijacking, crime, tenant negligence and vagrancy. 
This chapter disrupts that notion and explores how a tenant understands their eviction in 
light of media accounts.

Chapter 7 examines the role of grassroots organizing against evictions. To begin 
I give an account of my experience at an eviction and informal conversations that 
emerged at the event. I then compare these interpretations of an eviction with the 
strategies employed by community activists to challenge evictions and support tenants 
after receiving an eviction notice. Through my observations at an organization 
dedicated to advising tenants dealing with evictions, I explore the changing landscape of 
post-apartheid political organizing since the rise of new social movements. This chapter 
delves into how local organizers interpret the cause of evictions and the phenomenon 
itsel in order to provide support for individuals living through the process.

Chapter 8 examines the livelihoods of those residents in “transitional housing” 
locations. Here I situate the relocation of evicted tenants and the court rulings that 
placed them there as ongoing sites of waiting, disproportionately endured by the poor. 
In this chapter I emphasize the relationship between time and power as experienced by a 
tenant in a transitional housing facility after their eviction. I argue that poor evictees 
continue to wait inordinately for basic services despite their relocation. I contend that 
scholarship on evictions must consider the livelihoods of individuals after their evictions 
and the conditions they experience in their relocation sites that often mirror the 
environments of their own eviction. This chapter will also discuss the court decisions
that led to constitutional court provisions for alternative accommodations in case of an eviction and ongoing efforts to improve living conditions within these new residential spaces.
Chapter 2 – Evictions, Race and Citizenship in post-Apartheid South Africa

United Nations and Evictions

The United Nations provides a formal definition of forced evictions. In the Forced Evictions Fact Sheet No. 25, Rev. 1 (2014) the document states:

Forced eviction is “the permanent or temporary removal against their will of individuals, families and/or communities from the homes and/or land which they occupy, without the provision of, and access to, appropriate forms of legal or other protection” (Committee on Economic, Social and Cultural Rights general comment No. 7 (1997) on the right to adequate housing: forced evictions).

According to the document other stipulations also list conditions under which evictions occur:

- A permanent or temporary removal from housing, land or both;
- Carried out against the will of the occupants, with or without the use of force;
- Carried out without the provision of proper alternative housing and relocation, adequate compensation and/or access to productive land when appropriate:
- Carried out without the possibility of challenging either the decision or the process of eviction, without due process and disregarding the State’s national and international obligations.

With these parameters in the mind the protocol also documents the scope and scale of evictions that occur in different circumstances and in rural as well as urban locales. The report discusses several situations under which evictions occur. I will limit my list to the ones most relevant to my research:

- Urban and rural development projects, such as dams or roads
- City beautification and urban renewal/transformation
- Zoning, urban and spatial planning, including disaster prevention
- “Mega” events, such as major international and sporting events
- Large-scale land acquisitions and leases
- Privatization and/or speculation in housing and land
• Changes related to housing and land in countries in transition to a market economy
• Slum clearance and criminalization of poverty
• Discriminatory laws and practices, including in relation to inheritance
• Living in informal settlements because of poverty or because of displacement owing to natural or human causes, rural-urban migration or other causes
• Unaffordability and gentrification

South Africa is a permanent member of the United Nations, but their evictions generally violate international law. The South African Constitution and relevant jurisprudence provide protections against evictions that align with international standards, yet legislation listing the parameters of adequate housing and protection against evictions do not include detailed definitions of what constitutes eviction.

Evictions and South Africa

The following section summarizes important constitutional court rulings on evictions. I have not listed all cases that involve eviction laws in post-apartheid South Africa; rather I have included legislation that established legal precedent for eviction cases and ones with particular interest to inner city Johannesburg.

Established in 1998, the Prevention of Illegal Eviction and Unlawful Occupation of Land Act (PIE)\textsuperscript{7} was designed to protect both legal and unlawful occupants by

\begin{quote}
\textsuperscript{7} Act reads: “To Provide the prohibition of unlawful eviction; to provide for procedures for the eviction of unlawful occupiers; and to repeal the Prevention of Illegal Squatting Act, 1951.

Preamble

Whereas no one may be deprived of property except in terms of law of general application, an no law may permit arbitrary deprivation of property;
\end{quote}
requiring building owners to notify occupants at least 14 days before court proceedings to carry out an eviction and to provide an explanation of why an eviction is necessary.

(COHRE 2008, 36) However, if evictions are mandated, courts oversee local government procedures to provide alternate accommodations. The law is intended to consider vulnerable groups like the elderly or children and it also protects occupants from violence by appointing the local police to oversee eviction procedures. While PIE has a number of parameters designed to protect occupants from homelessness, various elements of the law provide loopholes that local municipalities use to supersede protections against vulnerable populations. The Socio Economic Rights Institute housing resource guide illustrated the importance of the PIE Act. The guide stated, “Previously, the common law

And Whereas no one may be evicted from their home, or have their home demolished without an order of court made after considering all the relevant circumstances.

And Whereas it is desirable that the law should regulate the eviction of unlawful occupiers from land in a fair manner, while recognizing the right of land owners to apply to a court for an eviction order in appropriate circumstances:

And whereas special consideration should be given to the rights of the elderly, children, disabled persons and particularly households headed by women, and that it should be recognized that the needs of those groups should be considered;

(iv) “evict” means to deprive a person of occupation of a building or structure, or the land on which such building or structure is erected, against his or her will, and “eviction” has a corresponding meaning;

(ix) “owner” means the registered owner of land, including an organ of state

(x) “person in charge” means a person who has or at the relevant time had legal authority to give permission to a person to enter or reside upon the land in question;

(xi) “unlawful occupier” means a person who occupies land without the express or tacit consent of the owner or person in charge, or without any other right in the law to occupy such land, excluding a person who is an occupier in terms of the Extension of Security of Tenure Act, 1997, and excluding a person whose informal right to land, but for the provisions of this Act, would be protected by the provisions of the Interim Protection of Informal Land Rights Act, 1996 (Act No. 31 of 1996)
understanding of granting an eviction order was that an owner simply needed to establish ownership of the property and the occupier consequently had no right to remain in possession of the property. The PIE Act interpretation of granting an eviction – where the court needs to determine whether the eviction is “just and equitable” taking into account special circumstances – has changed this; however, common law principles still apply to affluent tenants.” (Tissington 2011, 16) Under the PIE Act strict procedures exist to grant eviction orders under the title of “just and equitable.” Some of the technical prerequisites include:

- Only the owner or person in charge of land/property may apply for an eviction order;
- The owner or person in charge must attempt to meaningfully engage with the occupier(s) before commencing an eviction processing;
- In terms of section 4(2) of the PIE Act the owner must serve the occupier(s) with “written and effective notice” of intention to commence an eviction proceeding at least 14 days before the day of the court hearing which must;
  - State that the unlawful occupier has the right to appear before the court and have access to legal aid;
  - The same notice must also be served on the municipality with jurisdiction over the land or property.

The following amendments trace other significant jurisprudence on evictions and the evolving nature of eviction laws that granted the provision of alternate accommodations.

The Government of the Republic of South Africa v Grootboom (2001) first established legal precedent for persons who were evicted. The litigation stemmed from the eviction of almost 900 individuals living in an informal settlement on privately owned land in Cape Town. Since the state or municipalities lacked any comprehensive
plan to deal with indigent housing or evictions, the Constitutional Court ruled in favor of the occupants by establishing a “reasonable policy” framework. The parameters of a “reasonable policy” recognized the constitutional obligation to provide adequate shelter and develop a plan if an eviction occurred. Albeit broad, the Grootboom case obliged the state to address these situations in a “humane” fashion and noted that municipalities have the opportunity to apply for emergency housing grants from national housing budgetary resources.

The next judgment Port Elizabeth Municipality v Various Occupiers (2005) made important decisions regarding post-apartheid property rights. In the city of Port Elizabeth the use of the PIE Act became more concrete. This 2004 judgment in the municipality of Port Elizabeth came about when residents on a privately owned plot of land, including the owner from a neighboring township, signed a petition compelling the municipality to serve an eviction order. Justice Sachs of the Constitutional Court challenged the notion of a “just and equitable” eviction, which then limited hasty evictions carried out by municipalities and property owners. The justice also noted that municipalities should take measures to address urgent housing needs and develop a housing program for the range of housing circumstances faced by individuals subject to evictions.

The P.E. Municipality case established a precedent whereby hasty evictions carried out by private owners or municipalities would face greater legal scrutiny. Of equal significance, Justice Sachs broadened the legal definition of home to include informal settlements. In the Olivia Road case, the City of Johannesburg cleverly attempted to circumvent this distinction by reference to the National Building Standards
and Building Regulations Act of 1977, which enabled the city to evict based on violations of health and safety codes. The case was legally known as the Occupiers of 51 Olivia Road, Berea Township and 197 Main Street Johannesburg v City of Johannesburg (2008). The case stemmed from several large-scale evictions and included 400 occupiers. The Constitutional Court Justice Yacoob instead made a definitive decision to mandate alternate accommodations for evicted occupants and a policy of “meaningful engagement,” which required all parties meet in order to prevent homelessness.

The Blue Moonlight case (2011) included nearly 90 occupants of an abandoned factory in the Berea section of the inner city. The City of Johannesburg v Blue Moonlight Properties (2011) involved an owner who tolerated the tenants for a time, but later attempted to evict them in order to redevelop the property. Similar to prior cases, this would have left tenants homeless. The prior ruling in the Olivia Road case held the City of Johannesburg responsible for providing alternate accommodations in case of an eviction. The caveat in the Blue Moonlight case drew attention because the city did not own the building. The City of Johannesburg claimed they had no obligation to provide services in light of an eviction. Instead the city believed that the responsibility to provide alternative accommodations lay with the provincial government. The City appealed the Court’s ruling, suggesting that it lacked available resources to provide temporary housing. Based on previous eviction rulings, the Constitutional Court decided that municipalities must make ownership a factor in how they respond to an emergency housing situation, such as an eviction. Justice Van Der Westhuizen wrote in his ruling:
The City’s housing policy is unconstitutional in that it excludes people evicted by a private landowner from its temporary housing programme, as opposed to those relocated by the City. Blue Moonlight cannot be expected indefinitely to provide free housing to the Occupiers, but its rights as property owner must be interpreted within the context of the requirement that eviction must be just and equitable. Eviction of the Occupiers would be just and equitable under the circumstances, if linked to the provision of temporary accommodation by the City.  

Taken together, these cases outline constitutional parameters for eviction. These parameters define home broadly (including formal and informal residence) and mandate judicial scrutiny of mass evictions. They also clarify that the city’s constitutional obligation to secure alternate housing for evicted residents applies regardless of whether it is the city or private owners who initiate an eviction. Finally, they underscore that even legal evictions must be carried out “humanely” and with consideration for vulnerable populations.

**Race and Post-apartheid South Africa**

Several bodies of literature contribute to my study of evictions in inner city Johannesburg. While my central focus is on evictions, I am also interested in the interplay between race, urban life, and citizenship as they relate to eviction practices. Evictions in inner city Johannesburg have roots in the racial history of South Africa. Spatial exclusion along racial lines continues to define the economic and cultural life of post-apartheid South Africa. Although the ideology of non-racialism remains a social ideal for post-apartheid South African society, race continues to loom large in the everyday lives of all South Africans. In an opinion piece in the Mail and Guardian,

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8 City of Johannesburg Metropolitan Municipality v Blue Moonlight Properties 39 (Pty) Ltd and Another (2012 (2) BCLR 150 (CC); 2012 (2) SA 104 (CC)) [2011] ZACC 40; [2011] ZACC 33 (1 December 2011) [Section 97] 45-46)
social theorist Achille Mbembe offered his insight on race in a non-racial society. He wrote, “Political rights for the black majority have been secured. But the failure to break with historical patterns of capitalist accumulation that depended heavily on a racial wage for their sustainability partly explains why South African society is still racked by high levels of black poverty.” (Mbembe 2014)

In this sense Omi and Winant’s theories on race remain a salient part of a democratic South Africa. In defining racial formations, they wrote, “We define racial formation as the socio-historical process by which racial categories are created, inhabited, transformed, and destroyed… First, we argue that racial formation is a process of historically situated projects in which human bodies and social structures are represented and organized.” (Omi and Winant 1994, 55-56) The historical circumstances that continue to shape and inform post-apartheid South African society hinge on Omi and Winant’s definition of racial projects, an understanding of race as a phenomenon that remains durable and reorganizes itself despite being disavowed.

As Mbembe contends, “South Africa has, therefore, entered a new period of its history, one in which processes of accumulation are happening, once again, through dispossession – except that this time round dispossession is conducted by an increasingly predatory black ruling class in alliance with private capital, in the name of custom and tradition.” (Mbembe 2014)

Given this context I view the durability of racism as not only a force that has shaped evictions in inner city Johannesburg but also as a relational process that stems from landlord/tenant arrangements, building abandonment, and transitional government housing as outcomes of racialization. Similar to the urban anthropologist Steven
Gregory, I understand the intersections between grassroots activism, evictions and urban space along these lines:

Corona is a “black community,” not because its residents share a common culture or class position. Rather, it is a black community because, through much of its history, its residents have been subjected to practices of racial discrimination and subordination that inextricably tied their socioeconomic well-being and mobility to their racial identity and to the places where they lived and raised their children. And equally important, Corona is a black community because its residents fought back as a black community. (Gregory 1998, 10)

Post-apartheid Citizenship

In a country with such a deeply polarized racial history, the transition to a political democracy aimed to insure political enfranchisement by way of full citizenship for black South Africans. Among anthropologists, the study of citizenship raises important questions about previous notions of national identity, transnational politics and political rights (Ong 1999). Moreover, anthropological research has also recognized the specific ways in which culture can direct attention to the contradictory nature of citizenship based on racial, economic, and gender differences (Rosaldo 1994). Many scholars and particularly anthropologists have pointed to the limits of generalized applications of citizenship to recognize how citizenship is performed or actualized in the everyday lives of various populations in the context of politics, violence, or racial differences.

Throughout the African continent, the political stakes of national liberation movements evinced hope for post-colonial subjects in newly democratic nations. When South Africa extended the constitutional force of full citizenship to all South Africans, the indispensable question remained: to what extent could the majority of non-white
South Africans gain full access to the economic resources ideally guaranteed by the legislative capacity of the country’s new constitution. In post-apartheid South Africa, evictions muddy articulations of democratic citizenship. Following Anne Maria Makhulu’s statement, I agree that post-liberation South African cities “reflect hardening relations of inequality” despite the political transformation signaled by the end of Apartheid. (Makhulu 2010, 552) My dissertation also attends to Holston and Caldeira’s assertion that, “the development of citizenship is never cumulative, linear, or evenly distributed for all citizens, but is always a mix of progressive and regressive elements, uneven, unbalanced, and heterogeneous –in short, what we call disjunctive.” (Holston and Caldeira 1999, 692)

These perspectives underscore my interest in how evictions effect the fulfillment of post-apartheid democratic citizenship. In 1994, the African National Congress led by newly elected President Nelson Mandela proclaimed the importance of sustaining a participatory democratic environment through new legislation, redistributive economic policies and electoral participation. In 1996, the South African constitution would serve as the legislative weight to embody both the spirit of anti-apartheid movement and outline the statutory gravity of a participatory democracy. It is in this context that the practice and politics of urban evictions confounds the ANC’s promotion of housing for all, to redress inequalities brought on during the Apartheid system of government. While South Africa’s Department of Housing continues to valorize the construction of over 1.5 million homes since the end of apartheid, the backlog of South Africans still awaiting housing have migrated to inner city neighborhoods only to reside in dilapidated apartment complexes littered across Johannesburg’s inner city. Their resistance to
evictions and criticism of deteriorating shelters in light of their constitutional right to adequate housing, highlights the superficiality of constitutional entitlements against eviction, which in turn has ignited the dynamic unfolding of grassroots and local activism in the post-apartheid South African political landscape. (Miraftab and Wills, 2005)

In Appadurai and Holston’s landmark essay on the centrality of cities to national citizenship, this dissertation considers Johannesburg as a social space where those rights are materialized daily. The constitutional right to housing complicates the benefits associated with a post-apartheid citizenship in South Africa’s largest city. Drawing on recent formulations that view cities as new sites of citizenship, my study of evictions contends that the struggle over housing in inner city Johannesburg offers a dynamic example of how citizenship plays out in the daily lives of poor urban residents. Moreover, my research considers the tensions and disjunctions created by eviction processes alongside the rights of urban residents. (Appadurai and Holston, 1996) I contend that citizenship is best understood as a local phenomenon mediated by everyday lived experiences. I argue that although the South African constitution made citizenship a transparent legal status, evictions circumvent this normative status, pushing us to understand the variegated circumstances that shape democratic rights under contradictory conditions.
The Constitution

The constitution of South Africa ratified in 1996 established the founding provisions based on:

- Non-racialism
- Non-sexism
- Universal suffrage
- Primacy of the Constitution
- Citizenship based on equality
- Official recognition of the diversity of languages

The Bill of Rights enshrined equality before the law for all South Africans and outlawed discrimination based on race, gender, sexual orientation or disability. The Bill of Rights also emphasized political rights like the freedom of protest and assembly, expression, and religion. While the Constitution stated that the Bill of Rights “is a cornerstone of democracy in South Africa,” Section 3 maintains, “The rights in the Bill of Rights are subject to the limitations contained or referred to in Section 36, or elsewhere in the Bill.”

Limitation of rights

36. (1)

The rights in the Bill of Rights may be limited only in terms of law of general application to the extent that the limitation is reasonable and justifiable in an open and democratic society based on human dignity, equality and freedom, taking into account all relevant factors, including—

(a) the nature of the right;

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9 Section 36 of the Bill of Rights in the Constitution of the Republic of South Africa, 1996
(b) the importance of the purpose of the limitation;
(c) the nature and extent of the limitation;
(d) the relation between the limitation and its purpose; and
(e) less restrictive means to achieve the purpose.

Except as provided in subsection (1) or in any other provision of the Constitution, no law may limit any right entrenched in the Bill of Rights.

These limitations are particularly important when thinking of housing and evictions under the authority of the constitution and in line with the Bill of Rights, specifically Section 25, which concerns property and section 26 that concerns housing. The former lists nine subsections of which I will refer to two in relation to my discussion of how the constitution both protects housing as a right and provides room for evictions through imprecise language towards state actions to protect uphold those rights. First under Section 25, the Bill of Rights states, “(1) No one may be deprived of property except in terms of law of general application and no law may permit arbitrary deprivation of property.” According to this section neither property owners nor occupiers can be removed from a property indiscriminately without a legal process. Much of the debate and legal procedures on evictions include broader discussions about the state’s role in providing alternate housing options in case of evictions and state claims towards insufficient resources when charged with that obligation. The Constitutional Court then rule that the state’s claims of insufficiency are unconstitutional and that they must act to prevent homelessness. However the court’s lack of oversight on the state’s role is related to subsection five, which claims, “The State must take reasonable legislative and other measures, within its available resources, to foster
conditions which enable citizens to gain access to land on an equitable basis.”

As legal scholars Jackie Dugard and Stuart Wilson have argued, the “reasonableness” clause in the Bill of Rights diminishes the prospects of socio-economic litigation to provide substantive outcomes for poor litigants. Dugard and Wilson claim that the administrative approach of the constitutional court ignores the lived experiences of poor appellants in socio-economic rights cases.

**Housing and South Africa’s Constitution**

The United Nations defines forced evictions as a result of an involuntary movement from one’s home. The South African constitution recognizes this definition, but adds specifications that ensure the right to adequate housing. Section 26 of the Constitution contains the following mandates:

26. (1) Everyone has the right to have access to adequate housing.

(2) The state must take reasonable legislative and other measures, within its available resources, to achieve the progressive realisation of this right

(3) No one may be evicted from their home, or have their home demolished, without an order of court made after considering all the relevant circumstances. No legislation may permit arbitrary evictions.

Housing legislation in South Africa also stipulates defined parameters for each level of government that emphasize goals for housing development. The following lists these obligations:

- National government: must establish and facilitate a sustainable national housing development process by formulating housing policy. It must also monitor

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10 Section 25 of the Bill of Rights in the Constitution of the Republic of South Africa, 1996
implementation through the promulgation of the National Housing Code and the establishment and maintenance of a national housing data bank and information system.

- Provincial government: must act within the framework of national housing policy and create an enabling environment by doing everything in its power to promote and facilitate the provision of adequate housing in its province, including the allocation of housing subsidies to municipalities.

- Local government i.e. municipalities: must take all reasonable and necessary steps within the framework of national and provincial housing legislation and policy to ensure that the constitutional right to housing is realized. It should do this by actively pursuing the development of housing, by addressing issues of land, services and infrastructure provision, and by creating an enabling environment for housing development in its area of jurisdiction. (Tissington 2012, 14-15)

The Negotiated Settlement and the Formation of the Constitution

South Africa’s constitution developed during the negotiations between the ruling Apartheid government and the African National Congress. Nelson Mandela’s release in 1990 and the consolidation of the anti-apartheid movement under the leadership of the ANC ushered in a new phase of political negotiations to end apartheid. The path that the ANC followed to form a new democratic government in South Africa resonated with the principles set forth in the constitution. As I will address later, the ANC’s constitution foreshadowed important positions about political power, social rights, and economic redistribution that have framed post-apartheid South African society. Assessments of the ANC’s post-apartheid political and economic decisions have noted how these decisions are historically rooted in anti-apartheid strategies. Hein Marais concluded, “As a liberation movement, [anti-apartheid] was angled largely towards the ideals of democracy, sovereignty and civil rights. Its remarkable political unity had been built
partially by cosigning the class dimension to the margins of its analysis, which identified
the apartheid state as the core engine of poverty and oppression.” (Marais 2011, 70)

From the late 1980s to the early 1990s, violence erupted throughout South
Africa. Brute force organized by the Apartheid government and other factions generated
economic instability and the real possibility of a civil war. The Nationalist Party and the
African National Congress reached a political stalemate. At the time, the idea of African
majority rule seemed unfathomable, but it remained the best hope for the country’s
future stability. In 1990, Mandela’s release from prison hastened the possibility of a
political settlement in South Africa.

Through 1994, debates centered around the country’s political transition:
whether the ANC would support mass struggle for national liberation or accommodate
capital’s interests in favor of a protracted socio-political transformation. Marais stated,
“The ANC, the apartheid state and corporate capital now shared an understanding of the
need to recast the political and ideological bases of state power. The major differences
centered on the extent to which the terms of that process would diverge from or maintain
continuity with the past. The ANC’s historical privileging of the political over the
economic invited a settlement that would allow for significant restructuring of the
political sphere, and broad continuity in the economic sphere.” (Marais 2011, 70)

**South Africa’s Political and Economic Transition**

During the transition from Apartheid and in years following, the African
National Congress embraced free-market principles to build a new South Africa. This
section probes the intersections between the end of Apartheid and the ANC’s adoption
of economic policies that eventually undermined its national liberation movement.
Throughout urban South Africa the effects of neoliberal policies have especially intensified for poor unemployed and working poor populations. In response, a groundswell of activism challenged the narrative of progress espoused by the new South African leadership as their daily lives included the privatization of basic services and ongoing practices of displacement.

Evictions register the visceral collision between South Africa’s urban history and future. In Johannesburg, policy outcomes have taken shape over contestations of urban space and the local government’s vision to rebrand Johannesburg into a “World Class African City.” In inner city Johannesburg both policy initiatives and redevelopment plans overlay the racial architecture of Apartheid’s urban vision. Forced displacement also points to the lapse between the ANC’s efforts to design a new state based on democratic ideals, as it remains tied to the tenets of global capitalism. As social and economic disparities continue to increase throughout South Africa, Johannesburg is uniquely situated as the face of this transformation and as an example of its most coordinated effects.

In 1994 Nelson Mandela, the popularly appointed leader of the anti-apartheid struggle spoke of economic redress and nationalization as key features of the country’s long-term transformation. Despite these early gestures towards a radical economic redistribution, discussions soon devolved towards a settlement based on the terms of inclusion that would emphasize “power-sharing” and political unity with the previous government moving forward from the political transition. (Bundy 2015) Hein Marais wrote, “This principle of inclusion became the central ideological tenet of the new South
Africa. Not only were all South Africans deemed equal in one nation-state, but the reconstruction and development of society would become presented as a common endeavor, hence the intense pressure on the popular sector to ‘exercise restraint’ in its demands and pursuit of change. The transition proceeded on the basis of mechanisms and structures that attempt to ‘reconcile’ – even transform – conflicting interests into inclusive policies, projects and programmes.” (Marais 2001, 94)

Discussions about inclusion and common interests continued to permeate through the language of the constitution and became integral to post-apartheid urban planning. This language is evident in descriptions of Johannesburg as a “World Class African City.” For example the mayor’s statement on these efforts he used phrases like “all political parties and stakeholders” references developing working relationships with the business elite and political leadership.

The negotiated settlement provided an important lens to understand how the economic and political transition in the country would take place after Apartheid. As William Gumede puts it, “It was an onslaught for which the ANC was wholly unprepared. Key economic leaders were regularly ferried to the head offices of international organizations such as the World Bank and IMF, and during 1992 and 1993 several ANC staffers, some of whom had no economic qualifications at all, took part in abbreviated executive training programmes, at foreign business schools, investment banks, economic policy think tanks and the World Bank, where they were fed a steady diet of neo-liberal ideas.” (Gumede 2005, 72) Despite the ANC’s effective mobilization of the masses, the party’s lack of coherent economic strategies allowed for international bodies like the IMF and World Bank to strongly influence ANC members. (Bundy
The party’s shift from a more redistributive economic development plan presented in the RDP towards a market-oriented series of policy decisions within Growth, Employment and Redistribution GEAR demonstrated the effect of international finance agencies and governments that represented the global economic elite.

As Naomi Klein explained, “The ANC’s leadership chose…Rather than making the centerpiece of its policy the redistribution of wealth that was already in the country – the core of the Freedom Charter on which it had been elected – the ANC, once it became the government, accepted the dominant logic that its only hope was to pursue new foreign investors who would create new wealth, the benefits of which would trickle down to the poor. But for the trickle-down model to have a hope of working, the ANC government had to radically alter its behavior to make itself appealing to investors.” (Klein 2008, 206)

As South Africa moved closer towards a full-fledged neoliberal economic agenda, two telling reactions occurred. One, investors representing the global economic elite began investing heavily in South Africa and praised the country’s economic decisions, which included doing away with notions of redistribution. Two, new social movements emerged contesting new terrains of social division that included the privatization of basic services, mass displacement and rising-unemployment.

After Mandela’s term as President, popular opposition against the ANC gained more traction during Thabo Mbeki’s administration. Despite Mbeki’s 1999 speech predicting an African Renaissance in South Africa and throughout the African continent, policy orientations toward market-based directives incited popular opposition towards
the ANC-lead state.\textsuperscript{11} From the late 1990’s to the early 2000’s millions of households experienced electricity and water shutoffs.\textsuperscript{12} Scholars, who anticipated a more equitable future for South Africa, soon began to analyze South Africa’s democracy as either incomplete or woefully retreating. As Manning Marable noted, “The root of the ANC’s current dilemma goes back to its compromise agreement with the former apartheid regime.” (Marable 2000, 37) He continued to point out that, “This vicious dictatorship was reluctantly willing to surrender the presidency, the national legislature, and most provincial governments. But all other institutions of power would remain under whites’ control.” (Marable 2000, 37) Another assessment concluded that the immediate post-Apartheid period presented both hope and uncertainty for many South Africans. Nelson Mandela’s term as president of South Africa solidified the hopeful transition of a country no longer governed by a racial pariah. Yet as the New South Africa emerged new political realities collided with the “the suffocating legacy of centuries of capitalist exploitation and repression.” (Murray 2000, 40) By the end of Mandela’s term and the election of Thabo Mbeki, South Africa’s political democracy began to unravel under the sheer force of economic fault lines that had been overlooked during the negotiated settlements to elect a black majority government.

These sorts of crises have been exacerbated under the presidency of Jacob Zuma. According to the “United Nations Development Programme report on Inequality”,


millions throughout South Africa face ongoing challenges that stem from land
dispossession and exploitation of the labor force. The report summarized the current
state of South Africa since the ANC won the national election. The United Nations
Development Programme states, “In South Africa today, the lack of economic
opportunities as a result of high unemployment is the heart of the issue. This is the driver
of poverty, inequality, and rising social tension. In this, South Africa is a global outlier:
no other middle-income country has had unemployment levels of more than 20 percent
for more than 20 years. There is no precedent for this, or for what it might mean for a
society over time.” (UNDP 2014, 7) According to the report compiled in 2014, while
the South Africa government committed 60% its budget towards the social wage,
incorrugible unemployment has remained over 20% since Apartheid ended. The report
also confirmed that despite social grants aimed at alleviating poverty, unemployed South
Africans remain excluded from these government provisions. Under Zuma’s leadership
widespread dissent have signaled the effects of late capitalism and neoliberalism on
domestic life in South Africa.

13 Pushed to the Limit- Hein Marais 211 “Government seems to regard social grants, tax
relief and the provision of free basic services (including healthcare and education) as the
main components of the social ‘wage’ or ‘income’ (on occasion it also includes public-
works programmes).
The Transformation of a Nation

The Preamble of the South African Constitution (1996) reads, “Heal the divisions of the past and establish a society based on democratic values, social justice and fundamental human rights.”\(^\text{14}\) Emblematic of the herculean promises of majority rule, the lofty ideals of a new democratic South African society put forth in the Constitution have faced myriad challenges. The immediate period after Apartheid, presented both hope and uncertainty for many South Africans. Nelson Mandela’s term as president solidified the hopeful transition of a country no longer governed by a racial pariah. Yet as the New South Africa emerged, new political realities collided with “the suffocating legacy of centuries of capitalist exploitation and repression.” (Murray 2000, 40) By the end of Mandela’s term and the election of Thabo Mbeki, South Africa’s political democracy began to unravel under the sheer force of economic fault lines overlooked during the negotiated settlements to elect a black majority government. The development and realization of the post-Apartheid constitution can only be appreciated by understanding the broader political context in which it was formed and the forces that influenced its key tenets. Even though the constitution foregrounded significant democratic principles in contemporary South Africa, “a society based on democratic values, social justice and fundamental human rights”\(^\text{15}\) South Africa remains trapped


between “divisions of the past” and gradual gains toward political democratic liberalism at the expense of transforming the socio-economic cleavages of the past.

Evictions in inner city Johannesburg highlight competing ideals in South Africa’s democratic constitution. The constitution contains competing visions: a universal right to housing that coexists uneasily alongside constitutional protection of property rights. These seemingly transparent amendments converge with everyday struggles over housing rights and forced removals from private properties throughout the inner city. Evictions demonstrate the limits of constitutionally defined social rights and the extent to which housing legislation reproduces asymmetries of power. In this context, the post-apartheid constitution’s celebration of human rights overshadows the rights secured for property owners, and the government’s ability to circumvent concrete housing policies. To examine South Africa’s historical trajectory from dispossession to evictions, I will describe the overall political context of the period. Second I will explain how the constitution’s privileging of social rights and its vague attention to socio-economic factors foreshadowed the ANC’s post-apartheid economic strategy.

**The Negotiating Process and the ANC**

Significant tensions emerged in South Africa leading up to the negotiated settlement between the Apartheid government and the ANC. Township unrest and violent actions by the Apartheid State aggravated already strained relations between both factions. Suspicions by the ANC that the Inkatha party received financial support and military instruction from the Apartheid government in order to subvert the anti-apartheid movement became a credible allegation. (Worden 2000, 158) In the early 1990s, the
assassination of Chris Hani and mass shootings in townships by police forces constrained relations and caused the ANC to temporarily walk out of negotiations. As the historian Nigel Worden put forth, “Such violence by the army and the police against the ANC supporters was a continuation of the deliberate government policy of elimination and destabilization of its opponents through Botha’s National Security Management System.” (Worden 2000, 158) A failing domestic economy, mass resistance against the apartheid system and the growth of the African urban population forced the ANC and NP to re-engage negotiations. The release of political prisoners and the selection of FW De Klerk to lead the Nationalist Party, eventually reestablished the negotiation process.

International sanctions, fear of a civil war, and protracted talks caused anxiety among the masses and among activists in the national liberation movement. In response Joe Slovo offered these sobering comments on the negotiation process. He said, “We are negotiating because towards the end of the 80s we concluded that, as a result of its escalating crisis, the apartheid power bloc was no longer able to continue ruling in the old way and was genuinely seeking some break with the past. At the same time, we were clearly not dealing with a defeated enemy and an early revolutionary seizure of power by the liberation movement could not be realistically posed.”

Slovo’s view of the political transition revealed important details about the role of the ANC as eventual political leaders of South Africa. His comments also highlighted the ANC’s approach to the economy and how they would position themselves.

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These negotiations had long-term effects that would define South Africa for decades to come. To underpin the social and political order, a number of groups coalesced to create a constitution that would ultimately guide jurisprudence for South Africa’s new representative democracy. During this time the Convention for a Democratic South Africa formed. The group consisted of different racial and political groups tasked with writing the provisional constitution. (Thompson 2000, 252) Ongoing violence in South Africa temporarily halted negotiations, but in 1993 talks resumed under a multiparty forum to create the interim constitution that would eventually be enacted in 1996.

Several notable concessions developed during the settlement according to Hein Marais. In his book titled Limits to Change, he wrote, “Capital succeeded in fashioning, among others, a crucial detail of the settlement: the Bill of Rights sports a clause protecting property rights. Although diluted in the final Constitution, this limits the circumstances in which the state can expropriate privately-owned property, narrows the scope of a land reform programme and reduces the redistributive options of an ANC government.” (Marais 2001, 92)

Although the constitution remains a significant and comprehensive document, its formation and the context in which it emerged remain important lens into the current political and economic environment. In other words, the constitution’s uncompromising support of social rights, due process under the law, and denouncement of intolerance are in line with the letter and spirit of democracy. Despite these social advancements, South African society remains deeply unequal. The country’s political economy and constitutional jurisprudence remain intertwined.
Chapter 4 - South Africa’s History of Dispossession

In 2013 the Witwatersrand University Art Museum (WAM) opened a photographic exhibition titled, Umhlaba, which means “land” in Zulu. The exhibit recognized the hundredth anniversary of the 1913 Natives Land Act. This Act designated seven percent of the land for African subsistence and partitioned the land in South Africa both spatially and by race. As a result widespread dispossession ensued for black sharecroppers and tenant farmers throughout the country. The first general secretary of the African National Congress Sol Plaatje famously wrote in his description of the Acts effects, “AWAKING on Friday morning, June 20, 1913, the South African Native found himself, not actually a slave, but a pariah in the land of his birth.” (Plaatje 2007 [1916], 7) According to historians the Act would create the development of Native reserves or geographically assigned land for African dwellings that later became primary sources of cheap labor for South Africa’s rapidly expanding mining industries. (Hendricks et. al 2013) “Umhlaba” vividly documented the turmoil of everyday people subjected to the territorial expansion of settler colonialism.

The gallery exhibit also chronicled land dispossession that originated with the Natives Land Act of 1913 and spanned over the next century throughout South Africa. This Act signaled what the settler colonial scholar Patrick Wolfe considered central to the logic of settler colonialism. He stated settler colonialism “Negatively, it strives for the dissolution of native societies. Positively, it erects a new colonial society on the expropriated land base –as I put it, settler colonizers come to stay: invasion is a structure not an event. In its positive aspect, elimination is an organizing principal of settler-
colonial society rather than a one-off (and superseded) occurrence.” (Wolfe 2006, 388)

The Natives Land Act of 1913 dispossessed thousands of farmers, but also set in motion the elimination of autonomous forms of African land-based social reproduction. In other words, settlers came ‘to stay’ and dispossession became a dominant apparatus of the state’s structure.

This chapter outlines South Africa’s history of dispossession. Beginning with the Natives Land Act of 1913 and followed by the Groups Areas Act of 1950, this chapter will trace how forced removal remained central to state formation, urbanization, and social life in South Africa. Throughout South Africa’s history European settlers used political force and dispossession to appease their economic motivations and establish a stratified racial geography. These laws also coincided with the country’s economic infrastructure that eventually solidified the socio-political foundation of South Africa’s settler society. In this chapter I also consider post-Apartheid evictions as a contemporary expression of South Africa’s history of forced removals. Evictions today are a product of history and the effects relate to South Africa’s colonial past. Evictions in inner city Johannesburg continue to relate to rural to urban migration patterns, residential segregation, and property rights borne of the segregation and Apartheid eras. A historical view of dispossession underscores how extensive land or housing evictions have been in South Africa’s past. Questions that guide this chapter include: What is the legacy of dispossession in South Africa? Why have dispossession and forced removal been fundamental to social relations and policy in South Africa? How have contemporary urban evictions been informed by this history of dispossession?
To address these questions, I will focus on the Natives Land Act of 1913 and the Group Areas Act of 1950. Anchored in the history of these two laws, this chapter examines the fundamental role of dispossession as a tool to discipline labor and control the African population. These specific laws enforced settler authority through the regulation of native populations. By offering a historical linkage between laws that imposed dispossession spanning the pre-apartheid to post-apartheid eras, I contend that practices of dispossession have organized South African society in complex and deep-seated ways, while also sustaining the economic and political advancement of settler interests through capitalist expansion. As many scholars have noted, the political transition in 1994 brought about significant political changes, but economic policies in the post-apartheid moment have diminished the existence of a truly transformative society. (Habib 2013) With this in mind, contemporary urban evictions have relied on a political discourse scarily familiar to the discursive regimes of the segregationist and later Apartheid state that emphasized the dispossession of the poor as a means to eliminate them as a social contagion detrimental to the progress of South Africa. Today’s language of creating a ‘clean and safe’ inner city Johannesburg corresponds with violent practices of dispossession imposed through campaigns like ‘Operation Clean Sweep’ that portend colonial processes of urbanization in creating an “African World Class City.”\(^1^7\)

To map out a path between evictions in Inner City Johannesburg and South Africa’s laws of dispossession beginning in the early 1900s, I will first discuss some of

\(^{17}\) Report City of Johannesburg “Corridors of Freedom” http://www.corridorsoffreedom.co.za/attachments/article/1/corridors%20of%20freedom_s.pdf
the relevant literature theorizing dispossession. I will then transition to my experiences at the 100th year commemoration of the Natives Land Act of 1913 and the continuing significance of dispossession on the democratic future of South Africa. Then I will segue into a description of the first law that established the framework for land policies in South Africa with the Natives Lands Act of 1913. My examination of the Act will include a broader synthesis of settler colonialism and Sol Plaatje’s depiction of the law’s devastating effects in his acclaimed, Natives Life in South Africa. Chronologically I will briefly address the period of segregation leading up to the Apartheid era and then shift my attention ahead to the Groups Areas Act of 1950, two years after the beginning of Apartheid. The Act underscored another massive governmental intervention to employ forced removal, yet this time the creation of specific racial geographies included Apartheid’s racial designations. Even though other laws included racialized forms of population control, like the Native (Urban Areas) Act of 1923 or slum clearance of urban areas largely populated by South Africa’s non-white groups as in the Slums Act of 1934, the Group Areas Act of 1950 reinforced the philosophy of racial separation through the enforcement of mass evictions for White occupancy. The history of dispossession also coincided with the popular struggle against white supremacy. Popular struggles against racism reached new heights after the election of the Nationalist Party in 1948, which included aggressive state repression and the growth of an urban African population.

Both the “Natives Land Act of 1913” and the “Groups Areas Act of 1950” have had serious consequences for post-Apartheid South Africa. These two laws created and maintained the racial geography of both rural and urban environments that persist today.
Even as some historians have questioned the uniformity of these laws in terms of their application or implementation, they consistently demonstrated that white South Africans would go to great lengths to make certain that black South Africans were convinced of their status as temporary outsiders in both city and rural areas. (Marx, 1998; Parnell and Mabin, 1995) These laws created a political economy that used dispossession as a tool to maintain racial and social inequalities in order to necessitate economic certainties for South Africa’s white minority population.

Theoretical Implications

Dispossession takes place over time and space, dividing regions and cultural groups. (Harvey 2003; Elyachar 2005) Over the last decade geographers and anthropologists have made significant contributions to the theorization of dispossession. Theoretically dispossession has been understood through its political and economic characteristics, while also considering the racial, gendered and geographical dimensions of forced removals.

A prominent part of this discussion has married the political economy of dispossession and its spatial effects through David Harvey’s idea of accumulation by dispossession. Harvey’s understanding of dispossession stems from his analysis of Rosa Luxemburg’s theory of capital accumulation and Karl Marx’s concept of primitive accumulation. (Harvey 2005) Harvey recognized that Luxemburg theorized crisis in capitalism as the result of under-consumption and as a predicament that occurs when labor has limited purchasing power and consumption decreases because of the overall suppression of wages. A corollary of her theory also argued that capitalism must seek
new places to invest if consumers in geographically fixed spaces under-consume, a process that Harvey understands as a critical characteristic of imperialism. Harvey points out that Luxemburg underestimated the malleability of capitalism and believed that its expansion represented a movement outside of capitalism as a “closed system”. (Harvey 2005, 144) To analyze Luxemburg’s ‘closed system’ view, Harvey uses Marx’s concept of primitive accumulation, which he explained as “taking land, say, enclosing it, and expelling a resident population as landless proletariat, and then releasing the land into the privatized mainstream of capital accumulation.” (Harvey 2005, 149) This definition resonates unequivocally with descriptions of the Dutch East India’s company arrangements for employees and subsequent land policies instituted by the Union of South Africa after 1910. Harvey acknowledged the influence of Marx’s analysis in his formulation of accumulation by dispossession, a process he describes as a stage of capitalism motivated by state power and privatization, and which responds to processes of over-accumulation.

However attention to the intersections of race and class are paramount are understated in Harvey’s analysis. In the case of South Africa, the material reality of dispossession is apparent, yet instead of relying on a single notion of dispossession, South Africa’s unique political economy requires a multifaceted approach that includes both racial and class components. The South African geographer Gillian Hart suggests that accumulation by dispossession is applied at a level of abstraction that obscures “concrete levels of specification, not just in the sense of descriptive empirical detail, but concrete concepts that are adequate to the complexity with which they are seeking to grapple.” (Hart 2004, 7) By drawing on her own ethnographic research among
Taiwanese manufacturers in the KwaZulu Natal region of South Africa, Hart recommends a denaturalization of the concept of dispossession beyond the permutations of neoliberalism, but that is “infused with concrete understandings of specific histories, memories, [and] meanings of dispossession.” (Hart 2004, 13)

Similarly, in Zimbabwe a history of settler rule and post-colonial evictions contribute to the concept of racialized dispossession. In Donald Moore’s ethnography Suffering for Territory, about land rights and evictions under Mugabe’s leadership, he explained the historical significance of colonial dispossession and postcolonial sovereignty. Moore’s analysis is relevant for several reasons, not the least of which is that Zimbabwe’s colonial history and evolution of property rights coincided with land dispossession throughout Southern Africa. Moore explained, “White ‘ownership’ required African dispossession, as colonial conquest in the 1890s bequeathed property rights enshrined in racial lands laws. State-sanctioned violence propped up protective legislation that effectively mapped exclusionary white claims to private estates.” (Moore 2005, 15) A similar entanglement of law, race, and power occurred in South Africa when, in 1913, the Native Lands Act established the legal provisions for land ownership and forced removal. Secondly, Moore used the term-racialized dispossession to discuss the use of race as a discursive mode of imperial rule. In South Africa, the use or ownership of land remained tied to African incivility and their inherent inability to claim rights to land. Lastly, Moore used the term, racialized dispossession to draw attention to social forces that both disciplined labor and forcibly removed Zimbabweans.

Post-apartheid evictions are entangled within these dimensions of power and nation. These critical insights inform my analysis of recent evictions in inner city
Johannesburg as a form of racialized dispossession reproduced since the colonial era, while also recognizing recent expressions of accumulation by dispossession molded by the circulation of migrant laborers. Hidden in plain sight, the city of Johannesburg aims to refashion the city through projects of housing privatization, the financialization of low-income properties and the expropriation of derelict residences occupied by the urban poor.

Urban anthropologist Brett Williams draws similarities between processes of urbanization and practices of dispossession. Williams also highlights racism as a durable social phenomenon that is interconnected with social formation and city-making. Williams contends that processes like dispossession have been imposed from ‘above’ and have shaped everyday lived experiences. To borrow her definition, dispossession can be understood as “the appropriation of people’s homes, communal property, resources and wealth by others. This appropriation is often rationalized through stigmas and stereotypes about race. Sometimes dispossession occurred in the past; the privileges people accumulated then continue to shape their interactions.” (Williams 2014, 212)

Her analysis aligns with Leith Mullings view that “Racism is a relational concept. It is a set of practices, structures, beliefs and representation that transforms certain forms of perceived differences, generally regarded as indelible and unchangeable into inequality. It works through modes of dispossession, which have included subordination, stigmatization, exploitation, exclusion, various forms of physical violence, and sometimes genocides.” (Mullings 2005, 684) For Mullings, the resolute nature of racism functions through brute violence and ‘modes of dispossession.’ Evictions that I observed in inner city Johannesburg draw from the historical roots of racism’s consistent
variability and normalization of forced removal in South Africa for its African population. These anthropological understandings of race and cities serve as touchstones for my historical analysis of evictions as a contemporary form of dispossession deeply connected to South Africa’s racial and colonial past.

**Settlement by Dispossession – Pre-colonial History and Conquest**

In South Africa, early forms of dispossession led to the expansion of the country’s mining industries, but also remained integral to the development of the South African city. Displacement for black South Africans in rural areas lead many into the cities to search for work and compensate for the lack of subsistence eventually derived from native reserves. Before the migrant labor system fully developed, European settlement expanded from the Cape of Good Hope towards the interior of the southernmost tip of the continent. From 1652 to 1795, the VOC, also known as the Dutch East India Company, enabled European settlers to occupy lands near the Cape peninsula. (Thompson 2000, 33) In Dispossession and Access to Land in South Africa: An African Perspective, Michael Yanou contends that, “Dispossession is a key feature of South African history, which continues to shape the discourse on land holding and use.” Yanou’s critical appraisal of dispossession begins with the presence of the Dutch East India Company and subsequent measures adopted by early settlers that occupied previously inhabited areas in the Cape region. According to Yanou, the Dutch East India Company established settlements and rationalized crude ‘land grabs’ through providential means, which considered natives ‘uncivilized’ and incapable of negotiating land rights. (Yanou 2009, 12) This precedent compelled settlers to move inland.
In Worden’s historical description of early European settlement, he explained how settlers legitimized their incursions from the Cape coast towards the hinterland. He explained, “By the early eighteenth century grazing permits were being issued for a small fee and the VOC guaranteed the rights of the settlers to graze livestock on lands outside original settled areas as well as to cultivate them.” (Worden 2000, 9) Worden also suggested that colonial conquest altered farming practices and eventually began to reshape the agricultural topography of the region for indigenous populations. Worden explained, “The expansion of pastoralism was the first phase of colonial territorial conquest in South Africa.” (Worden 2000, 10) While settlers considered the interior plentiful and economical, labor and investment in the land grew costly. Nonetheless, expansion continued in a variety of ways for company employees or free burghers, European pastoralists known as trekboers and European migrants.

The occupation and expropriation of land by European settlers occasioned arbitrary actions. According to the economic historian Charles Feinstein, the VOC’s land policy permitted that, “Land was effectively given away by the Company under the system of ‘loan farms’ (leanings-paatsen). This was a form of leasehold under which anyone could claim a large farm in return for a nominal fee: in more distant areas even that fee was not always paid. The convention was that the would-be owner of a plot was simply required to walk his horse half an hour from his chosen central spot to each of the four corners of a rectangle. This normally yielded a diagonal of a little over 4 miles, and a farm of some 6,000 acres, over 9 square miles.” (Feinstein 2005, 25)

These large plots of land soon became central to the economic development of trekboers and their families. The significance of European expansion into the interior
from the Cape of Good Hope was unrestrained and considered a natural right. In Charles Feinstein’s Economic History of South Africa, he described settlers as pursuing a long “sustained process of dispossession” in order to eliminate any form of African subsistence farming. Feinstein described the pursuits of European settlement and British imperialism, writing that, “Whites did not immediately take over all land, because the British lacked the desire to administer and control the entire African population, while the trekkers lacked the resources to do so. But as the prospects for farming improved, the settlers gradually increased the share of farmland under their control. It was not a single act of dispossession but a continuing process, which accelerated after the 1870s and reached its climax in 1913.” (Feinstein 2005, 43)

From 1870 to 1913, economic conditions changed drastically and the Southern African region experienced political turmoil. Prior to the formation of South Africa in 1910, European settlers clashed over territory and the exploration of mineral resources like gold and diamonds. In 1867, settlers found diamond mines in the town of Kimberley and by 1886 miners retrieved gold from Johannesburg in the central parts of South Africa. As Hein Marais argued, “The discovery of gold and diamonds, however, upped the ante – transforming the territory, at least in the eyes of British colonialism, from a geopolitical asset (hence the focus on controlling coastal strips) into a potentially huge capital asset.” (Marais 2001, 8) Both discoveries transformed provincial towns to bustling urban centers. These mineral resources also prompted massive population shifts as both European settlers and Africans relocated for employment in burgeoning mining industries. A racial ideology consistent with the overall social structure controlled the labor force in the mining industry and facilitated stratification whereby
white workers had skilled positions and higher wages, while relegating African laborers to much harsher working conditions and lower earnings.

During this period British colonial authorities and Afrikaners fought each other, but combined efforts against African inhabitants. These political conflicts among European settlers culminated into two major wars, the first lasting from 1880 to 1881 and the second from 1899 until 1902. (Worden, 2000) Settlers grappled with the role of the African population, territorial expansion, and exclusive control over mineral resources. The second war between the British and Afrikaners also witnessed the emergence of an Afrikaner nationalism buoyed by ideas of cultural civility over African population and religious rights to land. Gradually Afrikaner unity and British divisions made room for a “political union” which led to the formation of the Union of South Africa in 1910. (Marx 1998)\(^{18}\)

According to Leonard Thompson’s lengthy history of South Africa, “Virtually all whites in the region, in common with their contemporaries in Europe and the Americas, regarded themselves as belonging to a superior, Christian, civilized race and believed that, as such, they were justified in appropriating land, controlling native labor, and subordinating native authorities. So dominant was this assumption that Whites did not permit their serious internal differences –Boer versus Briton, farmer versus townsfolk, employer versus worker -to retard the conquest.” (Thompson 2000, 122)

The large-scale appropriation of land that would come with the Native Lands Act in 1913 brought on the collapse of African subsistence farming that created an economic

\(^{18}\) See Introduction and subsection Constructing Racial Domination where Anthony Marx elaborated on the process racial domination among white settlers.
foundation based on a cheap labor supply for the mining industries. (Marais 2001) The economic characteristics of the South African economy featured intense labor exploitation and white supremacy. Theorization of the role of settler colonialism as a structured process of colonial territorial expansion contributes to a broader understanding of subsequent laws that enforced forced removals as a means to control territory.

While scholars have noted important political and economic changes, much of that theorization has remained focused on racial stratification and class as it played out through labor exploitation. As Charles Feinstein has suggested in his Economic History of South Africa, “the more land that settlers could seize and bring under their control, the more they could deprive Africans of any means of survival other than the sale of their labor to white farmers and other employers.” (Feinstein 2005, 34) This explanation also gives us insight into how central the acquisition and expropriation of land was to the colonial settlement.

Patrick Wolfe, a scholar of settler colonialism argues that the expropriation of land and the expansion of colonial authority through territorial control are at the heart of settler colonial projects. Citing examples from Australia, the Middle East and the United States, Wolfe contends that settler colonialism, “in sum, then… is an inclusive, land-centered project that coordinates a comprehensive range of agencies, from the metropolitan centre to the frontier encampment, with a view to eliminating Indigenous societies. Its operations are not dependent on the presence or absence of formal state institutions or functionaries.” (Wolfe 2006, 393) In many ways European settlers in South Africa adopted a ‘land-centered approach’ as the Cape of Good Hope became the
initial encampment that spurred the eventual elimination of indigenous societies. Wolfe also argued that settler colonialism “is premised on the securing –the obtaining and the maintaining –of territory. This logic certainly requires the elimination of the owners of that territory, but not in any particular way.” The scope of the Natives Land Act of 1913 as law of territorial expansion for settlers and severe reduction or shrinkage for natives demonstrated this logic, which created large-scale dispossession for natives. (Wolfe 2006, 402) The large-scale expropriation of land soon crushed the economic base of rural African farmers. Eventually the African labor force bore the brunt of land dispossession with their inclusion into the migrant-labor system. These labor processes signaled the lack of subsistence in rural areas and livelihoods subjected to the fluctuating whims of the mining industry.

The social conditions shaped by economic activities and political forces have been reproduced in evictions today. Given the current trend of urban displacement and building evictions, one would imagine there would be greater synthesis between South Africa’s social history of dispossession and today’s evictions. However the post-Apartheid governments pledge to redress the effects of Apartheid and address housing amid long-term effects of societal stratification continues to cast a light of contradiction between ongoing forms of dispossession and political pledges to reduce poverty. With this in mind I examine the role of settler colonialism in South Africa and how colonial power employed policies of dispossession to manage and later create a cheap labor pool for the nascent mining and agriculture industries. Patrick Wolfe’s insightful analysis of settler colonialism will provide the through line to understand contemporary evictions as both historical and fundamental to everyday life in South Africa. And while the party of
national liberation has retained political leadership for the last 20 years, the fault lines of settler colonialism have yet to be eliminated or even disrupted in order to transform South African society. Wolfe’s analysis is useful because he argues that settler colonialism is “inherently eliminatory” (Wolfe 2006, 387) yet simultaneously “settler colonialism destroys to replace” (Wolfe 2006, 388). His explanation suggests that settler colonialism has both eliminatory and generative qualities. In the case of South Africa, early legislation intended to remove native groups territorially and make racially distinct geographic locations or reserves. Later these reserves became important sites to recruit laborers. Wolfe also draws attention to the nexus of “land and labor” as determining factors for colonial expansion. Following Wolfe, my ethnographic study of evictions also considers settler colonialism as a structured process with long-lasting effects. Evictions are a part of that process, and forced removals have been - as Wolfe concluded - an “organizing principal” of settler colonial logic and, in the case of South Africa, fundamental to state formation and urbanization.

The Natives Land Act Remembered – 2013

In English, Umhlaba translates to “earth or land” in Zulu and Xhosa. In broader translations, Umhlaba can refer to the “soil” or “territory.” In September 2013, the University of the Witwatersrand Art Museum (WAM) opened an exhibit titled “Umhlaba 1913-2003: Commemorating the 1913 Native Lands Act.” The exhibition featured images from some of South Africa’s most well known photographers. The pictures gave a firsthand account of the toil and struggle of the Act from its inception, to its long-term effects. The centenary of the Native Lands Act of 1913 came one year
before the national elections, as the issue of land reform continued to pit the measured reformist efforts of the ANC against the more radical appeals by the newly formed Economic Freedom Fighters. These timely discussions continued to reveal generational differences and divides along party lines around the deeply contested issue of land reform in South Africa.

The Natives Land Act represented the absolute encroachment of settlers on expropriated land. As demonstrated by the exhibition catalogue and my exposure to numerous photographs, the Act removed and legitimated the lines of residential tenure for native peoples in the newly formed South Africa. The Act also made certain that Black South Africans maintained a temporary status in territories outside of colonial designation. Ultimately, the Act established the architecture for land dispossession and racialized settlement throughout South Africa. (Feinberg 1993, 66)

In the exhibition brochure, the curators’ statement read, “The 1913 Natives Land Act centenary has provided the curators of Umhlaba 1913-2013 with an opportunity to present how South African photographers have engaged over many decades with situations and events relating to the long process of land dispossession and its legacies.”19 The exhibit visually documented South Africa’s long history of dispossession and displayed the vestiges of the law that continued displacement throughout the 20th century. The museum catalogued some of South Africa’s most important artistic interlocutors, most prominently photographer David Goldblatt whose images chronicled the dispossession of the country’s majority African population. The

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photographs offered vivid images of black sharecroppers and farmers uprooted from their homes during the installation of the Act, and I was moved by the enduring practices of dispossession that continued well into the 1980s. According to the Surplus People’s Project, a report that registered forced removals in South Africa from 1962 to 1985; the Apartheid government displaced or relocated nearly 3.5 million people.

The Natives Land Act of 1913

Since the arrival of European settlers, dispossession has been central to the rule of law in South Africa. (Mamdani 1996) After colonizers established the Union of South Africa in 1910, three years later the South African government instituted the Native Lands Act. The law severely limited land ownership and reduced independent farming among the native population. Bernard Magubane described this transition and suggested that large-scale dispossession created a new pool of laborers. He wrote, “After the passage of the 1913 Land Act, even more than before it, the areas set aside for the Africans became reservoirs of labor for mines, towns and white farms…the land wars of the nineteenth century were also labor wars. That is, Africans, having lost access to their lands, were permitted to draw sustenance from it as laborers, herdsmen, tenants or renters.” (Magubane 1979, 82) Magubane makes the link between the Native Lands Act as a law of dispossession, but also a critical part of an emergent economy that required a subordinated population to fulfill the needs of capital’s interest in agriculture and for a burgeoning mining industry. Magubane argued that, “Legal land alienation transformed self-supporting peasants into squatters, tenant farmers, or laborers on settlers’ farms or drove them into mines and cities in search of work. After the 1913 act, the Chamber of
mines and the capitalist farmers had a regular flow of temporary labor.” (Magubane 1979, 83) According to Magubane the Act took independent sharecroppers or farmers who owned implements to cultivate their own plots and turned them into a wandering mass.

Sol Plaatje and Native Life in South Africa

The Natives Land Act of 1913 caused tremendous hardship. One of the leading critics of the Act came from Solomon Tshekisho Plaatje and the first General Secretary of the African National Congress established in 1912. Sol Plaatje provided the most descriptive and forthright account of the Natives Land Acts’ effect in South Africa. Sol Plaatje remarked the act effectively turned natives into outcasts in their own land. Plaatje began writing Native Life in 1914, soon after the act’s passage. Born in 1878, in the Tswana speaking region of the country, his earlier years included a missionary education and shorter stints as a postal clerk, journalist, and English interpreter. After the British victory in the second Boer War, Plaatje, a former magistrate’s interpreter, believed the British triumph over Boer colonialists could prompt British colonialists to grant African emancipation. Much to his disappointment, British officials did not enfranchise Africans, but granted the colony to the defeated Boers, leading to the unification of Boer and British political interests preceding the Union of South Africa in 1910. His political activism emerged when he began to participate in the South African Native Congress, serving as the organization’s first secretary general. In 1914, the Congress sent a group to England, including Plaatje, where he remained to appeal to

20 Later known as the African National Congress (ANC)
British liberalism. Disheartened that his pleas to the British government fell on deaf ears, Plaatje wrote, “the appeal is not on behalf of the naked hordes of cannibals who are represented in fantastic pictures displayed in the shop windows in Europe most of them imaginary; but it is on behalf of five million loyal British subjects who shoulder the ‘black man’s burden’ every day doing so without looking forward to any decoration or thanks.” (Plaatje 2007 [1916], 11) Here Plaatje wavered between a credulous philosophical writer searching for what he referred to as a “sympathetic reader” (Plaatje 2007 [1916], 10) and a more focused political organizer who pronounced in the prologue of his manuscript, “In conclusion, let me ask the readers’ support in our campaign for the repeal of such a law and in making this request I pray that none of my readers may live to find themselves in a position so intolerable.” (Plaatje 2007 [1916], 11)

All of these thoughts came together in his manuscript titled, Native Life in South Africa, in 1916. Plaatje continued to publish accounts of the Natives Land Act despite unfulfilled trips to England, which described the human toil he observed after the establishment of the Natives Land Act in the Orange Free State. His writings also reached the United States and drew the attention of W.E.B DuBois.

The NAACP’s publication, The Crisis, under regular sections called “Along the Color Line” and “Opinions,” both international and domestic selections were featured that ranged from editorials on the Congo to critiques of Booker T. Washington. In the February, 1916 edition, Sol Plaatje wrote an editorial describing the Natives Land Act of 1913. He began his commentary with a description of the stark reality facing native South Africans. He wrote, “Of the six million South Africans only one million have votes and the five millions demand Imperial interference, not to assert a sentimental
right merely, but to recover the bare human right to which every man born into the world is entitled, namely the right to occupy and live by tilling the land.” (Crisis Magazine 1916, 181) As Plaatje described, the settler colonial presence eventually eliminated the social reproductive practices of native societies. The Native Lands Act of 1913 established native reserves for the African population. While these locations became sources of labor for growing commercial industries in South Africa they also reconfigured geographic spaces for African groups. The effects of rural dispossession and the demands of labor coalesced to characterize the segregation period.

**Segregation and the Union of a White Nation**

From 1913 to 1948, racially restrictive political, social, and economic policies defined the period of segregation in South Africa. Explanations of the period have pointed to the mineral revolution and the expansion of the mining industry as central to segregationist policies. (Worden 2000, 75) Known historically as the Segregation Era, the South African government used political force to ensure the economic stability and development of its white minority population. Throughout this period, the mining industry and commercial agriculturalists routinely used race to designate jobs and wages for the native black population. During this time, industrial growth coincided with significant limits placed on black subsistence in rural areas and population control in newly formed urban areas. Despite ideological and political differences, European settlers of both Afrikaner and English speaking groups combined efforts to disenfranchise non-white populations. (Posel 1991) Tactics practiced by both groups have warranted serious debates about whether the origins of South Africa’s racially
stratified society emerged through political, ideological, or economic means. According to Martin Legassick, British imperialism established the foundation for segregation policies in South Africa. Legassick understood imperialism, the development of capitalism in South Africa and segregation as part of an inseparable teleology. (Beinart and Dubow 1995, 43) Legassick privileged the role of ideology and the "commencement of white settlement" (Legassick 1995, 44) as fundamental to the long tenure of segregation policies. He wrote, “Segregation operates at the levels of ideology, of social control, of reproduction of labor and so on. Yet if there is a common thread which unites these meanings it is at the level of the imperative for separate territorial/residential poles as the focus of black and white activities in South Africa, coupled with the idea that black and white have different wants and requirements in the fields of social, cultural and political policy.” (Legassick 1995, 44) Legassick identified the intellectual foundation established by British imperialists to separate the races as a precursor to more defined colonial relations that initiated the ‘capitalist social relations’ that maintained the migrant-labor system and African reserves.

**Defining the Segregation period**

Beinart and Dubow suggested that, “segregation was, however, more than a panoply of restrictive legislation: it refers as well to a composite ideology and set of practices seeking to legitimize social difference and economic inequality in every aspect of life.” (Beinart and Dubow 1995, 4)

In line with Beinart and Dubow’s definition of Segregation, several scholars have suggested the ways in which segregation influenced the daily lives of South
Africans. These scholars have also considered that the phase between Segregation and Apartheid did not simply resemble a natural progression, but included variances in application, ideology and structure.

One representative example, Harold Wolpe, understood segregation as a ‘reproduction of migrant working class’ through the migrant labor system. He wrote, “The crucial function thus performed by the policy of segregation was to maintain the productive capacity of the pre-capitalist economies and the social system of the African societies in order to ensure that these societies provided a portion of the means of production of the migrant working class” (Wolpe 1995). For Wolpe, Apartheid represented, “The attempt of the capitalist class to meet the expanding demand for cheap African labor in the era of industrial manufacturing capital; at the same time it is the realization of the demand of White workers for protection against the resulting increased competition from Black workers” (Wolpe 1995, 62). Wolpe refuted claims that racial ideology or segregation were extensions of Apartheid; rather he argued that the government’s interest in controlling the labor population and limiting African urbanization intensified during Apartheid.

South Africa’s economic demands required a large number of laborers in the city centers, despite political discourses that emphasized the importance of maintaining the city as an exclusively white space. This dilemma continued throughout the 20th and 21st century as government authorities, poor white laborers, and the business community vigorously debated the position of African workers within the city limits. Even though African men and women resisted efforts to regulate their movement from town to
country, the harsh reality of limited subsistence in urban locations and rural areas compounded scarce sources of income.

The growth of the diamond and gold mining industries made Johannesburg the citadel of economic activity for the country. The excavation of these mineral resources intensified the contradictions of establishing an exclusively white city, while requiring a steady supply of black laborers to meet the demands of white South Africans at home and at work. In 1923, the Union of South Africa introduced the Natives Urban Area Act; the law would create restrictions for Africans in urban areas through a pass system. Understood as a form of influx control, this enforced the social need to maintain the separation of races rather than support economic interests. (Guelke 2005)

Beavon argued in his retrospective on Johannesburg, that the Act emerged within the context of several key events: the Black Peril; white laborers’ fear of black workers weakening wage earnings; and the Rand Rebellion of 1922 that lead to mass violence by white miners against black and coloured ones. In effect, as Beavon puts it, “the Act embraced the concept that African people were to be no more than sojourners in urban areas.” (Beavon 2004, 97)

Beavon formulated in his thorough synopsis of the development and formation of Johannesburg that the Urban Areas Act also outlined the “archetypal segregated city” (Beavon 2004, 98) in two important ways. The first included establishing a census and the second involved the formal incorporation of Johannesburg under the Urban Areas Act. The census gave municipal authorities a more exact picture of the residents, employees and illegals within city boundaries. By creating mechanisms to control the flow of Africans in and out of the city and by developing a tool of surveillance with the
pass system, the Native Urban Areas Act also created what Foucault referred to in his description of panopticism as a “system of permanent registration.”

Susan Parnell’s analysis also points to the inconsistencies between ideology and the needs of capitalism, which created loopholes for specific groups of Africans. For example, employers provided housing for domestic servants, African property owners, or residents of missions or hostels to name a few of the exemptions. As Parnell pointed out, the law was drafted poorly; Africans resisted ‘segregationist removals’ and slumlords opposed the new measures as well. While mention of boycotts and acts of civil disobedience declared that Africans were not passive toward these new state incursions, the lobbying power of landlords who rented to African town dwellers also challenged the application of the law.

Since the application of the Act also required alternative accommodations for those displaced, the authorities identified public health concerns and slum conditions as targets for demolition. In 1925, suburbs that are currently considered part of Johannesburg’s inner city, New Doornfontein and Bertrams, were pinpointed as part of the Act’s general slum removal intentions. Over the next couple of years the population of African residents increased in the city and included miners and a significant number of domestic servants. Still, as Beavon made note, in order to avoid the alternate housing obligation, by 1930 local officials attached amendments that would stiffen influx control into the city through an issuance of licenses that would allow African people to reside in private residents under the legal authority of white property owners.

Economic opportunities in the city and deteriorating physical conditions of rural reserves forced urban migration for African people. While the government understood
the need to create an accessible labor pool for burgeoning industries in Johannesburg, the notion of sanitizing the city of unwanted elements and slum conditions characterized the precarious nature of the city for African people as both the wanted and unwanted. Beavon concluded, “In one of the many ironies that characterize the growth of Johannesburg, the same local authority soon embarked on an accelerated and more vigorous program of clearing insanitary premises in the city, which it did by making use of the 1934 Slums Act. The mid-1930s assault on the slums coincided not only with the dramatic upturn in the economy, but also with yet another exodus of Afrikaners from the countryside.” (Beavon 2004, 109) Beavon’s synopsis of the Slums Act of 1934 identified contestations over space and practices of racial exclusion before the Apartheid government came to power. Beavon’s analysis also shows the correlation between the political economy of race and displacement that eventually arranged the spatial foundation for Johannesburg through practices of clearance undergirded by contemptuous portrayals of African migrants in the city. The bill would encourage segregation throughout the Union and suggest that employers be made responsible for accommodation rather than the municipality. Similar to recent evictions, the city of Johannesburg’s responsibility to provide alternate accommodation for evicted residents saw the State delay enforcement.

Parnell’s thorough description of the law explained that the Natives (Urban Areas) Act, “was intended to facilitate the reform of urban conditions of the African working class through the provision of public housing as an alternative to slums, but it was also a brutal instrument for effecting the forced removal of Africans which was required to achieve racial segregation.” (Parnell 2002, 262) The Slums Act would
extend the urban areas Act with more decisive attention towards eliminating slums at any cost. Armed with the notion that slum conditions fostered degenerative social mores the eviction of these residents reached new heights and scales. Parnell explained:

It would be left to the Slums Act passed in the same year, 1934, finally to clear the inner city slums, and to clear the slums of Africans. Meanwhile, for another 20 years, until the forced removals that were eventually carried out by the apartheid government in the mid-1950’s, the bulk of Johannesburg’s African population lived insecurely as tenants in the no man’s land of the Western Areas. What the overcrowded occupation of an impermanent enclave on the edge of the city symbolized was not only the segregationist state’s effective victory in ridding the white city of an African presence, but also the ephemeral residential status of the African workforce of Johannesburg between the World Wars. (Parnell 2002, 275)

Purging the city of African residents gained new traction with the establishment of the Slums Act. The goal of creating a transient African labor force residing outside of city limits continued the ideological and political practices of urbanization in Johannesburg, but the large-scale removal of non-white populations did not occur until the Group Areas Act in 1950.

In a cruder description, Mahmood Mamdani described the maintenance of African insecurity leading up to Apartheid. Mamdani explained that this process began with the Natives Land Act of 1913 which “legalized the earlier theft of land” that created a large marginal workforce. (Mamdani 1996, 227) The Urban Areas Act of 1923 regulated migrant laborers through passbooks and contractual residential requirements. The Act included strict residence periods made with employers and numerous township raids to verify permits. (Mamdani 1996, 228) Yet as Mamdani expressed,

What gave apartheid its particularly cruel twist was its attempt to artificially to deurbanize a growing urban African population. This required the introduction of administratively driven justice and fused power in African townships; the experience can be summarized in two
words, forced removals, which must chill a black South African spine even today. (Mamdani 1996, 29)

The rise of the Apartheid city with the victory of the Nationalist Party in 1948 reinforced practices of dispossession to support the political ideology of apartheid. Mamdani suggested, “the apartheid state … expanded program of influx controls and expulsion procedures –a program summed up in two fearful words: forced removals.” (Mamdani 1996, 102)

Apartheid

1948 marked a significant year in the political transition of South Africa. To celebrate a slim and unlikely victory by the Nationalist Party, Prime Minister D.F. Malan traveled by train from Cape Town to the country’s capital. Awaiting a raucous crowd of supporters in Pretoria on June 1, 1948, he told the crowd, “The outcome of the election has been a miracle. No one expected this to happen. It exceeded our most optimistic expectations. Afrikanerdum has lived under a dark cloud and the future has been black for many years. We feared for the future of our children. But the cloud has disappeared and the sun is shining once more. In the past we felt like strangers in our own country, but today South Africa belongs to us once more. For the first time since Union, South Africa is our own. May God grant that it always remains our own.”

The doctrine of Apartheid, translated to apartness would now become institutional. (Thompson 2000, 186) The previous era is often viewed generally as a time

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of segregation, because the colonial emphasis on separating races promptly shifted, as Apartheid became an ideological as well as political force. Initial laws by the Apartheid government aimed to cement laws of racial domination and make land exclusively the property of white ownership through removals and relocations to racially designated areas now referred to as “Homelands.” Again the city became a site of contradistinction/contradiction between the social design of racial separatism and the economic realities of industrial capitalism. As Charles Feinstein cogently summed up, the National Party believed that “African labor might be indispensable for industrial growth, but it should be primarily migrant labor, entering on a temporary basis and for a limited purpose, with no entitlement to political, social, or other rights in the urban areas.” (Feinstein 2005, 153) Yet the victory of the Nationalist Party and the institution of Apartheid did not introduce a singular policy in terms of application or implementation.

Class differentiation among Afrikaners and differing perspectives on capital, commercial agriculture, labor, and government representatives, influenced debates on the overall scope of the Apartheid system. (Posel 1991) Posel discredited the idea of a ‘grand Apartheid’ and instead consider a number of factors that preserved or challenged the Apartheid project. Class conflicts within the State and amongst capital interests shaped the Apartheid blueprint. In addition, Posel suggested the political opposition from newly urbanized African communities continued to shape government responses to African urbanization. As Posel argued in The Making of Apartheid 1948-1961, “Collective and individual resistance from African men and women left an indelible mark on the design, legislative promulgation, and administrative implementation of
Apartheid generally, and influx control in particular. Much of the NP’s policy platform in the late 1940s was a reaction against the political turbulence of urban African communities. (Posel 1991, 264)

An important body of literature underscores the internal struggles between British and Afrikaner governance strategies in an effort to dismiss colonial and later Apartheid policies as a unilateral grand scheme, where education, influx control and urban planning to name a few, were specific areas of interest. The attention given to dissimilar strategies within the Apartheid government or inconsistencies among policymakers and key stakeholders within the business community only direct attention away from the municipal and social policies complicit in the production and reproduction of racial and economic inequalities within urban areas. While these authors resist simplifying Apartheid government laws and policies, they instead created ubiquitous and complicated explanations to describe Apartheid-era government procedures. Their accounts question the telepathy of the Apartheid narrative as a dominant and predictable ideological force. Although differentiation and nuance challenge homogeneity, these analyses negate the scope of political consensus and how social consent via hegemonic structures of power helped facilitate the maintenance of the Apartheid system.

In terms of housing and urbanization, the National Party government intended to follow through on the process of moving Africans to Bantustans, which significantly impacted places like Soweto, outside of Johannesburg. The government’s response to Sharpeville and its insistence on maintaining the influx control system saw a shift in
building houses in urban townships like Soweto and diverted housing funds to rural
homes. Beavon explained,

Following the Sharpeville massacre the National Party government declared a country-wide state of emergency, banned the Pan-Africanist Congress and the African National Congress, and began to re-direct a substantial part of its funds for African housing to the Bantustans in a deliberate attempt to discourage African people from residing in the white urban areas. Consequently the rate of delivery of houses in Soweto and other African townships fell rapidly. The cumulative effects of the drop in the supply of houses, coupled with the natural increase and inflow of people who successfully dodge the influx controls, precipitated the rapid appearance of backyard shacks and ‘informal housing settlements’ in the 1970’s. (Beavon 2004, 138)

The twin goals of Apartheid to restrict African urbanization and encourage isolated development in ethnic homelands remained a key feature of the Apartheid plan, which coincided with a strong national economy that benefited from the support of foreign capital and international corporate investment. (Feinstein 2005, 148) However, the international attention generated by the Sharpeville massacre caused a momentary period of capital flight, yet repressive state tactics resumed with continued efforts to criminalize individuals without passes.

The Apartheid City and Group Areas Act

In Paul Maylam’s survey of the urban South Africa he succinctly drew attention to a central conundrum of the Apartheid city. He wrote, “Much of the state’s urban policy in South Africa has been directed towards attaining the unattainable: the securing of labor-power without laborers. Out of this fundamental contradiction have arisen many further contradictions, conflicts and struggles.” (Maylam 1990, 57) While the entire project of keeping Africans out of the city remained elusive for government
authorities, the Apartheid state continued to enforce laws that would ideally make the
city a domain of white supremacy. A.J. Christopher argued that the colonial origins of
the Apartheid city remain instructive to understanding the South African city. He
contends, “The origins of urban segregation and allied urban structures appear to have
been firmly rooted in the English experience as the dominant urban element and
influence upon politics in South Africa between 1806 and 1948. Indeed little break in
policy is apparent in 1948 when the present Afrikaner nationalist government came to
power, suggesting a degree of Afrikaner empathy with English racial ideas.”
(Christopher 1994, 147)

After 1948, the Apartheid government focused on implementing legislation that
would affect non-white South Africans through everyday encounters. Mandates like the
“Population registration Act of 1950” would nationally register persons as particular
racial categories. While the method of determining an individual’s race varied, “The
Registration Act provided for the compulsory classification of the population into
discrete racially defined groups. Three basic groups were identified: White (European),
African (Bantu or Black) and Coloured.” (Christopher 1994, 101) Other laws forbade
intermarriage between races, while legally punishing the sexual relations between
Whites and other groups with the “Immorality Act of 1950”. (Christopher 1994, 102;
Thompson 2000, 190)

**The Group Areas Act of 1950**

In this section I will discuss forced removals under the Group Areas Act and the
local forms of resistance that occurred in inner city Johannesburg to challenge evictions.
The Group Areas Act expanded residential segregation and required all groups to live in specific racially designated areas. A.J. Christopher argued, “Its conception was to effect the total urban spatial segregation of the various population groups defined under the Population Registration Act. Towns and cities were to be divided into group areas for the exclusive ownership and occupation of a designated group. People not of the prescribed designated group would be forced to leave and take up residence in the group area set aside for their own group. The result was to be total segregation (apartheid), not the piecemeal results of colonial and Union segregationism.” (Christopher 1994, 103)

The scale and application of the Groups Areas Act prompted forced removals in urban centres. Well-known residential enclaves like Sophiatown in Johannesburg or District Six in Cape Town became targets of the Group Areas removal practices.

On the ground the Group Areas Act of 1950 attempted to maintain exclusive white residences and enforce racial zones in urban areas. Christopher described, “First, the city centres, with virtually no exceptions, were zoned as part of the White group area. Second, areas zoned for the other groups were highly restricted and peripheral. Third, the sectoral zonings affected not only racially mixed residential areas, but many previously segregated suburbs which fell within the broad divisions of other groups.” (Christopher 1994, 104) Accurate statistics revealing how many families the Groups Areas Act affected remain difficult to come by. Scholars estimate, “the conservative figures produced by the authorities suggest that in the period up to 1984, when the administration of the Act underwent a major reorganization, a total of 126,000 families were displaced under the Group Areas Act.” (Christopher 1994, 112)
The History of Inner City Johannesburg

My attempt to trace South Africa’s history through the lens of dispossession aims to situate recent evictions in inner city Johannesburg as phenomena rooted in the historiography of South Africa’s development. In addition to forced removals from white-owned commercial farms, severe housing shortages created by the Group Areas Act of 1950 persuaded many non-white South Africans to move to cities. In Johannesburg both housing shortages and potential employment opportunities began to change the racial makeup of inner city Johannesburg. This demographic shift in the inner city section of Johannesburg ushered in new challenges for the Apartheid government and sparked protest against evolving urban issues. The Group Areas Act of 1950 designated specific residential areas for each racial group. Taking this into account non-white South Africans endured the burden of moving or being forcibly removed if they did not live in areas designated by the newly elected Apartheid government two years prior. Despite this directive by the Apartheid government, authorities did not supply enough housing for coloureds, Indians and Blacks in designated areas. Over time the housing infrastructure in racial locations became over crowded or lacked sheer numbers for households in needs. In Johannesburg these dynamics forced many to move into the inner city. (Morris 1999)

Alan Morris’ comprehensive study of inner city Johannesburg’s Hillbrow neighborhood, Bleakness and Light, documented this transition. According to Alan Morris’ comprehensive study of the Hillbrow neighborhood in inner city Johannesburg a number of issues compelled households to move into the Inner City. Morris argued that political and economic turning points in South Africa facilitated the first movement of
Indian and Coloured households into the Hillbrow neighborhood. In particular he suggested that,

The erosion of the Group Areas Act between 1978 and 1982 in Hillbrow and elsewhere in Johannesburg by the influx of people classified as Indian and coloured must be understood in terms of a context which saw the beginning of the ‘rolling back’ of the old apartheid order as the contradictions generated by racial capitalism came to the fore. Not only did mass resistance weaken the resolve of the NP but also, in addition the determination of the Party to uphold the Group Areas Act was dissipated by the realization in the late 1970’s that, in relation to the coloured and Indian section of the population, the urban policy of apartheid had become unworkable. This development coincided with a period when the government had lost its ability to act in a definite, conclusive fashion. Caught as it was between fear of a right-wing backlash and local and international condemnation if acted in a racist fashion, the P.W. Botha administration had become partially immobilized. (Morris 1999, 12)

Morris outlined the overall connection between the Group Areas Act and integration of Hillbrow in the inner city. The slackening of Apartheid also occurred while the Apartheid government sought to entice Indian and Coloureds to join the government through the Tricameral agreement. These collective efforts saw the relaxation of the Group Areas Act as applied for Indian and coloured designated individuals. Despite these macro political situations, the living conditions on the ground for coloured and Indian groups moving into the inner city revealed more challenging living conditions between building owners and new occupants. Even though Indian and coloured individuals and families began moving into the inner city, the Group Areas Act was still law.

In contemporary public discourse Hillbrow is known as a neighborhood plagued by violence, poverty and criminal activities. Through direct observation and firsthand interviews, Morris tried to capture the complexities of the area’s transformation. He
wrote, “Inner-city transition in Hillbrow was a rapid, complex and multi-faceted, process. The most profound and visible change was the massive shift in the racial composition of the flat-dwellers. Other changes were less clear and more prone to different representations. The objective of this book was to identify, explain, and assess the range of transitions and, in the process, to demythologize the neighborhood and lay bare the different discourses around these transitions.” (Morris 1999, 331)

Morris’ attempt to debunk myths about the inner city and tenants also included various actors involved with tenant evictions and organized opposition to these forced removals. His descriptions contributed to a better understanding of recent evictions and provide a historical reference for housing conflicts that emerged in the inner city from the 1970’s until the present.

Activism against Evictions – The Govender Case

The Groups Areas Act established residential locations according to South Africa’s system of racial classification. Indians, Coloureds, and Africans each had specific locations of residence according to the Act. The combined effects of housing shortages in townships, new employment opportunities for coloureds and Indians in the CBD and white expansion to the Northern suburbs made inner city accommodations possible for non-white South Africans. (Beavon 2004, 214-215) The government’s inability to control the influx of non-white movement into the inner city popularized the term “grey areas” where Indian, Coloured or African residents became new albeit illegal tenants outside of the Group Areas assigned locations.
Illegal tenants faced police harassment and landlord evictions as new occupants to the inner city. By the late 70s and early 80s, evicted households in the Indian community garnered the support of local activists and attorneys to challenge evictions under the Group Areas Act. In 1979, an Indian activist Cassim Saloojee formed ActStop (The Action Committee to Stop Evictions), a group that lawfully represented evicted tenants or those who received eviction notices in throughout the Inner City. (Gerhart and Glaser 2010, 294)

At the same time large demographic shifts occurred in South African cities. William Beinart described this dramatic movement into urban areas as a phenomenon with “a multiplicity of stories of dispossession, forced movement, urban treks, and ‘crying for land’. (Beinart 2001, 202) In rural areas, the agricultural industry and white commercial farmer played a significant role in displacing African tenant farmers. Since the Natives Land Act of 1913, subsequent legislation made squatting illegal and continued to erode any form of independent African subsistence farming. Accompanied by the perceived threat of employing too many skilled African tenant farmers that would outnumber white farmworkers, government authorities aimed to considerably reduce African farm populations. According to the Surplus People Project, “about 1.1 million people were removed from the farms by 1982. A further estimated 600,000 were forced off ‘black spots.’ These were farms owned by African people, some of them since the nineteenth century, which fell outside the designated homelands and therefore became susceptible to appropriation.” (Beinart 2001, 210-211) Overall the Surplus People’s Project classified a number of ways forced removals took place as a result of the Group Areas Act. The study quantified the scope of mass removals from 1960 to 1983 that
resulted in 3.5 million people dispossessed from farms, under the Group Areas Act or urban relocation schemes. (Platzky and Glaser 1985, 9)

**The Land Question and the City Today**

“The dispossession of the majority must end.” -Cyril Ramaphosa

In 1993, former secretary general of the ANC and the current deputy president, Cyril Ramaphosa gave the opening remarks at the Conference on Land Redistribution Options. Ramaphosa stated, “Unless we settle the land question, we do not have a country. If we handle it badly, we tear South Africa to pieces. If we manage it well, we create the foundations for a truly united nation.” In his speech Ramaphosa identified the redistribution of land as a central part of South Africa’s future. Ramaphosa went on to say, “Dispossession and denial of rights to land have resulted in the present unequal division of land and landlessness, which will require legislative intervention far beyond the mere repeal of apartheid land laws. Our policies must provide access to land both as a productive resource and to ensure that all citizens have a secure place to live.”

Towards the end of his talk Ramaphosa concluded, “The legacy of forced removals and dispossession must be addressed as a fundamental point of departure to any future land policy for our country.” Ramaphosa rightly pointed to the importance of addressing the history of land dispossession in South Africa as an important part of the post-apartheid future. He insisted on suggesting that land right legislation would require much more than the abolishment of Apartheid laws, but required assertive policy measures to ensure

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that those most affected by land dispossession would regain access to land. Throughout the speech Ramaphosa asserted that the ANC’s mission to resolve the land question stemmed from the Freedom Charter’s mandate. In the Freedom Charter drafted in 1955 several passages referenced the ANC’s position regarding land:

We, the people of South Africa, declare for all our country and the world to know:

(2) That our people have been robbed of their birthright to land, liberty and peace by a form of government founded on injustice and inequality;

The People Shall Share in the Country’s Wealth!

(1) The national wealth of our country, the heritage of South Africans, shall be restored to the people;
(2) The mineral wealth beneath the soil, the Banks and monopoly industry shall be transferred to the ownership of the people as a whole;

The Land Shall be Shared Among Those Who Work it!

(1) Restrictions of land ownership on a racial basis shall be ended, and all the land re-divided amongst those who work it to banish famine and land hunger;
(4) All shall have the right to occupy land wherever they choose;
(5) People shall not be robbed of their cattle, and forced labor and farm prisons shall be abolished.\(^{23}\)

There Shall be Houses, Security and Comfort!

(1) All people shall have the right to live where they choose, be decently housed, and to bring up their families in comfort and security;

These Freedoms We Will Fight For, Side by Side, Throughout Our Lives, Until We Have Won Our Liberty

The reclamation of stolen land by colonial settlers has been central to the anti-apartheid struggle and the ANC’s vision of national liberation. However the vague language and idealistic tone of the Freedom Charter’s land pursuits as a leitmotif for the ‘rainbow nation’ has underscored the shortcomings of land reforms today. One major detractor of the post-Apartheid land reform policies has been the leader of Economic Freedom Fighters, Julius Malema. As the former head of the ANC Youth League, Malema believed that the current ANC leadership has not lived up to the ideals articulated in the Freedom Charter that “The People Shall Share in the Country’s Wealth”. Malema and a growing number of ANC constituents and South Africans at large have viewed the ANC land reforms as cautious and ineffective. In the 2013 State of the Nation Malema publicly challenged the ANC and called for radical approaches to issues of land reform and redistribution of wealth. As a self-proclaimed ‘man of the people’ and former president of the ANC Youth League, Malema spelled out several aspects of his party’s radical agenda for newly minted members of Parliament. He declared:

Number One: You must be prepared to expropriate the land of our people, which was forcefully stolen, from them. You can no longer make an excuse of two-thirds majority because we can give it to you now. And I put it to you, if so, you will not have to wait for 2030 to create a million jobs in agriculture; this can…..

Number Two: Radical economic transformation means that we must nationalize the mines and the actual mining activities in order to locally benefit and nationalize our mineral resources.
The DA and the ANC agree that land should continue to be owned by [a] few white people who illegally got it through colonial dispossession.\textsuperscript{24}

I abridged his remarks to single out some of the key points illustrated in Malema’s speech that carry resonance for the failed land reform policies constituted by the ANC. Malema continued his speech by suggesting, “Let us change the constitution to empower the State to expropriate land for equal redistribution without paying for it because this land, our land was stolen.”

He also suggested, “When all is said and done, we carry a collective obligation to reverse colonial dispossession and this should be [done] thoroughly within a proper theoretical and ideological understanding.”\textsuperscript{25} In many ways Malema’s vision of nationalizing the mineral wealth of South Africa and returning the land to the majority of South Africans resonated with the growing frustration among ANC constituents that have not benefited from the tremendous natural wealth of the country. These brief statements by Malema also frame the political contestation over the mineral resources that have continued to create vast profits for White settlers and a growing post-apartheid political elite while most of the country continues to live in extreme poverty.

Frederick Hendricks, a scholar on land reform in South Africa, concisely sums up the land question in post-apartheid South Africa. He writes, “The history of land


reform in democratic South Africa is a history of failure.” (Hendricks 2013, 39) Twenty years after apartheid ended, still less than 8% of land has been redistributed.

Hendricks explained some of the tension exists because of the ANC’s ability to straddle the line between market-based corrective measures and policies of redistribution, “This is especially so in agricultural policy, with neo-liberal measures such as deregulation (including removing government control over imports and exports, lowering of tariffs, disbanding national marketing boards and so on) as opposed to the developmentalist focus on land reform to address the historical injustices.” (Hendricks 2013, 33) The policy of “willing buyer/willing seller,” a market-based approach, has not provided an equitable framework to redistribute land for farming. Another point raised by scholars of the land question is the relationship between land and urbanization. A number of scholars who examine contemporary South Africa suggest, “The land question in South Africa is as much an urban affair as it is a rural issue.” (Hendricks et. al 2013, 3) South Africa’s history of dispossession, the migrant-labor system and the pass laws have all been intimately connected to urbanization. (Hendricks et. al 2013 3, 4)

The idea of removing people from their homes seems antithetical to the ANC’s post-Apartheid political vision of redressing the inequalities borne of the Apartheid system. The progressive constitution developed during the negotiations to end Apartheid stated housing rights and protection against forced removals would function as cornerstones to envision a better post-Apartheid society. However, since Apartheid ended, the ANC government has on the one hand praised the record number of houses built as a sign of their commitment to addressing housing shortages among historically
marginalized groups in South Africa, yet on the other hand have managed or outright pursued forced removals against the ‘poorest of the poor’ throughout the country. These incidences have reminded many of the legacies of land dispossession that have seeped into the post-apartheid era and lead to unfulfilled promises today.

Richard Pithouse and Fred Hendricks also make a strong case for drawing parallels between the land question and cities. They write, “The struggle for cities, which has always included a struggle for land, has ebbed and flowed for more than a century.” (Hendricks and Pithouse 2013, 103) Both authors elucidate the relevance between rural and urban struggles over land by tracing the history of land dispossession from Segregation through Apartheid to argue how urbanization, the proletarianization of the African workforce, and the migrant labor system became central to the “inadequate provision of land and housing in cities.” (Hendricks and Pithouse 2013, 108)

Clearly forms of dispossession such as evictions have long histories in South Africa. For this last section, I will discuss a recent report by the City of Johannesburg, titled Freedom Corridor. According to the report, travel to and from the city is still informed by residential segregation and living arrangements established through the Group Areas Act and other laws that coordinated segregated living and forced removals. These factors remain a challenge for the city’s large-scale redevelopment plans amid growing urban inequality. While city officials attempt to grapple with re-making inner city Johannesburg, the past looms large. Historical conflicts over land and residence for South Africa’s majority non-white populations continue to inform urban livelihoods today.
Corridors of Freedom

In a recent report by the City of Johannesburg titled, *Corridors of Freedom: Re-Stitching our City to Create a New Future*, the City of Johannesburg acknowledged the long-term effects of Apartheid’s geo-spatial design. The report reads, “The majority of South Africans have been forced by apartheid social engineering to live on the outskirts of cities and towns. In terms of these policies they were temporary sojourners, fit only to provide cheap labor to industry and commerce, unable to share in the fruit of their production.” (Corridors of Freedom 2013, 9) In the executive summary, Johannesburg’s mayor Parks Tau named transportation as a tool to ameliorate the spatial disparities that have disproportionately hemmed the majority of South Africans from access to greater economic opportunities. “Although the transition to democracy in 1994 bought fundamental changes in political freedom to the majority of South Africans many of the racially-based settlement patterns remained in place.” (Corridors of Freedom 2013, 9)

Overcoming the racial geography of Apartheid continues to be a difficult issue for both municipal and national government authorities to address. The report also stated,

For too long our City continues to be shaped by our apartheid past. It is still divided between rich and poor areas, white and black areas, townships and suburbs. Black people in the main continue to live far from their workplaces and have to travel far distances to reach places of work, school, and leisure and so on. (Corridors of Freedom 2013, 9)

The racial and class dynamics relationship between economic inequality and political subjugation continue to inform contemporary Johannesburg. Current residential patterns still maintain the imprint of Apartheid’s racially designated housing policies. The political history of South Africa is evident in Johannesburg where the majority black population still travels great distances to the city center for job
opportunities. In inner city Johannesburg, rural migrants and African immigrants struggle to create sustainable lives patterned after Apartheid processes of urbanization. While the Corridors of Freedom acknowledged how Apartheid continues to inform patterns of residence and transport in post-apartheid Johannesburg, the future for poor urban households remains tethered to unrealistic urban developments that feature ambiguous plans to address needs of the present without concrete strategies to tackle the basic needs of the majority of South Africans.

**Dispossession and Urbanization**

“A survey of the history of South African urbanization…must provide a reminder of the extent to which the processes involved consist of dispossession and exploitation. Indeed, rural dispossession lies behind almost every form of urbanization.” (Mabin 1992, 22)

Mabin’s assertion that rural dispossession and urbanization go hand in hand frames my discussion of dispossession as a constitutive element of the South African city. Not only do evictions in post-Apartheid Johannesburg have origins in the political, economic and social structures of the Apartheid era, but the conquest of indigenous populations and land dispossession provided the political impetus for white settlers to establish the legislative grounds for racial segregation and eventually Apartheid. In the case of South Africa, settler colonialism aimed to dispossess natives geographically in order to extract natural resources and labor from indigenous populations and in order to establish a sacred land for the new settlers. Wolfe’s intervention maintains that settler colonialism involves “native dispossession” as a structural condition bound to historical factors and territorial expansion for settlers.
Native dispossession became fundamental to state formation in South Africa and geographic divisions created during Apartheid have been reproduced and maintained through forms of dispossession like contemporary evictions. Dispossession remained fundamental to the racial order of South Africa and reinforced the labor system based on an exploited migrant workforce. Despite efforts to cordon the city as a “white space” the demands of the South African economy and the black resistance forged an untenable urban environment. These processes of urbanization produced and reproduced broad levels of racial and economic inequalities that have remained constant today. Further, I would like to consider the structural features of dispossession in South Africa that began in the colonial period as significant relations of power that have continued to mediate asymmetrical relationships like settler/colonizer, landlord/tenant and owner/occupant. I argue these relations have continued to foment spatial exclusion in contemporary South African cities.
I want to express, at the outset of my tenure as Executive Mayor, my willingness to work together with all political parties and stakeholders. This will enable us to find workable solutions for the diverse range of developmental challenges facing Jo'burg as we move towards our vision to become a world class African City.

-Acceptance speech by the Executive Mayor of the City of Johannesburg, Councilor Mpho Parks Tau, 26 May 2011

I questioned a local activist about the idea of Johannesburg as a “World Class African City.” They quizzically responded with laughter, “I don’t know how we are going to create it, because they think it – by excluding other people. So if they want to create that [they] need to have an engagement with everyone that lives in the inner city.” Placards and posters throughout the inner city display the phrase “World Class African City.” For residents and activists like the one I spoke to, those words evoke grand notions of progress, but often at the expense of the urban poor. As Steven Gregory has astutely suggested, “if the global economy is the space where capital, information and people circulate with increasing speed and freedom, then the “inner city” is its polar opposite.” (Gregory 1998, 49) Like the activist I spoke with, the mayor’s statement about creating “A World Class African City” foreshadowed urban development plans that focused on drawing interest from politicians and business stakeholders, while viewing the urban poor as ancillary to the city’s overall redevelopment vision. In Gillian Hart’s analysis of place and globalization in South Africa, she asserted that globalization reflects both the “intensified processes of spatial interconnection associated with

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capitalist restructuring and a set of discourses through which knowledge is produced.” 
(Hart 2002, 293) For Hart, South Africa exemplifies these processes of globalization. Hart suggests, “Political liberalization had coincided with a moment of intense market triumphalism, and powerful political pressures were gathering force from within and beyond to press South Africa to conform to free market neoliberal orthodoxy.” (Hart 2002, 3) This section considers how the end of apartheid coincided with this moment of capitalist restructuring that eventually initiated inspired projects like rebranding Johannesburg and specifically it’s inner city into “A World Class African City.” The constitution’s development also emerges within this context of intensifying globalization and gives shape to a politics of urbanization in Johannesburg that includes evictions. Expanded citizenship rights under the new constitution conflict with the practice of evictions, but also demonstrate the constitution’s central protections and draw attention to contradictory dimensions of property rights versus housing rights.

At the same time, the normalization of global capitalist solutions to urban challenges in Johannesburg also coincided with notable comprises during the negotiated settlement to end Apartheid. As Hein Marais summarized, “The settlement and the 1994 elections in some respects created and in others punctuated marked shifts in South African society” on both political and economic fronts in the country. (Marais 2001, 96) In the end, “the settlement constituted (and inaugurated) not a rupture, but a highly ambivalent (and nonetheless dramatic) series of reconfigurations that also extended far beyond the formal political agreement. In some respects these shifts favoured the popular forces; in others they introduced new, or magnified existing difficulties and challenges.” (Marais 2001, 97) Urban development and the formation of the
constitution included protections for private property and emulated liberal democratic orthodoxy, which emerged against the backdrop of the growing influence of globalization.

**Inner City Johannesburg**

Welcome to our Hillbrow…Your first entry into Hillbrow, Refentse, was the culmination of many converging routes. You do not remember where the route first began. But you know all too well that the stories of migrants had a lot to do with its formation. By the time you left Tiragalong High School to come to the University of Witwatersrand, at the dawn of 1991, you already knew that Hillbrow was a menacing monster so threatening to its neighbors like Berea and downtown Johannesburg, that big, forward-looking companies were beginning to desert the inner city, heading for the northern suburbs such as Sandton. The lure of the monster was, however, hard to resist; Hillbrow had swallowed a number of the children of Tiragalong, who thought that the City of Gold was full of career opportunities for them. (Mpe 2001, 3)

In Phaswane Mpe’s classic novel, Welcome to My Hillbrow, he pensively described the complicated journey from rural locales to urban spaces for residents of Johannesburg’s inner city. In the area’s most notorious district, Hillbrow, he described how the dreams of moving to the City of Gold, Johannesburg, too often engulfed its true believers and yet instead relieved its thorny deprivations. AbdouMaliq Simone asserted, “The inner city of Johannesburg is about as far away as one can get from the popular image of the African village. Though it is one of Africa’s most urbanized settings, it can also be seen as a place of ruins—of ruined urbanization, the ruining of Africa by urbanization.” (Simone 2008, 68) Simone goes on to acknowledge, “that these ruins not only mask but constitute a highly urbanized social infrastructure.” (Simone 2008, 68)
Alan Morris carried out the most comprehensive study of the inner city a few years after Apartheid ended. (Morris 1999) His sociological research attempted to understand the dramatic racial transition of the area and explore the physical decline attributed to the arrival of black residents. Morris examined the physical deterioration long associated with the inner city. While much of the area’s decline became synonymous with the arrival of black residents, Morris interrogated this presumption and concluded that overcrowding and discordant relations between tenants and landlords primarily led to the decline. He also argued that the overall acrimony between tenants and landlords reflected the overall racial and political context of South Africa at the time. Morris suggested that Black residents not only saw landlords as authorities, but as extensions of the Apartheid system. In terms of evictions and the buildings where they began to occur, Morris attributed this degeneration to the landlords’ inability to control the premises. He wrote, “The role of the tenant cannot be separated from that of the landlord or managing agent or caretaker who, as has been shown, often created situations which facilitated the entry of dissolute or antisocial tenants. Also, miserly, cash-strapped or incompetent landlords or managing agents often encouraged antagonism and reluctant tenant organization.” (Morris 1999, 140) As Morris concluded, the immense pressure for housing for black South Africans came after the establishment of the Group Areas Act of 1950. The Apartheid government relegated racial groups to specific geographic locations without providing a sufficient number of houses. The government’s actions prompted many to move illegally out of townships into areas like Johannesburg’s inner city.
Today the massive number of vacated buildings where groups of people still reside correlate with a number of these ongoing issues. The physical decline that came later created vacant and abandoned buildings that stemmed from a breakdown in social relations between newcomers and building owners, but also the “devaluation of property” in the inner city as investments shifted towards the northern suburbs. (Chipkin 2005, 97) Municipal authorities and private property owners in the inner city have used evictions to reclaim these buildings or redevelop them at the expense of the occupants. These occurrences represent the changing nature and dynamism of the inner city. While few studies have updated Morris’ sociological study of the area’s ongoing transitions and demographic changes, two writers have continued to examine the inner city within the larger understandings of Johannesburg.

First, Martin Murray analyzes the inner city in Taming the Disorderly City: The Spatial Landscape of Johannesburg after Apartheid (2008) and the City of Extremes: The Spatial Politics of Johannesburg (2011). In Taming the Disorderly City Murray argued that the “spatial dynamics of Johannesburg after apartheid have resulted in an unstable urban landscape where abandonment and neglect left once-valued and stable parts of the built environment in decline and in ruin, where unbridled growth and horizontal expansion have undermined herculean efforts at city planning and regulation, where the steady expansion of sequestered sites of fantastic luxury has been matched by the proliferation of places of degradation and despair.” (Murray 2008, 4) Through a spatial analysis and urban studies framework, Murray skillfully captured the uneven pace and scale of development in Johannesburg. Murray also dedicated several chapters
to the chaotic outcomes of real-estate capitalism and the simultaneous process of “urban revitalization” and “spatial deterioration.”

In terms of evictions, he contends, “Forced removals have continued to take place after the end of apartheid, but paradoxically there is a kind of collective amnesia about the continuity between the past and the present…Evictions remain largely hidden from view and generally undocumented. The anonymity of displaced people makes them vulnerable to misunderstanding and incomprehension because their lives are so easily stereotyped.” (Murray 2008, 224) In City of Extremes, Murray spends less time focusing on urban planners and instead shifts his focus towards how city builders have constructed new forms of exclusion. This is all within the backdrop of South Africa’s attempt to create a more inclusive nation and the promise of integrated urban environments. Despite these thorough descriptions, Murray gives little attention to the ways the urban poor navigate these complex terrains, specifically at the grassroots level. Such a dystopian perspective offered by Murray, highlights the importance of Appadurai and Breckenridge’s statement: “We have puzzled over the challenges of writing about the politics of hope in Africa without losing sight of its severe sufferings.” (Appadurai and Breckenridge 2008, 352)

Another important interlocutor on inner city Johannesburg is AbdouMaliq Simone. A prominent theorist of urban Africa, Simone understands the African city as a place of social dynamism, rather than solely through the lens of despair. Simone argued, “Instead of seeing these cities as predominately marginal from a larger urbanizing world, the majority of African cities have been platforms of mediation. They have been places where assimilation, integration, and the reworking and consolidation of new, specifically
endogenous ways of thinking and doing things could take place simultaneously.”
(Simone 2004, 18) Simone contends, “The only way to make such a common cause is to amplify the sensibility, creativity, and rationality of everyday practices and behaviors that either are invisible or appear strange…African cities have a lot to offer us in terms of enhancing our understanding about large swaths of social life.” (Simone 2004, 16)

As an alternative to the macro-level approaches of urban planning, real-estate capitalism, and municipal authorities offered by Murray, Simone focuses on the social complexities and resolve practiced in urban spaces like inner city Johannesburg.

Simone offers two important theoretical insights that specifically cite inner city Johannesburg. First, People as Infrastructure “emphasizes economic collaboration among residents seemingly marginalized from and made miserable by urban life.” (Simone 2008, 68) For inner city Johannesburg, Simone suggests, “people as infrastructure describes a tentative and often precarious process of remaking the inner city, especially now that policies and economies that once moored it to the surrounding city have mostly worn away. In many respects, the inner city has been ’let go‘ and forced to reweave its connections with the larger world making the most of its limited means.” (Simone 2008, 71-72) More recently he has built upon his examination of activity in African urban spaces with the concept of “cityness.” The concept of “cityness” refers to “the city as a thing in the making…In other words, at the heart of city life is the capacity for its different peoples, spaces, activities, and things to interact in ways that exceed any attempt to regulate them.” (Simone 2010, 3)

In addition Simone confirms in City Life from Jarkarta to Dakar: Movements at the Crossroads that the text attends to “the movement in cities and between cities.”
Moreover, the book argues, “It is the motion of work, of how urban works get done. In this regard it doesn’t so much emphasize structures and policies as it does the processes where urban residents try to actively figure things out, take chances, hedge bets, and make small experimentations. It is about all of the calculations, intuitions, and speculations that go into trying to keep heads above water.” (Simone 2010, 2) In reference to inner city Johannesburg, movement is both a colorful representation and a vehicle of definition. To capture the scalar and overlapping movements of inner city Johannesburg, Simone explores social intersections. In the inner city he suggests that these intersections occur where, “Elaborate relationships are pieced together among hawkers, individuals with some form of formal employment, social networks organized around a set of individuals’ patronage of specific bars and hotels, taxi drivers and passengers, railway workers, and the clients of the large number of hotels in the area.” (Simone 2010, 240) For Simone, “In other words, the inner city often feels like a sea of disconnected fragments that momentarily float into each other, make a quick life with each other, and then float away.” (Simone 2010, 241)

Contrary to this perspective Ato Quayson suggests that Simone’s discernments on African urban spaces lack sufficient historical or material examples. Quayson argues, “One central weakness of Simone’s mode of argumentation in general is that while his anecdotes are rich in insights, he does not provide enough examples to ground the highly suggestive theorizations.” (Quayson 2014, 8) To Quayson these fleeting theorizations have particular import with regards to African cities because “his overall process of argumentation obscures the relations of complicity and overlap between top and bottom that have constituted the African city. This contradiction becomes especially
evident when we extend our view of the African city to include the colonial period.” (Quayson 2014, 8) My study of evictions aims to bridge the gap between the collective agency illustrated in Simone’s work and the structural forces described by Murray in inner city Johannesburg. Instead I take my cue from Michael Watt’s response to a collection of contemporary writers on Johannesburg in the special issue of Public Culture, titled, Johannesburg – Elusive Metropolis which includes Achille Mbembe, Sarah Nuttall and Abdoumaliq Simone among other insightful writers on Johannesburg. Yet Watts asks, “What one needs to understand is the politics of the governed in these vast urban spaces of exclusion and invisibility.” (Watts 2005, 190)

Leslie Banks’ ethnography of a South African township argues “urban place-making in townships are ongoing processes that often involves hidden and subtle forms of spatial inscription, where local people define, reclaim and connect spaces against the grain of dominant discourses.” (Banks 2011, 243)

Banks use of the term fracture urbanism which “focuses on the poorer parts of the city where the old social and physical infrastructure has become overloaded and hopelessly over-stretched as new waves of urbanization and settlement infiltrate and overlay older social layers, communities and infrastructural grids.” (Banks 2011, 242) Similar to Banks, I aim to highlight place-making and “the complexity of urbanism in poor areas of the city”. For this I draw upon the methodologies of urban anthropology. (Banks 2011, 29)
Race and Space in Johannesburg’s Inner City

While my dissertation is informed by urban anthropology, my study documents evictions through the narratives of individuals experiencing this phenomenon. I also examine particular structural aspects of the inner city through which evictions are constituted. This research also draws on theoretical approaches that conceptualize the political, social and cultural dimensions of space to understand the importance of space as a social construction, and processes of racialization that shape social environments. Evictions are powerful spatial expressions. In Henri Lefebvre’s formulation social space, “Itself the outcome of past actions, social space is what permits fresh actions to occur, while suggesting others and prohibiting yet others.” (Lefebvre 1992, 73) In his analysis, space contains histories, dynamism, and production. Anthropologists have considered spatial analysis in urban anthropological studies to better understand these spatial implications in the everyday lives of the subjects they follow. Ethnographically, Setha Low has called for theoretical engagements with space that describe how culture is spatialized. Low’s intervention combines theorizations of space as social, produced, and constructed while also attending to embodiment as a reflection of “the person as a mobile spatial field - a spatial/temporal unit with feelings, thoughts, preferences, and intentions as well as out of awareness, cultural beliefs, and practices – creates spaces as a potentiality for social relations, giving it meaning, form, and, ultimately through the patterning of everyday movements, produces place and landscape.” (Low 2014, 20) Attentive to discourse and meaning that pay attention to how people understand their relation to space is a critical part of understanding evictions. For example, tenants
would often express their anxiety around evictions as a part of larger discourses over the spatial changes occurring in inner city Johannesburg and how their lives continue to be affected by uneven distributions of power, even after Apartheid ended.

Yet while ethnographic examinations of urban space highlight important considerations, new contestations over space require attention to the scales of power that continue to reconfigure race and power differentials spatially. As Ruthie Gilmore has noted,

"The violence of abstraction produces all kinds of fetishes: states, race, normative views of how people fit into and make places in the world. A geographical imperative lies at the heart of every struggle for social justice; if justice is embodied, it is then therefore always spatial which is to say, part of a process of making place. For researchers, purpose and method determine whether one reifies race and state – chasing down fetishes – or, rather, discovers dynamic processes that renovate race and state. (Gilmore 2002, 6)

Taking Gilmore’s words into account, it is useful to consider Clyde Woods and Katherine McKittrick’s conceptualization of black geographies as a way of theorizing evictions in inner city Johannesburg. In conversation with Gilmore’s assertion that social justice struggles are inherently geographic, Woods and McKittrick assert,

“Black geographies disclose how the racialized production of space is made possible in the explicit demarcations of the spaces of les damnes as invisible/forgettable at the same time as the invisible/forgettable is producing space – always, and in all sorts of ways. (Woods and McKittrick 2007, 4)

The Black geographies position also imparts how “the lives of subaltern subjects are shaped by, and are shaping the imaginative, three-dimensional, social and political contours of human geographies.” (Woods and McKittrick 2007, 5) Nelson Chawe’s statement that “You must have a vision” attests to this type of social imaginary. As
tenants of an abandoned high-rise he and other residents occupied an abandoned space and forged new spaces of residence, while actively forcing the City of Johannesburg to take seriously the constitutional right to housing and legal protections against arbitrary evictions for the urban poor. As Woods and McKittrick argue, “Inserting black geographies into our worldview and our understanding of spatial liberation and other emancipatory strategies can perhaps move us away from territoriality, the normative practice of staking a claim to place.” (Woods and McKittrick 2007, 5)

Moreover, the move to consider black geographies as a lens to understand evictions in post-apartheid Johannesburg also centers intuitive knowledges of place and space from the people themselves. Woods and McKittrick suggest that subaltern subjects incite space because, “they want to build new homes in places that have barred their entry. They also want to explore and reimagine the politics of place. The realization of these desires can transform the world when these visitors are based in traditions that see place as the location of co-operation, stewardship, and social justice rather than just sites to be dominated, enclosed, commodified, exploited and segregated. Black geographies will play a central role in the reconstruction of the global community.” (Woods and McKittrick 2007, 6) These interdisciplinary perspectives provide the theoretical framework for my study of evictions and provide a conceptual apparatus to better understand the complicated interconnections between space, power, and race in urban settings.
Neoliberalism at work

Scholars from varying fields have contributed to debates on the origins of neoliberalism, its distinction and the greater impact it has on society at large. As David Harvey contends, the prominence of the term coincides with the emergence of distinguishable governance and policy practices, which “proposes that human well-being can best be advanced by a liberating individual framework characterized by strong private property rights, free markets, and free trade.” (Harvey 2005, 2)

A similar sentiment of “liberating the individual” is reflected in the political framing of post-Apartheid South Africa and reproduced in the Preamble of the Constitution, which states, “We therefore, through our freely elected representatives, adopt this Constitution as the supreme law of the Republic so as to improve the quality of life of all citizens and free the potential of each person.” In the new democracy the language of human rights and individual freedom became the norm.

In the Bill of Rights, property is protected and “no law may permit arbitrary deprivation of property.” The ascendancy of neoliberalism as a process and restoration of particular class privileges and cleavages also confirms the role of the State to guarantee or in some ways manage the market in ways suitable for capital to flourish.

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It is within this context that I analyze the contradictions between South Africa’s post-apartheid relationship to global capitalism and democratic citizenship. As Ashwin Desai has documented,

It was in these contradictory circumstances—with a government elected by the oppressed majority and using that power to carry out the program of big capital—that people began defending their homes from the private security companies hired to effect the state’s eviction notices. Trade union and church leaders were speaking truth to power. Small groups were meeting in dingy offices bequeathed to the poor by white flight to gated suburbs, London and Sydney. They were discussing strategy, learning to say “Phansi ANC! Phansi!” (Down with the ANC! Down!) and planning meetings, strikes, and marches. Rivulets of humanity were back on the streets demanding land, a basic income grant, anti-AIDS medication, a halt to privatization, and dignity. (Desai 2002, 11)

In post Apartheid South Africa current economic practices favoring market-oriented prescriptions have had a detrimental effect on the country’s overall ability to alleviate poverty and overcome the large-scale deprivations generated by the Apartheid government.

For many of the activists at the core of these groups, working in different spaces and having different strategies and tactics, there was one binding thread. There was the unmitigated opposition to the economic policies adopted by the ANC. Again and again DSF activists spoke of how the right-wing economic policies lead to widespread and escalating unemployment, with concomitant water and electricity cutoffs, and evictions even from the “toilets in the veld” provided by the government in the place of houses. More importantly there was the general agreement that this was not just a question of short-term pain for long-term gain. The ANC had become a party of neoliberalism. (Desai 2002, 147-148)

These two passages from Ashwin Desai’s book on community activism against the ANC and their market-oriented policies capture the disillusion and breach of trust experienced by many South Africans. The popular depiction of South Africa’s national liberation movement that toppled the Apartheid State too often described a
straightforward message of hope and resilience packaged in the statement, “the South African Miracle.” However as Desai documented, not only has the varnish from the miracle vanished, but the foundation of which the marvel of the anti-apartheid government stood also revealed the cunning maneuvers of the ANC’s exclusionary practices.

The sobering realization or shift in perspectives on the ANC coincided with economic strategies that reaffirmed the global emergence of market fundamentalist economic restructuring practices, but also demonstrated the specificity of neoliberal-oriented projects within specific nations. Hein Marais’ analysis of neoliberalism in South Africa attests to this point. In his view South Africa combines the use of both social grants and market-oriented policies. He wrote, “Social inclusion and the realization of social rights are filtered through policy frameworks that equate wellbeing with waged employment or entrepreneurial zeal. South Africans are expected to ‘mature’ and ‘graduate’ out of dependence on social grants and enter the labour market.” (Marais 2010, 256) According to Hein Marais, the ANC inherited a stagnant economy fundamentally based on the mineral extraction and wealth concentrated amongst a small corporate class in South Africa. Much to the dismay of community activists and leftists in the country, the ANC shifted towards neoliberal prescriptions. Anthony Marx also suggests that the emergence of the South Africa as a new democratic state in the mid-nineties came within a constricted political environment. Marx maintained, “South Africa thus remains at the crossroads of alternative images of its nationhood. The ideological highroad of inclusion is challenged by the pragmatic low road of social and economic choices that exclude some from the real benefits of citizenship.” (Marx 2000,
However as a Marais remarked, “It is this sense that the tale, cherished on the left, of a nominally socialist ANC bullied by external forces into imposing neoliberal policies is so unsatisfactory. Nor were the policies smuggled in through stealth and deceit. A neoliberal development path was adopted, and has been maintained, because the balance of forces within the ANC alliance, and between it and corporate capital, favors such a course.” (Marais 2010, 139)

A World Class African City

This section synthesizes South Africa’s transition to democracy in the context of globalization and the manner in which global strategies on urban development have permeated places like Johannesburg. Specifically, this section explains how global economic approaches are localized with regards to housing availability for poor urban South Africans. In addition, the political economy of contemporary South Africa reflects the power of political forces to reshape the livelihoods of the poor while Johannesburg attempts to become a “World Class African City”. In inner city Johannesburg, uneven signs of urban regeneration located next to areas of deprivation, signal the imbalances of the “World Class African city”. Forced removals and mass evictions indicate the grounds on which contemporary Johannesburg will be shaped and established, often through the spatial exclusion of the poor.

The “World Class African City” is not only a marketing strategy by the City of Johannesburg; it also represents a growing normalization between city officials and the relationships they envision between capital and people. At stake is the exclusion of the stakeholders not considered a part of the “workable solutions” deemed necessary for
post-apartheid Johannesburg. The emphasis on making Johannesburg a “World Class African City” also relates to ideas about the city’s competiveness with other global cities and the State’s role in supporting private interests. For example, one year after his inauguration as the Mayor of Johannesburg, Parks Tau stated “The significance of the Inner City to the economy and position of Johannesburg is demonstrated by the fact that the real estate investors have been showing a healthy appetite for buildings in central Johannesburg, which some say nobody wants to occupy because of crime.” (Parks Tau March 2013) The unfettered appetite of real estate investors unleashed in inner city Johannesburg relates to Gregory’s discussion of the discourse of globalization. He wrote, “the global economy is constructed as a space of productive movement, the inner city is imagined as a place of unproductive and, indeed, criminal stasis.” (Gregory 1998, 50)

This section focuses on both the ideological basis and material practices embedded within the project of creating “A World Class African City.” Within the time span that Johannesburg adopted that motto, South African cities also underwent efforts to clear slums as inspired by the UN Habitat’s slum clearance. At the same time, new social movements emerged throughout the country criticizing the ANC leadership for betraying its promises of economic redress, growing poverty, and economic inequities permanently marked throughout the social landscape of post-apartheid South Africa. These outcomes have forced many South Africans to question the ANC’s close relationship with capital and corporate interests. Recent popular protests over university tuition fees, service delivery failures and corruption among political officials signal the uneven effects of liberal democracies and neoliberal economic strategies.
Housing is a key indicator to survey the inequities that persist despite political commitments to addressing “adequate shelter for all.” According to a recent report compiled by the South African Institute of Race Relations, in 1994 the South African government constructed 2.5 million homes. Despite these efforts many continue to wait for government housing. The report notes that the housing backlog has risen steadily from 1.5 million to 2.1 million units and informal settlements have increased from 300 to 2,225. The report suggests that a decrease in units over time and a decline in quality of housing contributed to the housing backlog.\(^{29}\) In addition to these factors, Marie Huchzermeyer made an important analysis about the South African constitution. She concluded that the right to adequate shelter in South Africa is related to the availability of state resources. The constitution does not charge the state to achieve parity especially in terms of spatial integration; therefore the constitution’s transformative potential is limited by the lack of policy attention towards the basic needs of ordinary South Africans.\(^{30}\)

The statistical data on poverty in South Africa contrasts with the vision of Johannesburg’s mayor to remake the city into a “World Class African City”. The paradox of unyielding inequality and housing shortages amid the politics of urban redevelopment lie at the heart of evictions in inner city Johannesburg and South Africa’s overall desire to remove informal settlements at the expense of the poor. As Marie


Huchzermeyer explained, “Despite important changes in law, there has been much continuity in the South African state’s practical treatment of informal settlements since the ambiguous late apartheid years. Shacks, the visible dimension of informal settlements, remained an embarrassment to the newly elected democratic state, which envisaged them being replaced by neat estates of pitched-roof houses.” (Huchzermeyer 2011, 112)

The reproduction of housing segregation and insufficient policy prescriptions intended to address backlogs and poverty in South Africa, have further entrenched housing problems under ANC leadership. These ongoing dilemmas with housing not only revealed the inadequacies of the post-apartheid State, but the deepening effects of economic restructuring and neoliberal economic strategies played out in South African cities, specifically at the local level. Johannesburg’s attempt to rebrand itself as a “World Class African City” also underscored the convergence of global economic practices integral to inner city redevelopment strategies, based on ideals of entrepreneurship and global competiveness. (Huzhermeyer 2011, 31)

For municipal officials in Johannesburg, evictions and displacement in the name of city improvement or revitalization not only reveal a national urban vision, but also resonate with conventional global standards to address slum conditions. For example, Marie Huchzermeyer discussed at length how the Millennium Development Goals spearheaded by the United Nations promoted “Cities without Slums” as an international poverty alleviation scheme. She wrote, “In South Africa, the legitimate political goal of ‘poverty eradication’ and ‘eradication of the housing backlog’ morphed into a new political focus on ‘informal settlement eradication’/slum eradication’ or ‘elimination,’
once the Cities Alliance and the UN began promoting the ‘Cities Without Slums’ slogan.” (Huzchermeyer 2011, 10) In the United States and South Africa, countries with high rates of social class disparities, urban displacement has disproportionately affected poor black residents while policies contributing to outcomes of abandonment, divestment and structural violence have largely been ignored. (Huzchermeyer 2011) Local government efforts to modernize sites of urban blight through renewal projects have also coincided with the global scale of economic restructuring. As Leith Mullings has stated, “Economic restructuring promoted by the apparent consolidation of global capitalism and its attendant ideology of neoliberalism have detrimentally affected people all over the world, but they also have specifically racialized consequences. In postindustrial countries, the legacies of colonialism, international debt, and structural adjustment policies have accelerated all forms of dispossession.” (Mullings 2009, 3) This is certainly true for post-apartheid South Africa at the level of national government policy and urban governance.

In South Africa, the focus on informal settlements - controlling their expansion or removing shacks all together - became a point of emphasis for all levels of government. In Marie Huchzermeyer’s description of South Africa’s plan to eradicate informal settlements, she suggests that South Africa’s plans reflected not only a regional approach to African urbanism, but also an international norm. She explained, “All of this occurred in a context of heightened pressure for African cities to brand themselves as “African World Class,” a trademark by means of which global city regions with highways, speed trains, and corporate skyscrapers are evoked, and shacks and street trading are wished away. Hype surrounding the first African Soccer World Cup played
no small part in legitimizing such a vision across the continent.” (Huchzermeyer 2011, 11) In 2000 the construction of the Gautrain, a rapid mass transit railway that linked inner city Johannesburg to the airport and wealthy northern suburbs and the country’s capital, soon after coincided with the Fédération Internationale de Football Association (FIFA) announcement of South Africa as the game’s 2010 host. As Marie Huchzermeyer suggests, the Millennium Development Goals inspired the political leadership in South Africa to adopt a plan of informal settlement eradication that mirrored the UN’s slum elimination goals. By 2014, policy priorities had shifted from delivering housing to removing informal settlements. As Huchzermeyer explained, “In South Africa, the legitimate political goal of ‘poverty eradication’ and ‘eradication of the housing backlog’ morphed into a new political focus on ‘informal settlement eradication’ or ‘elimination’, once the Cities Alliance and the UN began promoting the ‘Cities Without Slums’ slogan.” (Huchzermeyer 2011, 10) In South Africa all levels of government followed the UN Habitat proposals for slum eradication with special incentive to rid informal settlements and clear shacks. Yet the year 2000, also proved important when the Constitutional Court addressed post-apartheid housing policies in the Grootboom case, which deemed the post-apartheid housing policy unreasonable and directed the state to revise its housing policy towards the poor. The contradiction is apparent in Huchzermeyer’s analysis when she explains, “Internationally, South Africa was applauded for this rare and indeed watershed judgment on socio-economic rights, and the country continued to enjoy global recognition for its efforts to redress injustices and inequalities of the past. Despite the Grootboom ruling, however, urban evictions continued across South Africa.” (Huchzermeyer 2011, 11)
Discourses of Urban Improvement

“Global capitalism” is a popular referent for the changing nature of political and economic policies advanced through the interests of capital. Along with economic restructuring, international governance perspectives also influence local development initiatives. Historically, Johannesburg has long been at the intersections of global capital. Mineral extraction excavated by a disciplined and later exploited labor force required Johannesburg’s infrastructure to develop networks and commercial relations over long distances to catalyze the City of Gold. (Mbembe 2004) The city’s current steward combined concepts of globalism with the powers of entrepreneurial branding to use the tagline “World Class African City” to describe Johannesburg’s most recent incarnation. (Murray 2011) Johannesburg currently embodies this logic of global capitalism and neoliberal development strategies as it also transforms into a destination for sub-Saharan African migrants. As Martin Murray described in his critique of urban development in Johannesburg, “City officials are active constituents, sometimes mirroring global processes and sometimes molding them to suit their interests.” (Murray 2011, 252) Murray goes on to explain that the development of Johannesburg coincided with a shift in urban governance, which used the language of revitalization to promote the areas regeneration while also criminalizing the urban poor. (Murray 2011) Johannesburg’s adoption of improvement districts, development zones and public-private partnerships that mirror urban regeneration strategies in Western Europe and the United States, affirms how city officials plan to situate the city within the company of other global cities. Inner city Johannesburg exemplifies the destructive nature of
economic restructuring and urban policies that aid the facilitation of evictions. Yet while new forms of urban governance have emerged, Johannesburg’s “makeover” and municipal alignment with neoliberal urbanism, underscores the continuity of how the South African State under the leadership of the ANC has long pursued and imagined democratic progress through practices that remain in conflict with the needs of the majority of black South Africans (Reed 1999).
Chapter 6 - Re-envisioning Evictions through Grassroots Activism in Inner City Johannesburg

“Johannesburg is a paradox,” said Pule Magopa, evoking the divergence between Johannesburg’s state-sponsored title as the “World Class African City,” and the striking level of social inequalities that remain throughout the Inner City. A longtime resident, Magopa’s career as a graffiti and graphic artist had provided him a close perspective on changes in the urban environment, and this was one of many times when his input cut to the heart of the matter at hand. In particular, that idea of Johannesburg as a paradox has been useful for my daily observations of the Inner City and those affected by evictions. One afternoon when Magopa and I walked across the Rissik Street overpass near Johannesburg’s newly renovated Park Station terminal, that paradox was especially clear.

Park Station is located directly across from one of the many large, formerly abandoned buildings in Inner City Johannesburg, since reoccupied by tenants. Located at Wanderers and Rissik, it was re-designed to accommodate World Cup travelers in 2010 and renovated for the Gautrain, a new high-speed commuter train constructed to transport riders from the Airport to the city center. With Park Station in the background, I often walked down nearby Smit Street from the recently gentrified area of Braamfontein towards the less glamorous areas of Hillbrow and Joubert Park. Walking on Smit Street I saw the breadth of urban redevelopment alongside stark evidence of years of neglect.

While some attribute this disparity to an influx of black residents during and after Apartheid (Morris 1999), in this chapter I will explore a different explanation. Rather
than searching for problems and solutions in the behavior of those suffering the worst of its effects, my discussion proceeds from the observation that one of the most vivid examples of Johannesburg’s paradoxical nature may be seen in the contradiction unfolding between the passage of new legislation ensuring constitutionally-guaranteed housing rights, and the unabated trend of state sanctioned forced removal. In what follows, then, I focus on grassroots activism in Johannesburg’s inner city where local activists challenge eviction procedures through quotidian modes of resistance, avoiding the well-documented pitfalls of the “Culture of Poverty” thesis (Lewis 1959) in order to attract more attention to the broader conditions at play in South Africa’s post-Apartheid urban development. Evictions in South Africa’s “World Class African City” shed light on the paradox between the state’s professed commitment to housing its citizens and its vigorous displacement of those who have found housing for themselves. As I will show, the relevant factor in explaining—and addressing—the disparities on display in inner city Johannesburg is in fact the state’s enforcement of property rights on behalf of delinquent building owners or property developers eager to take advantage of city-sponsored tax breaks for buildings with outstanding water, electricity and property fees.

“These People Don’t Pay”

Misplaced Blame on the corner of Klein and Pietersen

One morning I received a phone call about an eviction in the Hillbrow section of the inner city. The call came from Moses Moyo, a community organizer who now directed most of his attention to his newspaper, The Inner City Gazette. I had met Moyo
only a couple of weeks before, and on our initial meeting he drove me around his old flat in Hillbrow as we discussed the area’s problems and his organizing background.

On that first meeting when we passed by an eviction in Hillbrow that he would cover in the Gazette, an elderly man approached his car window to follow up on an incident that had happened several days earlier. After the exchange, Moyo expressed to me the sympathy he felt for the tenants left in the Johannesburg winter. “An eviction does not start when people [are] thrown to the streets,” he said. “That’s the last stage of an eviction. An eviction starts with a notice. I hereby give you fourteen days, if you don’t do one, two, [or] three.” He paused and then repeated himself, doing an imitation of someone serving an eviction notice. “For us to stop this,” he said in a mock authoritative voice, “you need to do one, two, or three.”

Moyo’s remarks suggest the value of understanding the broader dimensions of an eviction. In 2008 he started the Friends of the Inner City Forum to understand his rights as a tenant and organize other tenants with housing issues in the inner city. As a recipient of an eviction notice, Moyo came to understand evictions as both a textual object (considering the eviction order served by a Sheriff) and a physical act (related to the public features of an eviction), when he mentions “people being thrown in the streets.” His insight incorporates the discursive field of evictions as a process practiced, lived and situated within the lived reality of Johannesburg’s inner city.

For Hillbrow, broad brushstrokes have often portrayed the area as a no-go zone for violent crimes, illegal squatting and unfettered criminal activities. Despite that generalization, Moyo argued that most of those who regarded Hillbrow as a hotbed of criminality had probably never spent much time there. “People [who] say that are from
privileged positions, it’s people that have never lived in the inner city. If you ask them, ‘have you ever slept in Hillbrow?’ they never slept in Hillbrow; they don’t understand what goes in these high-rise buildings.” He concluded by accurately noting that fixations with crime in Hillbrow neglected to acknowledge its broader scope. “Yes there [is] so much criminal activity that happens; white collar, violent crime, your petty street pick pocket.”

In his view most remarks about the inner city, and Hillbrow specifically, stemmed from speculation rather than actual encounters. Moreover, building evictions like the one I headed toward exposed those factors that were otherwise obscured by the overwhelming attention to tenants’ supposed dereliction. In this and many other cases I witnessed, delinquency on the part of property owners, as well as state mismanagement of building services like water or electricity, formed an underlying condition far more relevant to the trajectory of Johannesburg’s evolution.

When I hurried by cab to the eviction, after Moyo had left the scene, I saw many of the residents and their belongings filled the end of Pietersen Street across from the Hillbrow Community Health Centre. As I exited the cab, unsolicited, the driver said, “These people don’t pay,” referring to the tenants crowded outside of the building. He continued rhetorically, “If you’re [good]; why break the law?” He went on to say, “Some of them know what they stole.” While the cab driver’s comments about the tenants burrowed in their furniture on a busy intersection in Hillbrow placed blame on tenants, the driver’s indifferent and uninformed response to the site of the building eviction resembled widespread beliefs about the cause of evictions and those evicted.
At the scene tenants sat on their belongings while others paced back and forth surveying their possessions and the locked building where they once lived. While onlookers from neighboring high-rises peered over their balconies to see the commotion, young men, elderly women and children of all ages stood by their scattered and disassembled belongings. Common household objects like refrigerators, sofas, and shelves piled like snowdrifts on the edges of the curb in a scene vividly evocative of the way evictions claim spaces as both grand public spectacles and deeply intimate signs of life.

After I had identified myself as a friend of Moyo’s from The Inner City Gazette, an older woman approached me and shouted defiantly, “Take pictures. Let the people know. We have attorneys.” Her brash suggestion to photograph and publicize the eviction dispelled ideas of public shame or humiliation insinuated by the cab driver’s mention of tenant wrongdoing that caused the evictions, and it also suggested that despite these circumstances, post-Apartheid laws designed to protect the poor continued to shape social responses to social conditions. In spite of recent constitutional court cases that deemed evictions illegal when alternate housing options have not been provided by the State, this eviction, like so many that I observed, seemed outside of those legal decisions. (SERI: Evictions and Alternative Accommodations in South Africa 2013) For me this was the second significant eviction brought to my attention that month. According to the eviction order I later read, the Klein and Pietersen building included forty-six units and over one hundred listed residents.

Alan Morris’ research on Hillbrow delving into the racial and economic tensions that evolved during Apartheid in the early 1990s provides an example of the relationship
between building owners and tenants. Some twenty years later Morris’ description of tenant and owner relations contextualizes current circumstances in the inner city and offers perspective on the lingering effects of race, class and politics that should be considered today.

Morris’ argued that conflicts between tenants and landlords frequently ended in evictions if tenants began to use anti-Apartheid strategies like rent boycotts to protest building maintenance. In Hillbrow, Morris noticed that the rapport between small building owners and strong tenant associations generated hostility between both parties and reflected ongoing tensions in the politics of South Africa. “Many black tenants saw landlords not only as landlords,” he wrote, “but also as beneficiaries of Apartheid who had attained landlord status because of their racial classification. Some landlords claimed that there was a deliberate attempt by tenants to rundown their apartment blocks and that the political climate had encouraged this situation…. The tenants, however, felt that destructive behavior was usually a response to perceived poor treatment by landlords.” (Morris 1999, 519)

Based on survey data and ethnographic methods, Morris’ study imbued evictions as a phenomenon significantly influenced by political milieu of the time and Apartheid laws that adversely impacted the daily lives of non-white South Africans. As Morris explained, “the government’s failure to provide adequate access to housing for black South Africans meant that for many black tenants the inner city was their only adequate accommodation option. The consequent enormous demand for accommodation in Johannesburg’s Inner City enabled Hillbrow landlords to charge high rents relative to tenants’ incomes.” (Morris 1999, 517)
Morris’ study of tenant and owner relations demonstrated that the influx of non-white South Africans into the inner city emerged from the overall lack of housing in racially designated townships. The illegal status of non-white South Africans in the inner city during Apartheid contributed to their overall vulnerability making them susceptible to rent-hikes or landlord negligence. The friction between tenants and property owners exacerbated already tense interactions between mostly black tenants and their white landlords, which often led to the breakdown of tenant-landlord negotiations and commonly lead to an eviction order requested by the owner.

Morris’ study on tenant-landlord relations in the Hillbrow section of the inner city provided the historical context for the area’s current housing conditions and my research on evictions. Similarly it relates to Martin Murray’s consideration of real-estate capitalism in contemporary Johannesburg, who suggests, “So it is not surprising that the spatial separations, racial divisions, and structural imbalances that characterized the Apartheid city have insinuated themselves into the post Apartheid cityscape and its representational forms.” (Murray 2008, 11) Murray continued to suggest that “ongoing urban inequities” like access to affordable housing for the urban poor relates to “lingering legacies of the odious past, thereby drawing attention away from a sanguine and critical appraisal of the extent to which contemporary planning policies and practices are inadequate as sufficiently powerful mechanisms for challenging and eradicating the spatial imprint of the Apartheid past.” (Murray 2008, 11)

Moreover Morris and Murray indirectly draw upon Said’s articulation of colonialism as an enduring power structure for post-colonial subjects. Said claimed, “To have been colonized was a fate with lasting, indeed grotesquely unfair results, especially
after national independence had been achieved. Poverty, dependency, underdevelopment, various pathologies of power and corruption, plus of course notable achievements in war, literacy, economic development: this mix of characteristics designated the colonized people who had freed themselves on one level, but who had remained victims of their past on another.” (Said 1989, 207)

In inner city Johannesburg visible structural disparities remain tied to deteriorating housing conditions borne from the Apartheid city. Contemporary policies and urban planning conducted in the post-Apartheid era have also encouraged strategies of forced removal in the new democracy. The local government’s efforts to promote social equality are often mired in the State’s actions to displace, which underpin strong tropes about the urban poor and evictions as solutions to improve city conditions. The intersections between enduring legacy and contemporary socio political practices by the city of Johannesburg, provoked local activist, Shereza Sibanda, to express, “When you sit down and draw back you look at [it], but its like the very same people you voted for, are our enemies, because they can’t listen to our voices… The government has become an enemy to the people itself. I just wanted to know if you understood that.”

To further illustrate Sibanda’s statement about the African National Congress, during the winter of 2013 the mayor of Johannesburg, Parks Tau, is pictured on the City’s website flanked with government officials and the Johannesburg Metropolitan Police Department conducting a walkabout through Johannesburg’s inner city. Newspaper articles reported that the mayor’s walk through the inner city commenced Operation Clean Sweep, a broad-based tactical effort to promote the development of the inner city while emphasizing the city’s effort to maintain the area’s safety and security.
A law and order dictum, Operation Clean Sweep targeted street traders and building invasions. The campaign would be a part of larger efforts by the city to encourage new investment and strengthen investor confidence for new redevelopment projects.

Although many inner city neighborhoods contend with a range of issues, evictions from what the city refers to, as “illegally occupied” dwellings became a number one priority. For this reason, the political discourse of transparent efforts to eliminate crime from the inner city continues to veil selective political and economic strategies that prey on marginalized and under-resourced communities. For local activists the ability to organize against city policies of evictions rests in part on prevailing narratives about the inner city and its residents.

An article in the Star newspaper that covered the eviction on Klein and Pietersen discursively labeled inner city tenants subject to forced displacement. The article, like the cab driver, considered the evicted tenants as the source of the problem. I use this instance to exemplify broader discussions about the inner city that elide structures of power like asymmetrical property relations and the scale of urban poverty that the City of Johannesburg has played a significant role in creating. The newspaper coverage described the eviction as an inevitable process that the owners attempted to resolve through meetings and meditations. The Star reported how the tenant’s refusal to pay rent prompted the owner to suspend services to the building. The article does not feature tenant concerns or demands, but attributes fault to the tenants and city. This is a common description of tenant and owner relations throughout inner city Johannesburg. The article reported, “The City of Jo’burg is quick to disconnect services to residents who don’t pay. But try asking them to disconnect water and electricity to a hijacked
The polarized perspectives demonstrated in this article overstate a “culture of non-payment” among tenants and the City’s inability to manage the illegal occupation of privately owned buildings as a justification for evictions. As the reporter went on to write, “notwithstanding this normalization of service delivery, and implementing reasonable standards in the buildings, the tenants embarked on a full rental boycott in October, continuing to stay there with tenants to resolve the matter, but deadlocked, resulting in an eviction application.” This common story of private owners as both rescuers of the areas of deterioration and victims of municipal inaction or tenant intransigence continues to place blame outside of the historical, economic or political context of the inner city’s current housing situation.

Here the article took note of the role of the new owners, “Andrew Schaeffer’s company Trafalgar Properties owns Aiton Court on Pietersen Street, Joubert Park. They purchased the heritage building in June last year. It was in a state of decline following many years of poor maintenance and ineffective property management.” The account of the building conditions offered readers a bleak picture of the tenants and their living conditions, while the description of “raw sewage” and the report of new owners “saving” the building attempted to link tenant malfeasance with the City’s failure to govern property under siege by tenants. The article then shifts back to suggesting that the only way to deal with this type of tenant behavior was to remove basic municipal services like electricity. “Because of the rental boycott and non-payment for services,” the piece read, “we deliberately didn’t pay the building’s electricity account hoping that...”
municipal services would be cut. Surprisingly, they were not, despite the amount increasing hugely every month, eventually reaching R230, 000.” While at the eviction I observed residents locked out of their homes, while hired security guards remained perched on an empty floor destroying property and gazing at the recently evicted. These moments question the political forces that have shaped progress in the post-Apartheid era and that highlight unevenness of current anti-eviction legislation. By mobilizing to address evictions on the “ground” level, local activists evince more nuanced understandings of the city’s priorities of economic development that run counter to the ANC’s vision of housing for all.

Shereza Sibanda, the director of the Inner City Resource Center located in Braamfontein, is fully aware that thousands of people are living in “bad buildings” throughout the Inner City. She is also aware of how perceptions of evictions may differ from material realities, but have real consequences. Shereza explained,

On the issue of blaming people, some will say, “ah they must evict them, they don’t pay rent, they live in that building. I myself when I started to work, with the inner city resource center… I had that in mind, when I started seeing the eviction, the first eviction, I saw, I was like, these people, why are they evicted; are they not paying rent or whatsoever, but because I went in there and spoke to the people and I got the information and I realized, its not the people; It is the city that has failed them, they didn’t hold the owners accountable, because the city, if you remember when they started the evictions they were using this section 12 of the standard building act of 1977. Which was an Apartheid law, act, which was not working any more and people were not aware of that, and when we started working with CALS, we worked on that, and we realized this Act doesn’t work; it is an Apartheid Act, that is why it could be challenged at the court…this act is no longer working and the city, because knew that the people don’t know, they were using the act; so now they can’t use that act anymore, they have their own means where they are using, to say the building is hijacked; and all this, and all this, but they can’t mention that act, because they know it’s not working.
As a long time resident and activist in the inner city, Shereza’s comments about evictions capture the complexity of forced removals. Like the cab driver and the newspaper’s assessment of the eviction, Shereza’s initial encounter at an eviction generated typical views about evictions and evictees. However as a grassroots organizer in the inner city, her activism compelled her to explore the issue of evictions more closely through the daily struggles of evictees themselves. In many ways Shereza’s ideas of evictions and evictees transformed through her own work as an activist and inspired her to focus on specific everyday challenges these tenants faced, like disconnections, high-rent, or landlord discrimination. Her position also contrasts with popular accounts of hijacked buildings that construct tenants as part of criminal syndicates, rather she sees them as subject to complicated connections between Apartheid laws, contemporary housing schemes and property ownership.

When I first met Shereza, she had a little office within a legal advocacy group located at one of the main universities in Johannesburg. There she began to work tirelessly to challenge eviction processes in the inner city. As she said, this was in response to the City of Johannesburg’s Egoli 2000 strategic plan. In Zulu, Egoli means “Place of Gold or City of Gold” in Zulu, and while Johannesburg started as a mining town, it also serves as a symbol for the dreams and opportunities people seek when they move to the “City of Gold.” Some years later Shereza had established the Inner City Resource center and with funding from an array of sources she had a one-room office in Braamfontein that she shared with one or two other staff members. During this time she also held periodic meetings in the Hillbrow theatre to organize tenants facing evictions
and utility shut-offs. When I visited one of her meetings, she and other volunteers cleared tables and assembled chairs in the basement of the theatre to discuss grievances and organize disgruntled tenants against absentee landlords or the City’s electricity company Eskom. Based on my most recent visit with Shereza, she said, “ya know we’ve grown up.” Today the ICRC office consists of consultation and waiting rooms for tenants, Shereza’s office, and a room for a receptionist and one other staff member. Throughout my time with Shereza, two things have remained constant: the evictions, and her determination to challenge them.

The Inner City Resource Center kept general business hours from nine a.m. to five p.m. On most mornings the secretary, an immigrant from the Congo, opened the office and answered general phone calls. She also led the woman’s group called “Rivoningo” which means light in Xitsonga. Rivoningo, a women-centered program at the Inner City Resource Center, with a focus on empowering women through various projects. During my field study, a group of women, spanning various countries from Kenya, Zimbabwe, the Congo and South Africa made wonderbags, a cloth structure shaped like a pillow and filled with crushed Styrofoam used for cooking. The director Shereza Sibanda told me that she started Rivoningo because too many women she encountered living in buildings selected for evictions had little education and few job-related skills. She also noticed that many of the women in Rivoningo were head of household and needed to provide for their families. Other than the Rivoningo program, the Inner City Resource Center required those in need of assistance to become members, after which they met on a monthly basis to update tenants on their housing rights, the status of their cases and if they would receive legal assistance. As I described earlier,
people came from various neighborhoods in the inner city to seek advice on their housing situation, motivated by an eviction notice or the arrival of Sheriffs and the Red Ants. Most clients came to the ICRC through word of mouth among acquaintances that also received assistance.

ICRC was located in a tall multi-storied building in the neighborhood of Braamfontein, a section of the inner city currently going through massive urban regeneration. The urban redevelopment plans have primarily been stimulated by the influx of students from neighboring colleges and universities. However Braamfontein is also home to the mayor’s office, the Central train station and a growing number of boutiques and shops. One such example is the weekly Good Neighbors Market that opens every Saturday in a vacant building. The market is an open-air bazaar that showcases local food producers, restaurateurs and artisans. Packed from its opening hour until closing, it remains one of most diverse cross sections of city life in Johannesburg. The weekly Good Neighbor’s Market’s hip ambience contrasts significantly with the living conditions endured by people seeking advice about their housing situation from the Inner City Resource Center. Yet the changing geographic context of Braamfontein represents the City of Johannesburg’s broader vision for the city they want to construct.

Like many buildings in Johannesburg and the inner city, your first encounter is with security. An unarmed security clerk requires identification and a signature to enter the building and calls the office of the ICRC before you can ride the lifts or elevators to the floor where the offices were located. After regular visits to the offices, the clerks knew me on a first name basis, but my entry still required a signature. While I did not know the owners of the building, the security clerks wore South Point polo shirts. Their
uniforms were emblematic of a changing tide in the inner city. Even though Witwatersrand University and the Mayor’s office were also in Braamfontein, South Point, a property owner and developer throughout the inner city, had a visible presence in the area. South Point’s primary focus is in housing for university students, but they also champion urban regeneration while luring and backing a range of shops and services to accommodate student life. The purchase of buildings by property developers like South Point through municipal policies like the Inner City Regeneration Charter has been one of the driving forces behind increases in rent and the overall cost of living in the inner city. The ICRC’s office is located at the center of these large-scale urban changes. There, ongoing work provides insight into the changing landscape of Johannesburg’s inner city and the services they provide for the urban poor. This is a summary of the day-to-day activities at ICRC and the geographic context of the Center.

Shereza began organizing around evictions in inner city Johannesburg in the wake of legal decisions that have shaped both tenants’ rights and the obligations of the State. Shereza started the Inner City Resource Center in 2005 after the city began a campaign to create a “safe and clean” Johannesburg. The public branding campaign also had concrete policy actions that included the removal of what the city called “bad buildings.” Over the years “bad buildings” had become synonymous with the inner city and the City of Johannesburg officials used the term to describe dilapidated structures (Centre for Applied Legal Studies 2008) inhabited by “occupiers” another name used to designate a group of people squatting in a flat or number of flats. Both expressions

32 A few months after I completed my fieldwork, the Inner City Resource Center moved into another section of the inner city.
developed into a broader discursive field to rigidly characterize both the tenants and conditions of these buildings. In response, Shereza and a group of individuals collectively began to question the legality of these evictions and to what extent evictees could respond to forced removals. Shereza commented that when the city created “Egoli 2000” one of the many long-term urban development strategies that made reference to Johannesburg’s image as the “City of Gold,” evictions increased dramatically. Prior to starting the Inner City Resource Center, she joined with other residents of the inner city to begin the Inner City Forum to challenge eviction processes that lead to homelessness in violation of constitutional housing rights. According to South African law housing is a human right and municipalities must comply with actions that would prevent a housing crisis or homelessness. (Wilson 2011, 273) Shereza described her early efforts to organize against evictions.

And we’re like working in the streets. It was not something that we had offices; it was a community based organization with the concern of more and more evictions and when times went on when we’re like trying to find out exactly why people were being evicted and we wanted to find out what legal route was being taken to evict those people. Are people being informed of their rights and whatsoever? We realized that there is more to evictions, that people had a lot of problems which they were facing in the Inner City of Johannesburg and which were issues of high rentals, disconnection, [and] access to schools. So what we basically did, we need something that will help us generated funds for us to be able to run this organization. So we came up with the Inner City Resource Center in 2005, so that we can have a place where people can come in, we can give them advice, we can assist them to be able to take their matters to the rental tribunal, where we see fit, but it is a problem between the tenant and the landlord. (Shereza)

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33 Sibanda began organizing as a part of the Anti-Eviction Campaign, which became known as a part of the new social movements that emerged after Apartheid ended. The anti-privatization forum also had affiliates in the Inner City. However none of the groups mentioned have any presence in the Inner City today.
For Shereza evictions only told a part of the story. To her, evictions generated deeper concerns about the myriad problems facing the urban poor in inner city Johannesburg. Just listening to Shereza I began to better understand the complexities of evictions processes beyond the behavior of tenants and their relationship with property owners. By mentioning issues like disconnection, high rentals, and access to schools she made clear that evictions must be understood through the political economy of everyday life that includes housing affordability and water or electricity cut-offs. The Inner City Resource Center would fill the gap between the injustices she observed in the inner city and her ability to become an interlocutor between State entities like the Department of Housing rental tribunal or serve as an advisor to tenants seeking assistance.

Shereza’s opposition to evictions in the inner city was supported by a grassroots vision. An analysis of post-Civil Rights Movement social activism in Detroit by the political scientist Todd C. Shaw, defined grassroots activism as “a form of political action that assumes ordinary citizens can confront maldistributions of power by organizing as communities of geographic or ascriptive identity (race, class, gender) and thus use their indigenous creativity, leadership, and resources.” (Shaw 2009, 15) Shereza lived and worked in the inner city until the end of 2013. As a resident and activist her engagement with the politics of evictions influenced how she read evictions and her activism against them. While some scholarship on resistance has focused on activist motivations (why) or actions (how), I am interested in the specific strategies employed as a larger repertoire of collective actions [by] lower-income activists to demand government accountability. (Shaw 2009)
Shereza makes a useful connection between “taking the streets” and comprehending the overarching problems that many evicted tenants face. By articulating what issues tenants face daily, she also made reference to how human rights in the abstract may not supplant the social dilemmas they confront in the inner city. More broadly, the activism described by Shereza questioned a common-held belief that evictions don’t occur in isolation but relate directly to the heterogeneous social, economic and political conditions of post-Apartheid Johannesburg. Popularized images and news coverage about inner city evictions overlook how the lack of affordable housing in the area is related to water disconnection and electricity shut-offs, which reveal the growing socioeconomic fissures in post-Apartheid civil society. For this reason Shereza explained that the role of the Inner City Resource Center is to advise tenants and organize against evictions collectively. According to Shereza, the Inner City Resource Center supports tenants in a number of ways, “We have meetings with the tenants, when we have meetings with tenants we will go there, so that we can translate to the tenants what they are saying. So we make sure that the people that are in threat of evictions, they are stabilized, they are mobilized, and well organized is our main thing.” (Shereza Sibanda, personal interview, August 2013)

Shereza described some of the ways that the Inner City Resource Center attempts to assist tenants dealing with evictions or other housing related issues. Her belief that tenants should be “stabilized, mobilized and organized” corresponds with Shaw’s assertion that grassroots or community organizing engages a range of actions in order challenge powerful political and economic interests.
Philemon Makweng, the community liaison for the Inner City Resource Center explained that their work also remained vested in holding the City of Johannesburg accountable for their treatment of the urban poor alongside post-Apartheid legislation that promotes equitable treatment for all South Africans. In many discussions about housing rights and evictions in the inner city, Philemon would often say, “The city must engage.” On one occasion Philemon described how his work with committee member corresponds with his overall approach to collective organizing. In terms of tenants, Philemon commented, “if you are a committee member you are not the boss. [As] the committee member you take whatever the tenants are telling you. You take whatever they are telling you. You don’t tell them what to do. No. [pause] No! They are the ones that will you give you the mandate.”

In reference to his relationship with committee members he said, “Because we cannot do without them, everywhere we go, we must go with their mandate, not our mandate. Their mandate, you get my point.” Philemon’s style of organizing emphasized collaboration between tenants and the ICRC staff. While his own position as an organizer could create a hierarchy between committee members and himself, Philemon continued to stress that tenant needs did not trump his own beliefs in what they should do. Philemon’s style of organizing and use of the phrase “their mandate” linked community empowerment to social action or political action.

During my last days of fieldwork, I asked Philemon to talk about his organizing plans for the upcoming year. A short, small-framed man who wore freshly pressed button-down shirts and a newsie cap, Philemon was a former anti-Apartheid activist in the United Democratic Front (UDF), the South African National Civic Organization
(SANCO) and ACTStop, an inner city based anti-eviction group formed in the late 1970s. Philemon’s politicization extended to his background in the anti-Apartheid struggle and contributed to his overall organizing philosophy. When I asked him about the ICRC’s goals for the upcoming year, he responded with vigor by forcefully pounding his index finger on the table with the pace of a metronome click, “this year I want all these members, I want all of them. I want to put them in one bag; they are going to work with me hand in hand. Where I am going. Each and every door I am going to knock, they must be in my back here,” he said pointing towards his back. A long-time resident of the inner city, Philemon went on to describe the places he and other committee members would contact.

Philemon: Eskom, we are going to Johannesburg Water, City Power, housing department, where you go, they must be in my back here. As to the meetings with those departments, we will go into those meetings. Then you will see, things will run smooth. We will win. If the department does not want to listen, we don’t mind, we will go there and do a sit-in. Do the sit-in.

AJ: Did you do that with ACTStop?

Philemon: Yes with ACTStop. Sit on the table there. We are here. We are not going nowhere, until you listen to our problems.

Like Philemon, Shereza’s activism reached back to her own participation in the anti-Apartheid struggle. Recounting those days as a youth, she mentioned her participation in the Soweto Youth Congress and her involvement in the struggle as a whole. In fact when I asked about her background as an organizer in the inner city and why she continues to do this work, she replied deadpan, “All those years fighting and to some extent, it was just in me.” (Shereza)
The gains and struggles of the anti-Apartheid struggle remain a vivid reminder of mass resistance for activists as they continue to fight for social transformation in post-Apartheid South Africa. In one instance when I documented a march against climate change that the Inner City Resource Center and their members participated in, marchers chanted protest or struggle songs from the anti-Apartheid movement. While the anti-Apartheid struggle continues to remain a source of inspiration and trained so many non-white South Africans in the mechanics of activism and political change, the unmet goals of national liberation frame the current fight against evictions in a paradoxical light.

The indelible scene of Hector Pieterson wounded after being shot for his participation in the student protest symbolized the volatility of the time. Shereza explained that her politicization as an activist came about as a youth in Soweto during the 1976 demonstrations against the Apartheid system’s compulsory education requirements. Labor organizing and student opposition to compulsory Afrikaans instruction in black schools culminated into “the protest of 15,000 schoolchildren.” (Worden 2000, 134) According to Bernard Magubane, the impact of the Soweto uprisings in June of 1976 and the possible long-term effects of these actions by youth could be tremendous. He wrote,

Thus with Soweto and its aftermath, the struggle of the black people for their liberation reached unprecedented heights. Never in the history of South Africa have so many millions engaged in open and “armed” confrontation with the forces of ruling class oppression. The urban rebellion represents the most advanced aspect of class struggle in the history of South Africa. The students and workers have hit the South African ruling class and its international allies (where it matters most – in their pockets) as have no other events in recent history.” (Magubane 1989, 43)
Magubane reflected on the inspiration of mass opposition to the Apartheid government and the participation of students as a significant turning point in the fight against racial repression. While inspired by Soweto, Shereza also recounted the national liberation movement in South Africa as an indication of how far the current political leadership had betrayed the interests of the poor. She explained,

So when I moved into the inner city and realizing the evictions and it came to me that we have done so much, some of us have lost our lives, some of [us] couldn’t go they would drop out, they couldn’t pursue their education [due to the fact] there was a lot of destruction in ’76. And now here is the reality, the very same people we voted in, they are starting now to treat us bad and by evicting us from the properties and so forth, whereby everyone is free to live wherever they wanted to. And that spirit of activism came to me, where I said, we’ve got to do this.” (Shereza)

Shereza described a grave sense of disappointment in the current ANC leadership by recounting the deaths of former comrades during the anti-Apartheid movement and the scale of overall destruction in 1976. By revisiting the contradictions of freedom and democracy she also pivots towards her praxis as an activist.

Poor building conditions that influence eviction orders continue to persist despite constitutional court rulings designed to prevent forced removals. As Shereza has observed, forced displacement also has gendered effects. Throughout her years of experience, evictions and conditions that compel the city to order eviction notices affect women disproportionally. With this in mind she started a group called “Rivoningo” which means to specifically engage women in the buildings she has worked in. Citing a number of issues that affect women specifically, the group meets once a week to learn life skills and act as a support group for women in similar circumstances. This chapter will give a glimpse of the Inner City Resource Center with specific attention given to
Shereza’s leadership, the organization’s pursuits and how the ICRC addresses the issue of evictions, in what I view as a holistic manner.

After several meetings with Shereza, she invited me to observe ICRC’s women’s group Rivoningo. During one week Shereza busily worked on a grant proposal to support the resource center while continuing its programming. On this particular day the women’s group learned to make “wonder bags,” a bag made of sewn African print with shredded Styrofoam as the contents. The bags are designed to help cook food or to continue the cooking process without electricity. In many cases women that attend the weekly Riviningo meetings live in buildings without basic services. Not only can they use these “wonder bags” for their own households, but they can also sell them. Each meeting consists of 8 to 10 women and as Shereza explained, once they have learned this skill, they will pass this skill to other women in buildings that the ICRC assists.

During my research I interviewed several women who attended weekly Rivoningo sessions. Although most of the women had not been directly affected by an eviction or sought housing assistance from the ICRC, many of the women faced challenges as either immigrants or domestic migrants who struggled to making a living. When I interviewed some of the attendees they viewed Rivoningo as a safe space and a place to learn transferable skills they could use as street traders in inner city Johannesburg’s large informal economy.

Shereza’s comments on women and the role of her organization reveal a number of issues related to intersections of gender and the political economy of Johannesburg. Shereza’s emphasis on empowerment amid difficult housing conditions and unemployment draws on her experiences of working with women who also maintain
roles to support their households. Comparatively Leith Mullings suggests that “Household structure in both developing and industrialized countries is shaped by global as well as local processes, as policies implemented at national or international levels increasingly mold reproductive experiences.” (Mullings 1997, 38) In my observations and discussions with attendees of Rivoningo I met women from Rwanda, the Congo, Zimbabwe and South Africa. Many of these countries have dealt with significant economic and political transformations that compelled them to leave their home countries and seek opportunities or refuge in South Africa. Over the last decade inner city Johannesburg has become an important economic hub for South African migrants and immigrants from countries throughout sub-Saharan Africa. Yet despite the economic polarization that persists in the inner city, Shereza highlighted how self-empowerment and collective engagement became a central part of her organization’s aim to engage her women clients. Similar to Leith Mullings’ use of the term transformative work, the Inner City Resource Center also aimed to both “sustain continuity under transformed circumstances” in post-apartheid Johannesburg and “transform circumstances in order to maintain continuity.” (Mullings 1997, 49) In Mullings’ study of African-American women in Harlem, the relationship between “resistance and empowerment” remains central to collective agency amid deteriorating economic conditions and punitive social policies. For the women in Mullings’ study and the women served by Rivoningo the space created to “share common issues,” or the importance of “trying to empower women” as Shereza put it, have transformative potential.

I observed and interviewed women who attended weekly Rivoningo meetings. The group met for about three months before the holiday season in December when both
migrant South Africans in Johannesburg and immigrants from other country’s return to their home towns, villages or cities. The following composite is a description of a typical meeting at the Inner City Resource Center where the Rivoningo meetings were held.

Women all of ages arrived at the Inner City Resource Center at mid morning. They sat down in their chairs, chatted with each other and waited for an elderly South African woman to commence the project they had been working on for several weeks. Cecile, a young Congolese woman coordinated the meetings for the ICRC. Cecile came into the meeting room and greeted everyone in different languages. A white poster board on the wall confirmed the greetings as it listed in black permanent marker; salutations in Swahili, Zulu, French, English, and Xhosa. Cecile, both fluent in Swahili and French, seemed excited to utter those sayings as she stumbled over other language’s welcomes. When the elderly South African woman, who I will refer to as Mama, entered the room, she gave brief instructions and distributed supplies for the wonder bags. One of the weekly instructions was to bring Styrofoam from local office buildings in order to fill the bags. Some attended to these instructions, but most did not. Mama often complained about this lack of attention, but brought in enough supplies for all of the participants. The wonder bag, a pillow like craft outlined with African textured cloths and filled with torn up Styrofoam was sewn into a circular shape that looked like a donut. For Mama and Shereza the wonder bag would allow women to feed their families. Shereza explained that many of people she served live without electricity and use paraffin or portable heaters to cook. The wonder bag allowed users to maintain cooking heat without the use of an external device.

Another attendee said that she “enjoyed working in a group setting and the skills learned could be passed to other women”. Shereza often mentioned that Rivoningo served as a refuge for women living through economic hardship or abuse. When I interviewed several of the attendees from the Democratic Republic of the Congo and Rwanda, they mentioned that they were referred to the Inner City Resource Center and Rivoningo by way of CSVR, the Centre for the Study of Violence and Reconciliation, a
nearby organization that provided counseling and advocacy services for individuals dealing with gender-based violence or trauma related to human rights violations. These encounters affirm the transformative potential of women empowering other women, but also echoed Joao Costa Vargas’ ethnographic description of “friendship networks” among women in South Central, Los Angeles. Vargas’ wrote, “In the context of pressing deprivations, intense if only temporary friendships mattered. Friendship here means more than material, logistical, and psychological support: it also took the form of resistance against the everyday institutional oppression and the degrading conditions women shared. Not always conscious and often not even effective, these strategies of resistance nonetheless secured temporary relief from the most immediate and pressing needs and troubles.” (Vargas 2006, 66) The vignette below describes a typical Rivoningo meeting.

The sound of conversations in different languages spilled into the hallway. Inside women sat on chairs and kneeled on the floor assembling wonder bags. Two women kneeled on the hard linoleum floor adroitly measuring a royal blue African cloth with intricate designs. Styrofoam lay sprinkled on a plastic tarp that covered the floor, while two women, kneeled on the floor and sewed together the fabric before stuffing it with grated Styrofoam. A number of women conversed sat in chairs grating, conversing in languages that appeared on the wall. Swahili, Xhosa and Zulu were one’s I recognized. One woman sewed with baby in tow, wrapped around her waist, scraping Styrofoam in one hand while balancing her bodyweight to support her infant. A sign taped on the wall and written in permanent black marker on a plain white poster board read, “We are strong women cause we have being through difficult obstacles in our lives but survived” below three venus gender symbols. Another sign read, “We have come too far to look back…We will keep on trying until we see Rivoningo, “The Light” shine brighter. (In red small hand written hearts written all over the poster board) On another wall, a green poster board said, “Women The Invisible Refugees” “African Women Unite One Love” “We Won’t be Moved”. In French about the tea and coffee cart read “Eduquer Une Femme C’est Eduquer toute une nation” accompanied
by the English translation “Educate one woman, you have educated a nation. A Woman is a mother of a nation.” Underneath the poster two women sewed and wore Lime green shirts with black bold box lettering saying, “Rivoningo”.34

Victoria, a volunteer for ICRC, explained Rivoningo has helped her “because she was unemployed [and] to learn how to sew, how to sell things and make a living.” Workshops held by Rivoningo also included instructions to open bank accounts and establish greater financial security to save for such expenses like funeral burials, a recent notable expense for many South Africans. Victoria said, “Rivoningo teach [es] the people how to avoid those things; xenophobia. Here it is Africa, ‘everyone is welcome.’ To teach women how to know to look for school, for the babies, for the children’s.”

In writing about social activism in Brazil, anthropologist Keisha-Khan Perry writes, “Black women’s leadership in black grassroots organizations is not limited to a focus on their subjectivities. Black women activists are attuned to the discursive and institutional aspects of racial and gender identity and space as blacks, women, poor people, and residents of the coast.” (Perry 2013, xvii) Perry’s analysis of women’s roles in Salvador’s neighborhood-based movements provides greater depth to ICRC’s value or viability as more than a housing assistance organization. Shereza recounted that Rivoningo began because,

Its us women; we strong. When we were working on issues in the inner city, we were like … when were sitting and sharing, we realized we have common issues. We also realized…when we were in the meetings, you know the Zims,35 we trying to build something, saying no to xenophobia, we are having similar problems, and whoever you are calling them

34 In the South African language of Tsonga (Xitsonga) Rivoningo means “light”.
35 Zims is a colloquial reference to people from Zimbabwe.
names, they come from their country, you need to realize, why they are here. No one wants to leave their country; we need to realize why they are here. There issues we need to look at. Most of the people living in these bad buildings and that are heads, head of households are women, and they’re facing challenges; is that they’ve got kids, …so we decided to come up with something like “Rivoningo” which will work on something like women’s issues. And trying to empower women, make them confident and make them able to do things by themselves and generate an income for them, because most of them are not working in the inner city, you know unemployment is high. Some of them are selling their bodies to survive.

For Shereza women are uniquely positioned at multiple scales of Johannesburg’s post-Apartheid political economy. The lack of affordable housing has drawn attention to the uneven and contradictory nature of urbanization effecting women’s lives in the Inner City. Moreover, Shereza’s role as a woman activist fighting displacement should be underscored as a fundamental part of her social praxis as demonstrated in her establishment with Rivoningo. In her ethnographic study among women community organizers in Salvador, Brazil, Perry argues that the “important role of women as activist leaders generally goes unacknowledged in the media.” Comparatively, Tiffany Willoughby-Herard suggests that role of women in post-Apartheid social movements have been disconnected from the history of South African women’s political organizing. In turn she contends that this elision conceals the important status of women in current resistance movements. (Willoughby-Herard 2014) Evictions in South Africa violate many of the amendments central to securing social rights in the post-apartheid era. Since housing became a cornerstone of the post-apartheid political vision it is important to discuss the constitution and its ramifications for those seeking to secure housing rights.
In 1994, housing became a centerpiece of the ANC’s national policies. At the time, President Nelson Mandela in alliance with the Congress of South African Trade Unions (COSATU) and the South African Communist Party (SACP) developed a comprehensive policy approach to deal with the country’s housing shortages among non-white South Africans. The Reconstruction and Development Programme also commonly known as RDP became the standard bearer to alleviate countrywide housing shortages. The RDP called for socially conscious policy instruments to facilitate redistributive economic resources and attempt to promote large-scale projects to ameliorate socio-economic inequalities that included: land reform, housing, access to clean water and electrification. Consequently GEAR, also known as the Growth, Employment and Redistribution emphasized the importance of creating an environment conducive for foreign investment while reducing government spending on social services in order to promote the privatization of government services like water and electricity. The South African government’s shift away from the RDP’s more “people-centered” resolutions and subsequent endorsement of neo-liberal policies directed under the auspices of GEAR promoted a market-based economic outlook and inspired mass mobilization against the effects of these policies. (Knight 2001) Despite the shift in political economic approaches, the South African constitution remains the most fundamental legal framework for citizens to ensure socio-economic and housing rights.

Conversely William Beinart argued “the South African Constitution greatly expanded the notion of rights and citizenship for all of the country’s people. Yet extending rights, and especially socio economic rights, has been particularly difficult.” (Beinart 2001, 26) My research on grassroots activism has focused on the role of
indigenous knowledge production to mobilize political formations against spatial exclusion.

The legal history of evictions and housing rights in South Africa

“The process of evictions, now it’s very scary.” Shereza Sibanda

Shereza’s brief remarks emphasized the changing nature of contemporary evictions. Her description of evictions as scary, considers how present practices of forced removals have become more intimidating to ordinary tenants. The limits of legal mandates establishing the rights of evictees, also demonstrates the interplay between municipal governance and the rights of property owners. In organizing to address evictions, activists have come to understand constitutional housing rights through grassroots practices of tenant advocacy and the lived-experiences of evictees. Shereza commented,

I remember there was an eviction on the 25th of December [last year], which was Christmas day, people were evicted. And the evictions are being carried out, the process now, it’s very scary to be honest with you because now, seeing that most of the owners and their legal teams are aware that they cannot evict without giving [an] alternative and if they serve the people with the documents the people will probably get attorneys to oppose those matters and whatsoever.

They move the applications behind people and obtain eviction orders behind people and they are there to just come evict people without the knowledge of people without the knowledge of people but because now most people they know us. Right now, if people are evicted this morning and the eviction order was served to them today and they were evicted; its not allowed.
Shereza identified how evictions currently happen despite anti-eviction legislation. In her previous statement she addressed the timing of eviction orders as a strategy used by owners to evict tenants before they request legal representation. While Shereza admitted that evictions continue she also recognized the role her organizations played to buffer unconstitutional eviction orders.

In 1998 South Africa established the Prevention of Illegal Eviction and Unlawful Occupation of Land Act (PIE ACT). The law intended to protect both legal and unlawful occupants by requiring building owners notify tenants at least 14 days before court proceedings to carry out an eviction and provide an a written explanation regarding the necessity of the requested eviction order. However if evictions become mandated, the constitutional court decided in the Blue Moonlight (2011) case that municipal governments maintain the responsibility to provide alternative accommodations for evicted tenants. The law intended to protect occupants by appointing the local police to oversee an eviction and supervise otherwise vulnerable populations like the elderly or children. While the PIE Act has a number of parameters designed to safeguard occupants from homelessness, elements of the law provide loopholes that local municipalities have used to circumvent these protections for the urban poor. Speaking to Shereza she told me, “if you remember when they started the evictions they were using this section 12 of the Standard Build Act of 1977”.36

This law authorized the City of Johannesburg the evict tenants for building health and safety code violations (Centre on Housing Rights and Evictions 2005, 38).

The State used the Act to request orders to vacate in conjunction with laws regarding health and fire safety requirements, but provisions for the status of occupants or alternate accommodation once evictions occur were not considered. The PIE Act attempted to prevent evictions using the Building Standards Act of 1977.

According to Stuart Wilson, a legal analyst and public advocate, “what the Constitution, the PIE Act and the higher courts have done (to their credit) is to equalize what used to be an inherently unequal and oppressive relationship. They have created a tie between property rights and housing rights. But that is not enough. Powerful commercial interests underlay common law property rights. These rights will not lie dormant for long” (Wilson 2009, 282). Wilson recognizes the legal limitations of laws designed to protect occupants from evictions and the unequivocal “structural disadvantages” of property relations in South Africa. The PIE Act and subsequent legal decisions in the San Jose and Blue Moonlight cases established terms for municipalities and owners to pursue mediation and require housing alternatives to prevent homelessness.

Despite these landmark verdicts, Shereza explained, “The PIE Act has helped a lot. Actually from what I understand they are going to amend it. Because they say it protects the hijackers, it protects people who don’t want to pay rentals and whatsoever. They will amend it anyway because they want to clean the Inner City of Johannesburg.” Shereza’s statement that amending the PIE Act could lead to the removal of poor people from the Inner City relates to the precariousness of constitutional law and the reality that underpins the eviction described earlier in this chapter.
The Inner City Resource Center provides an array of services and support for Inner City tenants dealing with housing issues and evictions. The organization included three main staff members, Shereza Sibanda, the founder and director of the organization, the community liaison Philemon Makweng and Mujinga Yabadi, the women’s empowerment coordinator. For the duration of my field study I observed and participated in various activities at ICRC. Some of my undertakings included developing an organizational newsletter, video recording or photographing organizational events and editing funding proposals. Throughout my time at ICRC, my day-to-day engagement allowed me to see the full range of assistance they provided for tenants facing housing rights issues. As an advocacy group, brochures and pamphlets displayed throughout the office discuss South Africa’s housing rights and provide contact information for support services related to housing and human rights issues. The Inner City Resource Center’s flyer reads in bold-faced print “Resist Human Rights Violations” and lists the type of assistance offered:

- Fight human rights violations by landlords
- Challenge high rentals and unfair rental increases
- Challenge high electricity and water bills
- Unfair charges for keys and bank charges
- Challenge lock outs of premises
- Challenge illegal evictions from premises by landlords who use security guards
- Educate and raise awareness within the community about human rights
- Assist the community to have access to schools, hospitals and social grants.
- Get legal assistance for people who are facing evictions.

At the bottom, the flyers read, “our constitution protects everyone from human rights violations, if you are facing the above problems join us NOW.” The Inner City
Resource Center’s indication that housing rights are a human right is an important part of their political philosophy. By listing human rights violations as a part of their overall goal as an organization, ICRC placed both international and domestic rights as central to everyday life the inner city. Shereza explained, “The City is no longer evicting, because of the case, the San Jose case. So their hands are tied. They can’t do it; they use these investors, and they give these investors the city’s attorneys to assist them in evicting the people - so they will normally use that word of ‘hijacking’ – a building has been hijacked, people who are living there are illegal.”

For its own part, the South African state defines evictions thusly:

“Evict” means to deprive a person of occupation of a building or structure, or the land on which such building or structure is erected, against his or her will, and “eviction” has a corresponding meaning; (ix) “owner” means the registered owner of land, including an organ of the state (x) “person in charge” means a person who has or at the relevant time had legal authority to give permission to a person to enter or reside upon the land in question; (xi) “unlawful occupier” means a person who occupies land without the express or tacit consent of the owner or person in charge, or without any other right in the law to occupy such land, excluding a person who is an occupier in terms of the Extension of Security of Tenure Act, 1997 and excluding a person whose informal right to land, but for the provisions of this Act, would be protected by provisions of the Interim Protection of Informal Land Rights Act, 1996, Act No. 31.37

The South African constitution made significant inroads to expand democratic rights to the majority of South Africans but the implementation of those rights continues to challenge the integrity of the constitution itself. In Jerome Binde’s Towards an Ethics of the Future, he characterized modern society as threatened by “growing inequalities…rampant social and urban apartheid and threats to democracy…” (Bindé

37 Prevention of Illegal Eviction from and Unlawful Occupation of Land Act 1998
Binde formulated that contemporary times fall under this rubric of this explanation and also represent a “tyranny of emergency”. Bindé explained that, “Emergency is a direct means of response which leaves no time for either analysis, forecasting, or prevention. It is an immediate protective reflect rather than a sober quest for long-term solutions. It neglects the fact that situations need to be put in perspective and that future events need to be anticipated.” (Bindé 2000, 52) Evictions represent this idea of tyranny. The conditions of the inner city have caused local government officials to voice alarm, prompting evictions from areas considered unmanageable or where they have lost their reins. The lack of affordable housing in inner city Johannesburg leads to the placement of evicted populations in temporary housing, which later becomes permanent, because of the lack of long-term policy solutions for populations in dire need of housing in cities’ urban cores. Individuals living in properties as illegal occupiers or that have been earmarked for eviction live in anticipation of removal live in a perpetual state of emergency, not only because they fear evictions from landlords or property owners, but also because the City of Johannesburg has no “durable response to human problems” the basic need of shelter, for the urban poor. As Bindé puts it, “What has to be done, therefore, is to invert the logic of emergency, which governs the self-justification of current policies; it is not the emergency of problems which prevents the formulation of long-term plans but the absence of any plan that subjects us to the tyranny of emergency.” (Bindé 2000, 52) Similarly, Henry Giroux has pointed out that this idea of temporality is linked to a greater crisis in contemporary democracies. Giroux considers emergency as, “Lacking any reference to democratic collective aims, the appeal to emergency time both shrinks the horizon of meanings and removes the
application of governmental power from the fields of ethical and political responsibility. Emergency time defines community against its democratic possibilities, detaching it from those conditions that prepare citizens to deliberate collectively about the future and the role they must play in creating and shaping the conditions for them to have some say in how it might unfold.” (Giroux 2002)

**The Battle is not over**

In 2011, the Constitutional Court ruled in favor of evicted tenants in the landmark Blue Moonlight case. This Court decision would obligate the State to provide alternative accommodations for evicted tenants in privately owned property. Yet tenants and attorneys advocating on behalf of them soon realized that the state would reluctantly uphold its obligation to these tenants without impending litigation. According to Jackie Dugard, enforcing the Blue Moonlight case became a lengthy and expensive effort that demonstrated “the Court’s reluctance to provide adequate content to the right of access to adequate housing has allowed the City of Johannesburg to tender substandard accommodation that violates multiple rights. The Court’s failure to provide longer-term oversight or structural interdicts has meant that litigants cannot rely on the Court to enforce or vary its own orders. Instead, they must rather continually return to lower courts, and then defend new appeals, in an attempt to vindicate their rights.” (Dugard 2014, 278)

Dugard’s reflection on the Blue Moonlight case is a powerful indication of how the State responds to constitutional court’s ruling. In another sense, Dugard’s statement also reveals the bureaucratic nature of the State that delays action to address the socio-
economic rights violated by housing evictions. For tenants evicted or facing imminent forced removals they experience both the States indifference to their everyday livelihoods and costly litigation processes that attempt to hold the State accountable.

For evicted tenants grappling with the actual event forced removals have power implications on how people view space and place. A street vendor named Joseph, who lived in a small non-descript house in the Berea section of inner city Johannesburg, described his eviction. As a hawker, a commonly used term to describe street vendors, he recently subject to a mayor-mandated police raid, which removed hawkers from the street. On this day he would be subject to another eviction. Behind a white concrete wall he lived for more than 20 years in a single-family house that had been apportioned for as many as 60 people and 17 or so families. When I asked him and other residents about the atmosphere of the home before their eviction, they described a clean and orderly environment where all of the tenants regularly cleaned the premises. Joseph, the eldest tenant proudly described the communal atmosphere of the home and how he assumed the role of the onsite superintendent to make sure the house remained clean and orderly. Joseph and other tenants of the home took pride and valued their dwellings despite the overcrowding.

When I came to the house after the eviction, I noticed a guard sitting outside of the house, but within the gate of the property. Peering through the gate I notice that the porch had been damaged and the rubble from the infrastructure had been littered across the outside walkway of the house. At the time of the eviction, I stood behind a yellow tape marked off by the Red Ants, a private security firm that hires men to evict tenants. At the time, I was warned to put away my camera and not document the proceedings.
They wore all red uniforms, which is why they are referred to as Red Ants. Recordings of their activities and in my own experiences showed their brutishness and violence when destroying personal belongings of tenants. The aftermath of the eviction showed just that. These phenomena resemble the “fatal power-difference couplings” described by Ruth Gilmore when she contends that power reproduces itself through the application of violence.

For example eviction notice dates listed rarely align with the actual event. Evictions embody what Bindé referred to as temporalities of emergency. When I returned to the site of this eviction tenants recounted the day of their removal and the ongoing challenges they faced. Even though the eviction remained raw in the minds of these tenants, they also spoke candidly about their struggles living in the inner city. Based on their responses I suggest we think of three phases of evictions, because evictions expose multiple scales of power and resources that affect inner city residents differently. The first is place, followed by the experience of the eviction, and lastly the aftermath. Individual vignettes will demonstrate each phase. While I was not able to follow a single household or individual through an entire eviction process, I encountered people through various parts of that experience of forced removal. I document their lives at various stages of the eviction process including the site of the eviction, the actual event, and the aftermath, in order to examine the conditions of places where evictees once resided.
“Next It’s You.”

It started out as a typical morning. I arrived at the Inner City Resource Center in the morning and checked in with Shereza and Philemon. Shereza, the Director of the Resource Center, generally worked on securing funding for the Center and receiving intakes from individuals seeking advice about an eviction notice. Philemon, the Center’s community liaison, came to the office to check his manifold on whether he needed to assist members of the resource center at the housing tribunal or assist members on site if conflicts emerged between tenants and landlords that reach outside the scope of their ability to stay without being rendered homeless.

On this particular morning, Philemon received a call about an ongoing eviction. He promptly summoned me and we headed off to the location. We quickly headed to the street taxi rank and crowded into a van heading from Braamfontein to Berea. Ironically, while riding in the taxi, we passed the constitutional court where the high court has ruled in favor of protecting tenants’ rights in many eviction cases, while at the same time permitting evictions to occur on private property. That day’s eviction occurred in a small house partitioned to accommodate a number of tenants in a privately owned property. As we traveled through the bustling streets of Hillbrow towards Berea, we approached the street where the Olivia Road case had occurred several years back. Philemon signaled the driver and we exited the van. While heading down the street we slowly approached a group of onlookers blocked off from a large area where men with red uniforms violently tossed furniture and personal belongings into the streets.

The street filled with piles of household furniture, while tenants stood nearby and tried to grapple with the meaning of their eviction. In the public sphere, media attends
to the spectacle of evictions instead of considering tenant perspectives or quality of life concerns. Tenants vantage points are essential, because they disrupt popular notions of evictions related to tenant non-payment or neglect. When I arrived at the house to discuss the eviction with tenants, they shared upbeat stories about living in the house. One of the elder tenants described a schedule for cleaning and maintenance he devised for other renters. A small terrace separated us from the debris of the house next door.

Sitting with a number of tenants recently evicted from their home they uttered the words, “Next it’s you”. While on the porch with tenants of a non-descript brick home in the inner city area of Berea, I spoke with them about the eviction I witnessed a few days back. Their former home, fenced off and in rubble, now had a guard placed at the entrance. Even in light of constitutional rights to protect individuals from eviction that lead to homelessness, evictions persist. The reasons vary, but in this case the eviction notice listed an address different from street address where I arrived with Philemon a few days back.

During the confusion of the event, Philemon acquired a copy of the eviction notice. His thin frame shuddered, while he pleaded with the Sheriff, pointing out the discrepancies in the eviction order. Crashes of furniture rang loudly as men in red suits hauled out tenant belongings, while others of them encircled the stacks of possessions like vultures picking apart prey. Philemon showed the police where addressed listed, did not reflect the house number used by the tenants. Evictions are unrelenting engines in motion, so despite Philemon’s accusations the eviction did not stop. When I returned to the house to interview the tenants about their experiences that day, I saw a large house number painted on the wall. This house number differed from the one I read listed on
the eviction notice. I saw no entrance or mail repository for the address listed on the eviction court order.

According to the South African constitution, judges must issue court orders before an eviction takes place. Property owners or a landlord may bring an eviction order to the courts and judges must consider all relevant circumstances that would consider the best scenario for both parties.

What I later found out is that while the tenants understood that the property changed hands and they received an eviction notice for the “real” address they lived in, they had proceeded to receive support from legal and non-profit advocates to better understand their legal rights of occupation. All the while the owner circumvented due process to organize an application of eviction for the alleged address, which became approved by a judge and then carried out by a Sheriff to oversee the eviction.

Despite important constitutional legislation created to uphold housing rights in South Africa, the inability to enforce municipal oversight at all times, remains an obstacle to tenants and advocates of evictees. For instance, when I met with tenants after their eviction, I noticed two vehicles parked in front. One car and one truck, each weathered by sun and the arid Johannesburg air sat idle in front of the house where I watched the recent evictions. From the street nearby, I could see worn out boxes lining the windows. As I arrived at the house, I asked a group of men if they knew Joseph, one of the evicted tenants who agreed to speak with me about the eviction. When Joseph arrived, he gestured towards the vehicles as the place he currently lived.

The housing organizer Shereza Sibanda often suggested that recent evictions have been carried out surreptitiously or in ways that continue to leave tenants without
legal protections. While the Constitution is an important and far-reaching document, how amendments are interpreted and applied continue to effect the everyday lives of tenants in ways that exacerbate their already vulnerable socio-economic positions.

This idea highlights what legal expert Jackie Dugard referred to as “avoidance techniques” exercised by the Constitutional Court, which leaves room for evictions and as a consequence continues to empower private owners to evict, because the court’s interpretation of constitutional laws often lack substantive socio-economic application. An eviction in the inner city suburb of Berea would represent one of those cases and highlights some of the experiences of evictees. For example, Joseph a tenant evicted from a privately owned dwelling received no temporary housing accommodations. When I spoke to other tenants evicted from the same house, they described sleeping in nearby parks, doubling up in the neighboring property or like Joseph bunker in one of his cars on the street. So while local authorities are obligated to provide temporary accommodations in order to prevent homelessness, in situations where oversight and enforcement remain up to pro-bono attorney’s or tenants themselves, city governments can delay or avoid their constitutional obligation all together. 38

Evictions also relate to a growing frustration among poor South Africans that national liberation has yet to provide the redistribution of services and goods promised at

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38 See Blue Moonlight Properties 39 (Pty) Limited v Occupiers of Saratoga Avenue and Another [2010] ZAGPJHC 3 (4 February 2010) 172. There can be no doubt that the City breached its constitutional and statutory obligations towards the first respondent occupiers by precluding them for a period of at least four years from access to its emergency and temporary housing programs. I have found that the City breached the section 9 equality provisions of the Constitution. I should add that by reason of my conclusion it is unnecessary to also consider the attack based on arbitrariness. Blue Moonlight Properties 39 (Pty) Limited v Occupiers of Saratoga Avenue and Another (ZAGPJHC 3 February 4, 2010).
the end of Apartheid. For so many who live in the inner city, the balance between affordability and survival requires households and individuals to double-up or live in places precariously constructed to accommodate an unaffordable housing market in inner city Johannesburg. South Africans and African migrants continue to move into the inner city for economic and social reasons, despite high rentals and economic circumstances that force people into precarious situations. Many of these circumstances include overcrowded tenements or improperly partitioned single-family homes. In some cases this apportionment of living space is facilitated by the landlord or through a superintendent that collects rentals on site. In these circumstances the landlord may have limited knowledge of the tenants, but at some point decides to reclaim the property and evict tenants who had no legally binding right to inhabit the premise in the first place.

The rising price of rentals in inner city Johannesburg has created an opening for unscrupulous property owners and the urban poor looking for housing. One of the tenants, Joseph, a long–time resident of this house, describes what happened,

It was I think around 9am, somewhere around nine. When I was coming out…it was a gentlemen standing outside. He asked me, Have you ever saw something...he does not know what is happening…There was some security outside, then when I went out. I saw some securities wearing red and being …but they were standing outside, they were plenty. And I went to them and I said please gentlemen, can you tell us what are you waiting for? And they said they are waiting for transport?

Here was another guy by this corner, he informed me, “no that guy I hear, they are going to evict you here. Who said [pause]? Over here. Then I tried to call the police, when you call the police, they get into their van and run away. They get into their van and run away.
But shortly when I went out, another person who lived in the house told me, (Joseph, Joseph, Joseph) they are coming in, they are coming in – very soon when I went out, they say, hey, hey go out, (pow) They gonna evict you, here. I say, is it? I say I will go and call the police. When you call the police. They hear it and get into the van and run away. Then I went in the house again. And stealing our goods out. They started kicking the door, without any inform.

State sanctioned violence in the form of evictions has become more common in post-Apartheid South Africa. Joseph described a chaotic moment that included the collective force of the police and Red Ants, an expression used to describe men who dress in all red uniforms, hired by the Wozani Security Company to remove tenant belongings during an eviction. (Murray 2008) When I met with Joseph and other tenants they expressed confusion and dismay about their eviction. Unlike other evictions described in the media they lived in a clean well maintained home. As we discussed their eviction, tenants sat and stared through the barbed wire, while their home sat idle in ruins.

Several weeks earlier, Joseph experienced an eviction as a street trader during the mayor’s Operation Clean Sweep. An interview conducted with an official in the City of Johannesburg conveyed the climate of both housing and street vending evictions. The City authority’s convictions on the inner city’s environment are indicative of how the state views the poor. The mayor’s use of terms like “zero tolerance” and police driven sweeps of informal street traders also signal aggressive forms of punishment used to intimidate the poor. A housing official provided an illuminating and at times conflicting description of the inner city and the City’s plans to manage it. When asked about current programs intended to redevelop the inner city they replied,
The inner city is not ours – it belongs to the City. It’s run away from us, everything literally is happening, in spite of us and we need to arrest that so we can control how thing happen, so that network of neutrality is every department. And the City has to have a stake.

City officials and property owners when discussing challenging issues facing the inner city often express an “us versus them” edict. Even though the City government and landlords have played an important role in inner city’s deteriorating environment, they often blame the urban poor. While speaking on the adverse effects of displacement and the City of Johannesburg’s goal to tackle inequality they also framed this change as the responsibility of those most vulnerable populations. The spokesperson for the City of Johannesburg’s housing department said,

We are looking to change our investment strategy and it started to a degree – and we looking at good governance and we are looking a behavioral change. Behavioral change is key. We need to have ownership. The mayor did an intervention three weeks ago, in which he removed all the hawkers. I’ve walked the inner city, it’s clean. A hell of a lot cleaner than it was three or four weeks ago. I feel safer, yes. Without a behavior change, you are not welcome back and that behavioral change speaks – they need to own the space there in. I can go into the inner city right now and start peeing wherever I like, people will walk by past me and not bat an eye, in other world cities, people will look at you, hell and the looks - you will run away, just from the look – cause they own no body owns this space. I’m not talking about buildings, the spaces between the buildings, nobody owns it and we need that behavioral change, the informed citizenry approach where people do not accept bad behavior. There has to be a middle ground. Don’t dump on your doorstep. You have to stop dumping in it. Then you can come back.

While the housing spokesperson recognized that the abandonment of inner city buildings came as the result of landlord negligence, he continued to place blame on poorer residents. Government officials continue to side step their own culpability for the conditions of the inner city, while reducing the debate about evictions, poverty and the physical environment to those who bear the
brunt of maligned and misdirected public policies. The housing official narrowed the prescription to reclaim the inner city with attack on residents’ behavior, not municipal neglect nor the “old owners” who have come back into the inner city to seize properties they have abandoned and turn profits once again.

For evicted tenants the depoliticization of housing matched with political strategies bereft of any solutions to housing for the poor in South Africa continues to place them at the center of what Bindé referred to as a tyranny of emergency.

Throughout my study I have demonstrated how behavior and cultural analysis of tenants elide the historical configurations of inner city Johannesburg. This history intertwines with the country’s labor history that required that South Africans seek employment in places far-removed from their dwellings in order to meet their basic needs. These sets of political and economic circumstances continue to influence why so many people moved into the inner city and why individuals continue to live in substandard housing or in shady agreements with landlords/property owners or in some cases hijackers. The circumstances that lead to evictions, while portrayed as symptomatic of individual negligence or civil disorder, ignore how the political and economic interests of elite groups, now mainly black, have persisted to buttress these phenomena that continue to shape eviction processes. In contemporary South Africa, formal labor positions have dissipated whereas those most vulnerable to evictions exist in a liminal space of work. Many are neither formally nor informally employed, which
exacerbates the conditions of places like the inner city, yet many of them etch out an existence through myriad contingencies. These activities include a range of unstable or casual labor situations like: selling sweets on street walkways, guarding cars, collecting bottles and cans or remaining unemployed, due to a lack of skills or education.

For activists like Shereza, Philemon, and Moses, evictions have become central to their organizing efforts in inner city Johannesburg. The Inner City Resource Center demonstrates how local activists continue to challenge evictions through everyday grassroots efforts. They emphasize that evictions are processes that end in aggrieved public arenas but include the history of Apartheid city planning, property relations and the politics of contemporary urban redevelopment projects. More importantly navigating these uneven terrains of the post-Apartheid political urban economy requires attention to the livelihoods of tenants dealing with evictions in specific everyday ways.

In examining the role of local activist perspectives, I argue that a focus on grassroots forms of activism helps us to understand evictions as a multi-layered engagement with State, grassroots activists and the specific work they carry out.

These insights have not been given sufficient attention in terms of recent scholarship on contemporary Johannesburg nor in the context of evictions and urban redevelopment. Their observations yield important insights into contradictions of constitutional housing rights in post-Apartheid South Africa and provide a nuanced picture of the livelihoods of social activists challenging the fraught reality of evictions in contemporary Johannesburg. In the eyes of local activists, media representations of the Inner City and victim blaming dissuade real political action towards access to affordable housing and the application of constitutional housing rights. If we seek to understand
how evictions affect the daily lives of individuals living under such circumstances, it is critical to appreciate the intersections between state power, real-estate property owners and housing tenants as they navigate the shifting landscape of housing, eviction and urban redevelopment in inner city Johannesburg.
Contesting mainstream media imagery of inner city Johannesburg

The media plays an important role in representing groups faced with evictions. In this chapter the role of media is explored as it relates to evictions and places where evictions often occur. In a conversation I had with Moses Moyo, a local activist and founder of a community newspaper called the Inner City Gazette he draws attention to the relationships between media and popular perceptions of the inner city. Our conversation included his experiences through an eviction process and misrepresentations portrayed in the media about the inner city. During our discussion Moses referred to a popular movie about the inner city, *Jerusalema: Gangster’s Paradise*, as an example of how media portrayals obscure everyday struggles related to living in buildings subject to eviction procedures. In conversation about the film, Moses believed that the depiction of the phenomena called “hijacking” exaggerated one [violent] side of these incidents while delimiting the effects of uneven urban development, a depressed rental housing market for low-income tenants and the legacy of Apartheid property ownership. In this context, I suggest that contemporary efforts to regenerate the inner city have become contingent upon the state to enact policies that often lead to evictions and in the process frequently empower old landlords and new property developers at the expense of tenants.

This chapter argues that the media has significantly affected how the general public perceives inner city Johannesburg. These perceptions have narrowly focused on descriptions of violence, criminal activities and poverty, without fully understanding the
role of property owners, the State and the political economy of the inner city. I explore these issues by analyzing the text of a conversation I had with Moses about inner city evictions. Our discussion lead to his mention of the film *Jerusalema* and how he believed the movie understated some of the legal and economic factors that have lead to hijacked buildings and evictions. My analysis of popular media and evictions acknowledge how popular discussions about racial urban areas frequently ignore structural conditions like chronic underemployment, inadequate housing policies and historical patterns of spatial exclusion that have long defined housing conditions and landlord relations throughout the inner city.

Hostile descriptions of the inner city in newspaper articles and headlines situate a film like *Jerusalema* in the context of Stuart Hall’s theories on the hegemonic authority of media messages. With this in mind I view *Jerusalema* through this lens and identify news coverage that uses *Jerusalema* as a floating signifier that supersedes its fictitious existence, but rather associates actual conditions closely tied to the film as a replica of authenticity. By identifying these social meanings I agree with Hall’s assertion that “hegemonic viewpoints” of society can oversimplify complex experiences. In response to that point I trace Moses’ life as a housing organizer and founder of a local newspaper to highlight an alternative perspective on evictions and hijacking through his personal narrative and the setting of the Inner City Gazette. This perspective complements my view that the inner city has been encoded through media representations, which elide the complex social practices of everyday life among the urban poor in Johannesburg. Moses’ criticism of *Jerusalema* stems from his own housing experiences in inner city
Johannesburg and provides a more extensive consideration of the politics of housing and evictions.

**Moses and *Jerusalema***

*Jerusalema* actually showed a very wrong picture—I mean I still want to meet the producers. Actually I still want to tell them they gave people an impression that we were being robbed being terrorized by guns. Building hijacking is far different from what was portrayed in *Jerusalema*—people take over buildings with pieces of paper, with a court order. Do you understand what I mean? So they actually failed to come to the grounds and do proper and thorough research on the ground and much of the damage that has been done to the Inner City—it is not been guns, it’s done by court documents, people that have hijacked buildings legally—people that have claims that they own buildings; entitled to collect (ya know, he said rhetorically) and I’m not saying the guns were not there—that was the first phase. When this thing came, people would come with guns and force you to pay them. But now guys will come, and would say, “We’ve bought this building—at the end of the month [you] pay your rent into this bank account.—And there are no guns there; it’s voluntary—after three years of paying the council tells you, no. So maybe we need to do a *Jerusalema II*—a different type of *Jerusalema* that actually highlights what I have told you. (Moses Moyo)

This excerpt from Moses, an immigrant from Zimbabwe identified several aspects about “hijacking” that are of particular importance to evictions in inner city Johannesburg and depicted in the film. The ethnographer John L. Jackson Jr., suggests “fictional race-and-class-based representations on the big screen…also organize the social logics of these mass media worlds.” (Jackson 2001, 194) While media representations have become a part of the everyday practices that inform performances of race and class, the interconnections between fictional accounts of race and class also constitute ways of thinking about the inner city and tenants of so-called “hijacked” buildings.
In our conversation Moses’ identified several key points that relate to a more nuanced understanding of evictions and hijacking not thoroughly dealt with in the film’s storyline. First Moses’ comments identified how Jerusalema misrepresented “hijacking” as a sensational act of violence rather than through the mundane aspects of legal action. Second, he refuted the portrayal of “hijacking” in the film by suggesting that filmmakers insufficiently researched “building hijacking” which leads to an inaccurate assessment of the “damage” caused by “court documents” that authorize property ownership. Finally Moses acknowledged that the legal transactions carried out by owners often with the City “councils” approval cannot be overlooked, because they have adverse effects on tenants. In other words building “hijacking” depicted by the film obscures the real and far-reaching legal processes that underpin “hijacking” and in many cases result in tenant eviction. As a former tenant of a so-called “hijacked” building living in the inner city at that time and as a local activist concerned with housing issues, Moses provided a unique perspective on the controversial practices of “hijacking” and evictions.

Moses’ rejection of Jerusalema’s depiction of “hijacking” and evictions in inner city Johannesburg conveys a broader angst about what often seems like the unbridled authority of property owners to evict or reclaim properties with the assistance of local government. Building “hijacking” in inner city Johannesburg warrants a deeper engagement with the material aspects of the phenomena. While “hijacking” is both racialized and viewed as an issue facing the urban poor, property owners and local government officials to justify eviction orders have established the social construction of “hijacking” within a discursive field that elides asymmetrical legal and political forces used. As George Lipsitz has argued, “The practices of the past impede progress in the
present, acting as a kind of self-reinforcing perpetual motion machine. No single actor needs to make an intentional decision to discriminate for space to be racialized and race to be spatialized.” (Lipsitz 2011, 124) This means that the history of Apartheid’s spatial exclusion and racial discrimination have continued to influence tenant and landlord relations despite government efforts to redress these legacies of social inequality. This perspective also recognizes the variegated ways the past informs the present and that grounded research approaches to “hijacking” offer specific ways in which to understand a range of practices that lead to evictions from the everyday knowledge’s of inner city tenants and activists.

My introduction to “hijacking”

In 2008 my introduction to the term “hijacking,” a popular term used by people throughout inner city Johannesburg came during an interview with municipal government officials. During this exploratory research trip the Head of Housing for the City of Johannesburg and other members of her staff briefed me on current issues related to low-income. At the time the Department of Housing had offices in a high-rise building in the center of the Braamfontein section of Johannesburg’s inner city. During the interview they described some of the most pressing issues occurring in the inner city and at some point one of the staff members took me towards the office windows to take in the expansive view of the city. From their offices you could see all of the inner city, which includes the nearby Johannesburg Theatre and the offices of the trade union federation COSATU, also known as the Congress of the South African Trade Unions. Since my preliminary inquiries included access to low-income affordable housing and
post-Apartheid urban redevelopment policies, my governmental hosts gestured towards high-rise apartment buildings in the nearby section of Hillbrow.

Hillbrow is considered a tough section of the inner city; neglected buildings scattered throughout Hillbrow have become symbols of the area’s checkered social history. While taking the time to point out the troubled locations in the area, they introduced me to an unfamiliar term - “building hijacking.” To describe the expression, they painted a picture of armed gunmen or criminal syndicates controlling buildings abandoned by their owners when Apartheid ended or in some instances where landlords used middlemen to work on their behalf to collect rent and oversee tenants without managing the overall maintenance of the buildings. While the City of Johannesburg has no exact statistics about the buildings where these phenomena oftentimes occurred, a recent report by the Socio Economic Rights Institute (SERI) estimated that 122 to 1500 buildings could be considered a “bad” building in Johannesburg’s inner city.\(^39\) Even though I had initially understood “hijacking” as a term used in line with terrorism, I later realized that the term became popular in the 1990’s when the inner city became one of the most densely populated black urban spaces outside of townships. A report in 2008, conducted by the Centre for Applied Legal Studies titled, A Tale of Six Buildings, gave a useful description of the types of buildings considered as “bad” or possibly “hijacked”. The study offered several examples about the limited range of rental accommodations available to poor urban households in inner city Johannesburg. The following cases also

considered tenants in such housing circumstances as unlawful occupiers, a designation used by the State that “describes a mode of housing in which people without either formal title or contractual agreements have occupied properties following the abandonment of the properties by the registered owners.” (CALS: Centre for Applied Legal Studies A Tale of Six Buildings 2008, 4) These examples include:

1. Abandoned rented/tenement buildings
2. Unmanaged Sectional Title Schemes
3. Housing tenure/management related obstacles
4. Municipal systems related obstacles
5. Absentee Owner
6. Hijacked Sectional Title
7. Municipal debt

**Jerusalema – The Film**

The media continues to play a significant role in how audiences view and understand marginalized urban communities. In this section I will describe and analyze the plot, setting, and main characters of the film *Jerusalema: Gangster’s Paradise*. Moses’ analysis of the film provides background to “hijackings” and the context in which they take place. Moses’ also suggests how the films narrative and imagery of the inner city have become central to popular discourses on the area.

The movie’s storyline influences perceptions of the inner city and continues to inform how residents of the inner city view themselves in relation to media portrayals of the area. Even though *Jerusalema* does not differ from many black urban media depictions, the setting of inner city Johannesburg is unique and foregrounds my understanding of demographic urban change in the inner city and the political economy
of property relations that occurred during this transition. By highlighting local experiences in the inner city, I am also building on the scholarship of urban anthropologists who have empirically challenged racialized tropes of urban communities. (Gregory 1998; Mullings 2005; Vargas 2006) Like these anthropological studies about black urban populations I aim to critique the film as a mode of representation that contrasts lived experiences of race, class and gender, while contextualizing these social relations as a part of distinct cultural representations mediated by state actions.

*Jerusalema – Filmmaker’s point of view and my analysis*

Popular accounts of the inner city remain fraught with images of despair and abjection. Released in 2005, *Jerusalema: Gangster’s Paradise* attempted to grapple with the everyday grittiness of Johannesburg’s inner city during the 1990’s. According to director Ralph Ziman, the title of the film signified the contradictions of the Hillbrow neighborhood and its local conditions. The director said, “I wanted *Jerusalema* to take a harsh but realistic look at Johannesburg, but I also wanted to reflect the hopes and aspirations of its citizens. When you look at Hillbrow from a distance, it does look like that shining city on a hill, you find another story.”40 (Ronge 2008) Born in 1963 in Johannesburg, Ralph Ziman a White South African filmmaker and artist wrote, directed and produced a number of films about South Africa after Apartheid. From his

statement, the film attempted to present a slice of urban existence outside of a South African township and offer viewers a sense of life in Hillbrow that not only encapsulated its’ unforgiving nature, but also celebrated those who overcame the areas harshness. Despite widespread critical acclaim for the film, much of the storyline centers on stereotypical caricatures and a “culture of poverty” ethos, which includes a gangster’s ascendancy. The movie *Jerusalema* placed Hillbrow and the film’s protagonist somewhere between inner city tragedy and street-life romanticism. Film reviewers suggested that the film should be nominated for Oscar recognition. (De Jager 2008) The director’s view of the setting, combined with his perspective that signified *Jerusalema* as a “place on a hill” where self-redemption is possible, also relayed a common belief of Johannesburg as a place of opportunity. Equally, Martin Murray has persuasively argued,

The popular media has routinely caricatured daily life there as an uphill battle against social disorganization, crime, and vice. This constant barrage of distressing images that focus solely on material deprivation, moral decadence, and antisocial behavior has left little room for alternative understandings. What appears from the outside to be a monolithic, one-dimensional accumulation of urban pathologies is on closer inspection actually a heterogeneous assemblage of differentiated places, or microlocalities, characterized by subtle variations and nuances. For those willing to look behind the demeaning images and the distorted stories, the inner city is revealed as full of surprises: faith-based organizations that actually serve their members, churches that provide sanctuary in a heartless world, and other social organizations that provide the kinds of networks, connections, and affiliations that sustain and enhance the ordinary lives of families, friends, and relatives. (Murray 2011, 171)
Plot

Even though many people suggested that I see the film because of my interest in the inner city, my own viewing of the film contrasted with the positive reviews of the movie and corresponded more with Moses’ comments. *Jerusalema: Gangster’s Paradise* follows an all too familiar rag to riches story. The plot includes a well-worn narrative of black urban experiences that fixate on social mobility from poverty to fortune through the illegal drug trade and other activities associated with that line of business. While Johannesburg is the setting of this film, we have often seen a similar approach to the gangster’s ascendency set in Rio De Janeiro (City of God) and New York City (New Jack City), which have pedaled similar storyboards that conflate race, culture and street economics.

As Joao Costa Vargas described in his ethnography of South Central Los Angeles, “Controlling images, as described by Black feminists scholars and activists, are one of the main ideological instruments utilized in everyday interactions and by societal institutions (schools, prisons, hospitals, for example), policymakers and hegemonic scholarship to describe and justify (even if unwillingly) the imposed marginalization of communities of color.” (Vargas 2006, 23) In the film, the main protagonists searches for employment in the big city and laments his ongoing frustration with the lack of opportunities, which figures prominently in the film. His belief that creating a criminal syndicate and becoming a part of Hillbrow’s underworld also fits neatly into an overall theme.
Main Character

The protagonist of *Jerusalema: Gangster’s Paradise* is named Lucky Kunene, a young man we are introduced to as a poor township youth. His story begins as a young learner or student who earned admission to a local university, but does not receive a financial aid package and eventually turns to a life of petty crimes. After several failed attempts to become a successful small-time thief, he has an undesirable run-in with an ex-MK, Umkhonto Sizwe member\(^{41}\), which prompts a move to inner city Johannesburg. Like so many films, the director captures the divide between youth and elders with unimaginative religious overtones, when Lucky decides to leave his family behind and move to the inner city with a close friend. The scene portrays a praying mother among other parishioners admonishing Lucky and his friend, before they leave the township and head to the city. This trek from township to city is also a common path of migration that characterizes the demographic composition of Johannesburg. Lucky’s move from township to the inner city has long personified a similar trajectory well documented in African urban anthropological literature.

The inner city and specifically Hillbrow is the background for the daily hustle of the rest of the film. In Joao Costa Vargas’ study of South Central Los Angeles, constructs of black urban communities remain central agents in perpetuating the daily lives of these groups. Since the majority of Black South Africans are disproportionately poor, the film lacks the historical and political framing of black South African urban livelihoods that would further contextualize the inner city’s transformation when large groups of black South Africans began to move there. As Vargas argued, “As cultural

\(^{41}\) The armed winged of the ANC during the anti-apartheid struggle.
and political constructs maintained by and reflexive of racialized and gendered social hierarchies, controlling images are part of commonsensical understandings that are often shared across lines of race, class, gender and sexuality. It is thus not surprising to find controlling images orienting Black institutions, persons, and community organizations. Indeed, such controlling images demarcate imagined communities within hypersegregated Black areas according to clearly drawn boundaries of blackness.”

(Vargas 2006, 23)

**Setting: The evolution of the “No-Go Zone”**

In the 1990s Johannesburg’s inner city began to resemble the hyper-segregation known mostly in racially assigned townships. As many scholars have pointed out, “By 1993, 85% of the inner city residential population was black and by 1996 only 5% was white. (Tomlison et. al 2003; Morris 1999; Crankshaw 1997) With the transformation of the inner city’s racial composition also came platitudes about the incoming residents and their daily lives. In newspaper articles gathered from 1994 until 2002, various news headlines assailed the social environment of the area. Several months after the countries historic democratic elections, an editorial about inner city Johannesburg read, “Jo’burg’s New Golden Dream”. Written in the City Press, a long-standing South African newspaper the author, Sipho Zungu contrasted the area’s blight with renewed national interest in making Johannesburg’s CBD a place of rejuvenation. However the language used in editorials is telling and relates to the overall stereotypes of the inner city. The editorial described the inner city as a place with “braziers” in flames on “street corners”, smoked filled avenues and “clothing hanging on washing lines at every second flat, at
every corner…” which Zungu maintained is not an unusual sight. Zungu went on to write, “This is not Mshenguville. No, no, no. Not even your average squatter camp. It is Johannesburg. Your brand new capital…GONE to the DOGS!” That last phrase is followed by “Glue-sniffing twilight children” and “master muggers,” while ending the piece with “Oh, Jozi, Jozi, Cry the Beloved City. Can it be saved” (Zunga 1994).

Zungu’s comparison to Mshenguville, an informal settlement in Soweto underscores his view of the inner city as a “squatter camp”, but his formulation that Johannesburg had “Gone to the Dogs” evoked disorder and savagery.

While viewing a number of articles from the periods of 1994 – 2000, a time that saw a rapid decline in the housing stock throughout inner city, headlines did not hesitate to use sensational terms and expressions to describe inner city neighborhoods. Private and governmental plans to regenerate the inner city accompanied disparaging feature articles with titles like “Save dying Jo’burg is the plea,” “Hell hole to get a major facelift,” or “Even the experts cannot agree on how to revive Johannesburg’s urban wasteland”. Unlike popular descriptions of the inner city’s rapid decline, the descriptions of its physical deterioration reflected long-standing patterns of economic exclusion and racial inequalities. In Martin Murray’s examination of Johannesburg’s uneven spatial landscape, he builds the case that,

This secular decline of the Johannesburg inner city did not take place overnight. The early warnings signs of approaching decay appeared in the late 1970s when the first large-scale corporate enterprises decided to relocate there headquarter offices away from the central city. This process of spatial relocation accelerated during the 1980’s and reached a crisis point by the early 1990’s. The stagnation of central city had gone hand in hand with the unprecedented horizontal growth of the greater Johannesburg metropolitan region. This “urbanization of suburbia” has reversed the conventional relationship between the historic urban core and dependent periphery. (Murray 2008, 66)
Similarly other studies of Johannesburg’s inner city have pointed out that “the exodus of white residents was aided and abetted by landlords who saw the illegal status of black tenants in the 1980’s as an opportunity for increasing profits through raising rents, overcrowding, and reducing building maintenance.” (Tomilison et.al, 2003, 13)

Many factors have led to the decline of the inner city, including significant economic disinvestment and the legacies of uneven development that characterized the Apartheid system. The abandonment of commercial and residential properties and the departure of inner city businesses had an adverse effect on the area’s residential tax base. All of these factors indicate how popular accounts of the inner city continue to omit significant aspects of the areas historical and economic life.

The editorial written by Sipho Zungu, and other editorials about the inner city viewed the visible physical decline of the inner city as a ubiquitous trait brought on by new residents, mainly black South Africans and newly arriving African immigrants. In contrast ethnographic materials call attention to a different understanding of the area’s social milieu that echoes Moses’ statement, “So they actually failed to come to the grounds and do proper and thorough research on the ground and much of the damage that has been done to the inner city.”

Theoretically, Stuart Hall’s writings about the production, circulation and consumption of media messages provide insight about how we view difference and understand cultural formations. Moses’ statement about Jerusalema anchors larger discussions about media and representation taken up by Stuart Hall. Hall believed that, “Representation is an essential part of the process by which meaning is produced and
exchanged between members of a culture. It does involve use of language, of signs and images which stand for or represent things.” (Hall 1997, 15) Media representations of the inner city as a place of “hijacking” become a substitute for more complex structural failures of governmental intervention in the low-income housing market.

The mere mention of researching everyday life in inner city Johannesburg would often bring up the question, “Have you seen Jerusalema?” Despite its release in 2008 the film still resonated with many South Africans and was featured in 2013 as a part of the Jo'burg City Festival sponsored by the Jo'burg City Tourism Association and the Johannesburg Development Agency. Moses’ unprovoked mention of the film also confirmed its relevance. The film’s continued significance and barrage of stereotypical images about the inner city and criminality fits into what Martin Murray considers the overall representation of the inner city.

Murray explained, “As powerful symbols of all that is wrong with Johannesburg, the metastasizing slums of the inner city play a dual role in the urban imaginary: on the one hand, they lend legitimacy to middle-class retreat into fortified enclaves on the exurban fringe, and on the other hand, they provide convenient justification for heavy-handed interventions designed to clean up the cityscape, restore order, and kick-start regeneration efforts.” (Murray 2011, 138) These depictions of black urban life correspond with Hall’s analysis of race and representation that have become crucial signposts for opportune descriptions of the inner city. In his formulation, stereotypes have become central to “representational practices” of “racialized regimes of representation”. The images of “hijacking” and gangsterism in Jerusalema fits into what Hall understood as stereotypes. As Hall argued, “Stereotyping, in other words, is part of
the maintenance of social and symbolic order. It sets up a symbolic order. It sets up a symbolic frontier between the ‘normal’ and the ‘deviant’; the ‘normal’ and the ‘pathological’, the ‘acceptable’ and the ‘unacceptable’, what ‘belongs’ and what does not or is ‘Others’, between ‘insiders’. (Hall 1997, 258) Moses aversion to the film and use of the term suggested that the representations shown in Jerusalem remained part of the real and imagined residue of the movie’s symbolic orientation as an authentic version of life in the inner city.

News Coverage and Jerusalem

An article on evictions in a local newspaper gives an example of the enduring applicability of the film in public life. The headline read, “It’s like the movie Jerusalem.” (Nkabinde 2011) The article detailed city officials serving eviction orders in a poorly maintained series of building in the Central Business District region of the inner city. The columnist quoted several people at the scene that included the Johannesburg Metro Police Department, Emergency Medical Services and fire inspectors. Quotations throughout the piece indicate Jerusalem’s relevance as a reference for building evictions, “hijacking” and the tenants of these places. The article began by describing the building as “A dilapidated eight-story building…cluttered with rubbish and smelt of urine and paraffin.”\(^{42}\) The columnist then highlighted a statement by an EMS staff member to a security officer for one of the buildings. The EMS official said, “Can you see the state of this place? You’d better tell us who is paying you to

\(^{42}\) Parrafin is a domestic item used by many low-income households throughout South Africa. Although a potent chemical material, it is commonly used for heating and cooking.
guard it, otherwise we’re going to arrest you.” According to the article, the security officer led the police to the caretaker, a man described in the article as a go-between who collected rents for a nearby absentee landlord, a common arrangement seen in the inner city.

The piece also listed a public safety official in the mayor’s office named Matshidiso Mfikoe who told the building’s custodian, “Next time those people come to fetch rent, that we are going to shut down this building. He must evict all these people and you need to go home, to your family so they can take care of you.” The article then mentions a police officer saying, “This is exactly like that movie Jerusalema. These thugs hijack buildings and force tenants to pay rent…without trying to renovate or maintain it.” A tenant of the building then described the building conditions, “There is no electricity, no water and no toilets. We have to go to the building across the road to get drinking water. To bathe we have to go much further.” This excerpt reported in the newspaper speaks directly to common attitudes about people living in “hijacked buildings” and the dire experiences where evictions processes occur. The account of the “hijacked” building in this article also offered a glimpse into how discourses about deleterious conditions in the inner city mirror discussions related to “culture of poverty” tropes that link environment with behavior and continue to obscure municipal actions in a housing market bereft of options for the urban poor.

The challenge of providing authentic ethnographic depictions has long been a polemical topic, especially when exploring marginalized urban communities. In Predicament of Culture, James Clifford suggests that ethnographic studies have the potential to either affirm or disrupt the boundaries of cultural analysis. Clifford argued
against the limitations of anthropological research that studied “otherness” or unfamiliar cultures as contained or undifferentiated. He wrote, “To tell these other stories, local histories of cultural survival and emergence, we need to resist deep-seated habits of mind and systems of authenticity. We need to be suspicious of an almost-automatic tendency to relegate non-Western peoples and objects to the pasts of an increasingly homogenous humanity.” (Clifford 1988, 246)

Moses and the film analyzed

Moses’ derisive statements about *Jerusalema* related to the ways in which Clifford described anthropology’s “almost-automatic” predispositions to analyze non-Western groups. In Stuart Hall’s elaboration on the power of encoding and decoding messages via television, he wrote, “Dominant definitions connect events, implicitly or explicitly, to grand totalizations, to the great syntagmatic views-of-the-world: they take ‘large views’ of issues: they relate events to the ‘national interest’ or to the level of geopolitics, even if they make these connections in truncated, inverted or mystified ways.” (Hall 1980, 60) In Hall’s formulation of how audiences receive mass-communication, he suggested that much of our consumption relies heavily on perspectives facilitated by dominant social forces, which offer grand totalizations referent to specific social or economic situations.

A dominant trope of inner city Johannesburg is the prominence of illegal drugs, violence and poverty. In *Jerusalema*, the main character transitions from a taxi driver to a drug dealer, reifying the notion that the narcotics trade is the only viable source of employment for black urban youth. While the political, economic, and social
complexities that contextualize the conditions of Hillbrow often fail to contribute to the storyboard of *Jerusalema: Gangster’s Paradise*, scenes of the inner city’s fall from an exclusive white enclave to a bastion of black poverty have overwhelmingly informed current assessments of the area.

For Moses, dominant perspectives on the inner city normalized criminality to a point where the average person accepts that tenants of so-called hijack buildings were solely responsible for their conditions and contributed to the overall violence in the inner city. Moreover, many descriptions of the inner city attribute the worsening conditions of the inner city to the influx of Black South Africans and later African immigrants into the city center from the late 1970s onwards. These simplistic explanations relate to Hall’s view that “hegemonic viewpoints” play a part in essentializing the inner city, whereas, “It accords the privileged position to the dominant definitions of events while reserving the right to make a more negotiated application of ‘local conditions’, to its own, to its own more corporate positions.” (Hall 2000, 60)

The relationship between corporate branding and “hegemonic viewpoints” mentioned by Hall is captured in recent news coverage about a Nike sponsored run in inner city Johannesburg. The article is titled, “Nike, Taking back the Streets”, an event hosted in partnership with the City of Johannesburg as a part of the Growth and Development Strategy of 2040. (Somaya Stockenstroom *Sunday World* 2012) A representative of Nike South Africa summed up the significance of the race on Human Rights Day by saying, “We singled out Human Rights Day as race day because of the

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significance the day holds and, more importantly, to enable our runners to celebrate their heritage, freedom and their right to take back the streets for the night," says Anwar Jappie, brand director for Nike South Africa. A hasty review of the title would beg the question, “Taking the Streets back from whom?” but an informed reading of this headline gives the reader an example of the one-dimensional interpretations of the city that pits corporate and governmental aspirations for the city against groups already living in the inner city.

Moreover these ideas have become key talking points for government officials to normalize forced displacement as a way to enforce crime prevention. In the same article an official with the City of Johannesburg said, “The initiative follows on the heels of the Jo'burg Carnival that also aims to take back the streets of Jo'burg and rid our beautiful city of crime.” These revanchist statements have compelled private and public authorities to dismiss or ignore the plight of many inner city residents who have long advocated for better policing, improved sanitation services and government accountability for slumlords. As I mentioned earlier in this chapter, the mere mention of researching everyday life in the inner city brought up the question, “Have you seen, {Jerusalema}?” also demonstrated how the film mediated specifics ideas about “social decay” in the inner city, which have shaped evictions practices as a common sense response to fixing the inner city.

Even though the inner city does have elements depicted in the film, like open-air drug markets, uncollected sanitation and abandoned buildings, the social dynamism that has long defined the unseen interstices of these neighborhoods have disappeared from public discourse. In my daily observations the inner city is a vibrant and textured urban
landscape. Throughout the week in the inner city, parishioners hold religious services in city parks, open grass areas and in neighborhood churches, all the while only a stones throw away from prostitution hideaways. The inner city is layered with these contradictions and unions that reflect the inner city’s current social milieu.

In many ways, Johannesburg’s inner city is an urban space that teeters between bursting at the seams, while at the same time sustaining cooperative social and economic linkages that resemble the imprints of Apartheid’s spatial engineering, which continue to inform the city today. (Simone 2004)

If we take seriously what Moses asserted when he juxtaposed the use of the guns versus court documents, then the architect Hilton Judin’s recognition that, “Johannesburg was a built environment constructed entirely for the purpose of excluding the black majority; it had been assembled not just to meet the needs of white citizens, but at the expense of those blacks living there,” (Judin 2008, 128) provides an important segue to understand Moses statement about court documents and legal orders. His assertion not only referenced how black people experienced Johannesburg through the legal design of Apartheid, but the material modes of control employed through courts, legislation and contracts, underscored how those modes of governance persist today through different elements of power and control. As Judin argued, “Rural dispossession was clearly fundamental to the urbanization of Johannesburg.” (Judin 2008, 141)

In his analysis of social space, Henri Lefebvre reminded us, “the production of a social space by political power – that is, by violence in the service of economic goals.” (Lefebvre 1991, 151) South Africa’s history of racial restrictions in urban areas and the use of pass laws have a profound effect on housing today. Equally Moses’ antipathy for
**Jerusalema** points to the redacted messages and representations that divert attention away from “grounded research” acquired through more engaged studies of everyday life and structural mechanisms of hijacking which eventually lead to evictions. Broadly defined ‘hijacking’ occurs when,

> A group seizes control of a building or individual apartments, often violently, and instructs tenants to start paying into a different account. Hijacking occurs when a group seizes control of a building or individual apartments, often violently, and instructs tenants to start paying into a different account. Hijacking often underpins the illegal conversion of commercial and industrial property in the inner city. Hijacking practices appear to have shifted over time. In the past large buildings were targeted. Correctly, hijacking seems to be a greater problem in relation to houses, particularly in the Jeppe area. (City of Johannesburg: Bad Buildings Strategy)

Moses’ personal story as an immigrant from Zimbabwe and housing activist in South Africa informed his critical thinking about “hijacking”. In contrast films like **Jerusalema** and much of the media coverage often disconnect tenant struggles to fight back against “hijacking” and obscure their calculated determination to oppose eviction procedures.

**Jerusalema’s Eviction Scene**

One of the most iconic images of an eviction in contemporary depictions of inner city Johannesburg appears in *Jerusalema: Gangster’s Paradise*. In the film, the protagonist Lucky Kunene has a revelation. After he was assaulted and his taxi stolen, he decides to change his life course. When he returns to Hillbrow from his kidnapping and inspects his run-down high-rise, he develops a new plan for his life and his reading of the inner city changed dramatically. In earlier scenes, drug users, prostitutes and
dealers patterned a predictable background for Lucky’s life in the inner city. Yet after his altercation, assault and theft of his main source of income, he decided to command a reversal of the areas normative regression and began his rise to become the Hoodlum of Hillbrow.

In the director’s portrayal of Lucky’s quick ascendancy included the formation of a gang, new clothes and the creation of a community organization. All of these steps contribute to the creation of Lucky’s “Hillbrow People’s Housing Trust”. In one vivid scene, evictions occur when he expels substance abusers, prostitutes and drug dealers from windows and out of doors, with their refrigerators, couches and their personal belongings. Lucky’s version of street justice, “whose streets, our streets” offered the general public one version of hijackers that used violence to take over buildings, while pocketing monies intended for maintenance, to build a criminal enterprise. My conversation with Moses about Jerusalema generated a different response and brought up issues about the complexity of building hijacking. His reaction to the film and personal narrative underscored the everyday struggles for inner city residents grappling with the lack of affordable housing.

While I am not advocating for a specific theory of the state to examine the inner city, the City of Johannesburg’s efforts to address building hijacking or bad buildings does not represent the idea of an absent African State. Instead the South African government accurately represents more of what Timothy Mitchell’s theorization of the State as both “real and illusory”. (Mitchell 2006, 169) After recent national elections the ANC’s continued dominance was in part a product of its recognition as the party of national liberation. The ANC’s inability to redress economic and social disparities have
left many South African disillusioned with the party’s political platitudes, which makes their governing practices questionable, as a growing number of South African’s poor have yet to benefit from the spoils of the anti-Apartheid movement. In examining post-colonial Togo, Charles Piot expounds on Mitchell’s conception of State effects, when he wrote, “what Mitchell (1988) has referred to as “state effects” –with the ways in which the state and its actors make themselves known/visible, and today ever more invisible/absent, to an increasingly disaffected population.” (Piot 2010, 44)

The State of Housing in Inner city Johannesburg

The Socio-Economic Rights Institute (SERI) recently published a comprehensive report on the disparities between housing supply and demand in the City of Johannesburg. (Tissington 2013) The report outlines policy instruments specifically dedicated to the market of rental accommodations for the inner city and policy approaches put forth by municipal authorities. In this report, it is clear that the City of Johannesburg has developed a series of housing policies to deal with the severe shortage of affordable low-income accommodations in the inner city; unfortunately many of these strategies have functioned as stopgaps rather than long-term solutions for the areas poor. The report provides a succinct example of the key policy measures that coincide with the areas urbanization.

Over the last decade, SERI has become an indispensable legal force in challenging eviction processes and holding the City of Johannesburg accountable for actions that deprive the urban poor of their constitutional housing rights. SERI’s guide provides a touchstone to provide insight into the technical aspects of housing policies
particularly designed to engage homelessness, evictions and “bad building” hijacking. While contemporary analysis of African nations have emphasized the absence of governmental engagement or the political illusion of governance that ascribes to corruptive actions, privatization of public services or outright dismissal of basic public needs. The South African government developed a number of policies and programs to address housing in Johannesburg’s inner city.

Housing the Inner City

The Transitional Housing Programme, established in 1995, attempted to address the inner city’s homeless and squatting populations. Based on an evaluative report the program aimed to transition the inner city’s homeless population into more stable living conditions. The program concentrated on refurbishing existing inner city buildings to accommodate (Poulsen 2000, 3) persons earning between R400.00 and R1250.00 per month, a population most vulnerable to evictions or hijacking. The program included five pilot sites throughout the Johannesburg area, while four were maintained in the inner city. Costs and maintenance expenses that relied heavily on outside funding concluded the program in 1999. In an assessment of the Programme, Lone Poulsen suggests that while designed to accommodate homeless persons, much of the group began to include members of the casual and informal labor force. Poulsen’s report suggested that low-income housing access after Apartheid still remained fraught for the working poor and destitute populations.

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44 On July 2, 2015, R400.00 is equivalent to $33.00. R1250.00 is equivalent to $102.00.
Bad Buildings

The City of Johannesburg established several initiatives to focus on infrastructural eyesores called “bad buildings”. In 1999 the Bad Buildings Programme (BBP) attempted to direction attention towards buildings with outstanding debts owed to the city council, which exceeded the value of the property themselves. One of the goals of the program was to tackle illegal occupancy by squatters in “hijacked” or abandoned buildings. The other was to encourage private developers to buy buildings at significantly decreased rates and in the process the city would forgive unpaid arrears. Under the organizational structure of the City’s Urban Development Zone, the City would then ask new owners to renovate buildings in exchange for the incentive laden property tax breaks. Demands by new buildings owners emboldened through city mandates, also caused evictions when new landlords began to reclaim buildings. (Tissington 2013) Despite the city’s vision, the program stalled due to accusations that government lacked the administrative or civic resolve to tackle the range of problems that emerged with the implementation of such a complicated urban regeneration initiative.

The City then shifted control of the BBP to the Johannesburg Property Company (JPC), an entity controlled by the City to manage and oversee property services inline with Johannesburg’s economic development vision. Despite JPC’s renaming of the program to the Better Buildings Programme and the establishment of a wholesale ownership scheme, where buildings would be owned and distributed to potential buyers through the JPC. Critics like the former Mayor of Johannesburg Amos Masondo expressed dismay that the BBP had too many bureaucratic and legal obstacles that
prevented the program from fully flourishing. In an interview about the Better Buildings Programme Masondo stated, “It has become apparent that the Better Buildings Programme only achieved moderate success and that it was hamstrung by a number of factors, such as the lengthy by a number of factors, such as the lengthy expropriation process, the screening of participants and the requirements to provide transitional housing to people who have been evicted.”\(^{45}\) Masondo’s description of bureaucratic delays underscores the City’s underwhelming approach to the problem of housing in the inner city and the complex nature of creating housing for such a large population. At that time public advocates at the Centre for Applied Legal Studies and the Socio Economic Rights Instituted presented litigation against the City for what they argued as unconstitutional evictions. Subsequent legislation forced the City of Johannesburg to ensure alternative accommodations options in case of evictions.

Discussions about “hijacking” and “bad” buildings must be in conversation with the social policies and the civic commitment put forth by the “City of Johannesburg to redevelop the inner city. The most recent set of interventions is included in the “Inner City Transformation Roadmap” published in 2013.\(^{46}\) Formulated by the City of Johannesburg, the “Inner City Roadmap” (ICRM) like other long-term strategic plans, recognized the importance of the inner city in the overall redevelopment of Johannesburg and made mention of its focus on urban blight through collaborations that

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encourage public/private economic development partnerships. According to the Road Map, the City will emphasize several key points to revitalize the inner city:

1) Eradicating Poverty
2) Building and Growing an inclusive economy
3) Building sustainable human settlements
4) Ensuring resource scarcity and environmental sustainability
5) Achieving social inclusion through support – and enablement
6) Promoting good governance

The ICRM stated that, “The single biggest urban management problem in the inner city is the high incidence of ‘bad buildings’. This is an urban management, a safety and security and a housing issue. These buildings present enormous challenges because services within them are overloaded or dysfunctional. More significantly, building degradation has a definite spillover effect on the surrounding neighborhood. The City recognizes that the resolution of bad buildings requires law enforcement and a developmental approach to rehabilitation.” (ICRM; The Inner City Road Map 2013, 10)

The report lists better governance and coordination between public and private entities as a way of addressing the issue of “bad” buildings. The ICRM also recognizes that a significant part of the “bad” buildings dilemma exists because of the severe shortage of accessible low-income housing. The report states, “Although the residential sector has seen significant investment, much of this new housing stock has been directed at low- to middle income households, rather than at very poor households. The shortage of accommodation for poor people feeds so-called slumlord developments and bad buildings in the inner city. The challenge for the City is to promote regeneration and upgrading in ways that are not exclusionary.” (ICRM; The Inner City Road Map, 12)

While the City has long recognized the causes and consequences of “bad” buildings little
has been done in terms of implementing policies that solve the problem. In a critical response to policy initiatives intended to deal with scarce housing options for the urban poor in the inner city. In the report titled, Minding the Gap: An Analysis of the Supply of and Demand for Low-Income Rental Accommodation in Inner City Johannesburg, contends, “While the issue of low-income rental housing in the inner city has been repeatedly stressed in the myriad of policies, plans, programmes and strategies developed over the years, the reality is that very little has been done to address the lack of supply.” (Tissington 2013, 47) In contrast the report suggests that, “the focus has instead been on eliminating ‘bad’ buildings, without providing proper alternatives to those displaced through urban regeneration.” (Tissington 2013, 47)

A recent editorial by Kate Tissington, a senior researcher at the Socio-economic Rights Institute of South Africa wrote, “The City’s urban regeneration policies actively promote the eviction of poor people from urban slums, assuming that alternative housing options exist. This is a false assumption, and the City is simply not acting to provide viable alternatives to slum conditions for the urban poor.” (Tissington 2014) Taken together bad buildings reflect the constitutive effects of the housing market, urban migratory patterns and ineffective government housing policies.

**Inner City Property Scheme**

In replace of Better Buildings Programme (BBP), the City of Johannesburg devised the Inner City Property Scheme (ICPS) a new strategy that aimed to address the topic of “bad” buildings more broadly. According to City of Johannesburg’s website, the ICPS policy succeeded the Better Buildings Programme in 2011. Per the City’s
statement, “The central focus of the ICPS is the attainment by investors and developers of dilapidated, abandoned and illegally occupied or hijacked buildings. This will be due on a case-by-case basis through abandonment agreements with property owners, sales in execution and expropriations and will include the transfer of dilapidated buildings owned by the City.” The ICPS would shift the responsibility of “hijacking” and “bad” buildings toward a private/public partnership where the City would attempt to generate economic development incentive laden agreements for new property developers throughout the inner city.

The former mayor, Amos Masondo suggested that those types of collaborations would “address urban decay and accelerate the rejuvenation of the CBD.” Masondo believed that the BBP constrained the City’s efforts to address bad buildings because of bureaucratic matters and the City’s obligation to place evicted residents into alternative accommodations. As stated by Masondo ICPS would circumvent processes that stymied economic and urban development through a more direct approach. Masondo said, “The ICPS is a solution developed by the department of economic development, to transfer expropriated properties into an Inner City Property Portfolio in the process of passing these on to a new company.” The main thrust of the ICPS is that city-owned properties would become the possession of new owners, based on a mixed-use ownership clause that would designate 30% of the units for social housing, a South African title for low-

48 ibid.
49 ibid.
income housing. However as critics have noted, the investor pool was limited to the Broad Based Black Economic Empowerment (BBBEE) investors, which resulted in significant delays in the building transfer and expropriation phase of the strategy.\(^{50}\)

**Inner City Regeneration Charter and Inner City Housing Action Plan**

The Inner City Housing Action Plan (2007) would support the broader vision of the Inner City Regeneration Charter with a specific emphasis on housing. The plan suggested creating housing in or near the inner city in order to resolve “the demand which is increasingly being met by informal providers in sub-divided and sublet apartments, slummed and hijacked buildings and illegally converted commercial and industrial properties.” (Inner City Housing Action Plan 2007, 3) In recognition of the sheer demand versus supply ratio, the City of Johannesburg acknowledged that the “private sector is not supplying enough rental accommodation to cater for those with very low or sporadic incomes.” (Inner City Housing Action Plan 2007, 29) Despite reports concluding that the private sector could not create a viable low-cost rental accommodations the City continued to rely heavily on private groups to supply the majority of residential units for the low-income households. The proposed plan, which has yet to become fully realized suggested,

The City of Johannesburg will work with all partners and stakeholders to lead an Inner City Housing Plan that provides or ensures at least 50 000 (and ideally 75 000) new residential units by 2015, either in the Inner City or near to it. On rough estimates of demand it is projected that some

\(^{50}\) BEE, stands for black economic empowerment. A selective program intended to redress inequalities by infusing racial disadvantaged groups into economic sectors of the South African society.
20 000 of these units must be affordable to households in lower income bands if the collective problem of a stressed Inner City residential environment is to be solved. This does not mean that the Inner City is to become a dormitory for the poor. The City of Johannesburg envisages the creation of the largest mixed income community in the country, built on the basis of inclusionary housing. (Inner City Housing Action Plan 2007, 9)

A recent news article titled, “Inner City Jozi Rots Away” attacked the lack of government progress to address inner city problems.\(^{51}\) The article begins, “The City of Johannesburg’s Inner City Property Scheme – devised to return the CBD to its former glory – is in shambles.” The article like other critics noted the range of attempts that have failed to attend to well-known issues like “bad” buildings and hijacked properties. With this in mind, on several occasions activists and NGO representatives have commented that the lack of continuity with these long-term strategies stems from the exclusive use of outside consultants and the high-turnover rate of municipal officials working on inner city issues every several years during an election cycle. Such information reinforces the Socio Economic Rights Institute’s conclusion that

Inner city regeneration has effectively led to the eviction of such people en masse, and has shown up the acute lack of affordable formal rental accommodation available. The City has in numerous policies, plans, strategies and programmes acknowledged the urgent need to assist these low-income groups; however very little has actually been done to address the gap in supply and demand. From our research into the supply of rental accommodation in the inner city – which examined the formal private sector, social housing and informal small-scale rental accommodation – it is clear that there are no permanent housing options available to those earning below R3 200 per month. This is a problem, given that 33 861 households – approximately 121 899 people - earn below R3 200 per month in the inner city. This constitutes 49% of households in the inner city. Further, it is clear that over the last 10 years the number of

households earning a monthly income of between R1 601 and R3 200 has increased. (Tissington 2013, 69)

Moses and I

Drawing upon my ethnographic fieldwork and open-ended interviews with Moses, I pay attention to the inadequacies of inner city housing through his personal narrative. His narrative allows one to better understand the complexity of evictions as demonstrated through lived experience. In arguing for a more substantive reading of an eviction process, I engage Moses’ story as a Zimbabwean migrant moving to inner city Johannesburg at the height of the areas perceived period of violence. Moses’ personal account of an eviction reveals that these phenomena are more than spectacular events as portrayed through media outlets, but rather more reflective of a series of municipal actions or inactions that have material consequences.

Moses’ personal philosophy is somewhere in between cooperative economics and bootstrap entrepreneurship. Moses’ own story of facing an eviction, while coming to terms that his monthly rent had been paid to someone posing as the landlord, compelled him to start “Friends of the Inner City Forum”. His plight also revealed the complex entanglement of newly arriving groups seeking residence in the meager low-income housing market. Moses described his initial entry to the inner city:

I was born in Zimbabwe and I came here in 1998. Finding accommodation was not easy, but I found a place on the corner of Banket and Pietersen in Joubert Park and I stayed there, I think I was renting from this guy and after a couple of months, he actually told me, he’s running into financial problems, he was a South African and he wanted to move to the township and he asked me if I can pay him deposit and take over the flat. A small two bedroom unit, (if you’ve got time, I will take you there and show you) and at that time it was me and my wife and my daughter was about a year and half. And I was in need of a place, so I paid him
deposits. And at the end of the month he moved out. It was in November and we prepared to go home and December we went home for vacation in Zim. And when we came back, the people that were responsible for running of the affairs of the building, actually put a letter under the door - that they are looking for us. You know it was late when I came in and I asked the caretaker, “Why are they looking for us,” no we have not received rent from your flat for the past 4 months. “It can’t be.” I have signed a lease with Walter, I have taken over this flat – And every month he comes here and collects money (ya know).

For many African migrants Johannesburg is a central place to settle. African nationals from all across Sub Saharan Africa and South African’s alike have made inner city Johannesburg their home for job opportunities, residence and community. Gaining access to living arrangements in inner city Johannesburg is a taxing and challenging endeavor. Moses continued to recall the night he received the eviction notice,

And not that my wife was naive, but every time, he’d come to the house and collect money, we would make you sign somewhere. So that night, so I slept and the following day, I went to work, I came back. I met with these guys. I said, no here is our bank statements, we have not been receiving rent or money from this – what is the… I said here is the lease form, you know confidently. Here is the lease form, you know I paid this guy deposit and he left me in charge here, it is just me and my family. He said, “No big mistake”, this guy does not own the flat, “What, now my wife is in shock and my daughter is there” and we thinking this guy is going to kick us out. He said no this flat belongs to Old Mutual.

Although many inner city residents like Moses live in “hijacked” buildings, his experience demonstrated the variance of eviction processes and the tangled network of actors that consist of government officials, tenants and property owner themselves. Despite Moses’ efforts to pay his rent regularly and maintain paperwork documenting his rental payments, his description revealed the complicated tenant/landlord relations that ensue because of patterns of building neglect or abandonment, which have lead to corruptive activities like “hijacking”. Hearing that the flat remained under the
ownership of Old Mutual, one of the oldest banks in South African also disclosed the structural remnants of proprietorship in the inner city. Even though the inner city experienced a precipitous decline and decay, in many instances property owners maintained vested financial interests in deteriorated properties with the institutional support of the banking community. As one government official told me, “the banks stayed” which suggested that with or without their physical presence, financial institutions remained in the inner city during its’ decline and potential upsurge, which indicated that while “hijacking” or “bad” buildings persisted in some places, the property ties established during Apartheid had the authority to reclaim buildings through contractual arrangements. Moses then began to remember his experiences with the legal landlord,

So guys you can’t sit in my house here the whole the night, it’s late, I want rest, my wife wants to prepare a meal, so what’s the way forward, you know it’s the end of month now, don’t pay this guy rent. And here is the buildings bank account details. Ah but now this is in serious contradiction, of the agreement I have with this guy. I think I have legal obligations to it. And the guy said now, when he comes to collect money, we are here, just call us and we will tell him, that we have instructed you and that he does not own the flat. And at that time I was on a workers permit, And part of the conditions of a work permit in a foreign country is that “you should not be caught on the other side of the law” your permit gets report. So the following day I got to work, I informed my employer, of my conditions. They had helped me put up the deposit money and they say wow, there’s no way we can help, but just listen those guys and see if your landlord comes and your able to resolve. At the end of the month, he came to collect the money, I called those guys and it was found that guy was conning me and he had no rights to the flat. And then he left and he didn’t get the money, but he said you know what, now that you have joined these guys and turned them against me, I have no option, but to get you out of there.

Housing rights in the constitution are often undermined by particular lived experiences, like the one Moses described. After 1994, when South African
Constitution established one of the most important and progressive housing statutes that legislated housing for all and protection against evictions without alternative housing options many gaps in the law still exist. The threat of an eviction and circumstances that ensue, complicate the ways individuals may organize to prevent an eviction order. This example from Moses’ uncovered the taxing and circuitous nature of eviction experiences and the limits of housing rights through a lived experience.

So I said no problem. But I have kept to the letter part. “Can you take what you have collected from me, and give to those guys them my deposit?” and “I will be happy to move.” The following day he came and actually wanted me out. I said, “no you can’t do that” it is against the law, let me find accommodation. Then the following day after I came back from work, there was a letter from the department of Housing tribunal, of how the landlord has raised a dispute. I had to inform my employer again, the employer…we have to dock your pay…so I went to the tribunal, the legal representative, before I talk about me paying them. Lets actually talk about who owns the property and we got them to say to the tribunal judge - I have always paid religiously…I want to pay him for the two months I have not paid, I have paid money to the body corporate, here is the proof of payment. These are the people from the body corporate. And then the judge was very reasonable, he said, you look young and decent - he said “what is your problem” Asking that guy, (And the guy said, no I want this man out of my house. The word he used was “I “him” of my house.” The tribunal judge said he give us proof, that it’s your house? There was no proof. And so the tribunal judge said – you know what I am not going to make any fancy ruling, but if you want to stay there, you continue staying there, pay rent to the body corporate and look for the owners of the property, because in the laws of the republic, the agreement is signed null and void. And if the owners come they will kick you out, because they don’t have an agreement. I got that guy off my case. That was 2000.

AJ: How long did this happen?
MM: I think I paid this guy almost a year.

AJ: How did that affect your daily life?
MM: I mean I had to lose money, to pay the lawyer, I had to take time off work. Also the threat from the employer, that if you are found guilty of
any transgression, will have to revoke your work permit and that will see me going back to Zim.

AJ: While this was going on, you were living in that place?

MM: Yes, I was living in that place.

AJ: Did it feel like home?

MM: I did not know what to expect. It was very traumatic. My wife, we could not make long-term plans. I remember one time when we had to go home for holiday. Both of us, we could not go as a family. She had to go with the girl and I had to stay behind, in case there was any troubles, but after the tribunal ruling.

Moses personal narrative demonstrated some of the everyday struggles to obtain housing in inner city Johannesburg. His account included a complex web of property owners, tenants and unscrupulous intermediaries that interconnect with South Africa’s constitution and laws designed to protect South Africa’s most vulnerable populations.

While Moses’ case ended successfully without an eviction, his narrative unlike the film disrupts notions of “hijacking”, “bad” buildings or evictions as simply a product of violent criminal groups or tenant negligence. Instead it suggests that institutions like banks, Apartheid legislation, property owners and illegal monetary transactions, play a significant role in the daily lives of inner city residents. Rather than thinking of hijacking and “bad” buildings as an expression of violence associated with the livelihoods of the urban poor in inner city Johannesburg, these phenomena reflect the structural features of the Apartheid city that have persisted into the post-Apartheid era.
The Inner City Gazette

Today, Moses has shifted his concerns and responsibilities to a community newspaper named the Inner City Gazette. The Gazette is a local print newspaper that also has a minor online presence. On several occasions Moses mentioned that the newspaper distributed nearly 40,000 copies per week. The Gazette started in 2012 and covers a range of issues from South African politics, to inner city matters and general African affairs. At some point during my study, Moses’ offered me space in the Gazette to write a piece of my own choosing. Based on his suggestion, I wrote an editorial on the eviction of street traders from the inner city and the mayor’s role in those actions. While the Gazette is not overly political or partisan, Moses often said he wanted the paper to reflect a broader range of perspectives on the Inner City and make sure that the residents of the area had a media outlet to express their views.

I frequently visited the office of the Gazette and chatted with Moses about issues in the media or daily matters in the South African news like politics or the economy. At the Gazette, his wife performed most of the administrative duties, while two other staff members verified stories, collected information for new articles or managed the physical distribution of the Gazette throughout the inner city. The financing from the Gazette came from a range of sources, but mainly through his personal relationships established during his time as a housing activist and now as a member of the press and founder of the Gazette. The paper contained ads from nearby property owners, urban development corporations, grocery stores and other groups he has solicited to buy advertisement space. One instance I asked him to tell me about the most memorable day he
experienced at the newspaper. Without hesitation he told me about a time when the
electricity of the small storefront he ran the building out was shut-off for lack of
payment. The discontinued service also coincided with the day he needed the Gazette to
go out for print. He recalled that he received a call from an associate who liked the
newspaper and sensed the stress in his voice. Moses then told me, this person offered to
pay the bill without repayment, because of Moses’ commitment to use the Gazette as a
community outlet.

The Inner City Gazette is located on a street that exemplifies the vibrancy of the
inner city. The location of the Inner City Gazette personified the vitality of the area and
the complexity of everyday social interactions often overlooked in common discussions
about the inner city. I often stood outside of the office door observing daily activities on
the street. This street like so many in inner city Johannesburg provided the backdrop for
the cross-section of activities and networks maintained throughout these neighborhoods.
The following excerpt from my field notes illustrates the dynamism of the Gazette’s
setting:

Oftentimes I walked through the inner city on my way to the newspaper. Along Pritchard Street, where the newspaper is located there are fabric
shops, food merchants and [prominent amid all of the street traffic is the
high court building.] One time when I passed the court with Moses, he
once pointed to building as the place where decision-making about
evictions occurred. In the direction of the newspaper, West African
(Nigerian) and East African (Somali) shops sell elaborate and intricate
fabrics. Near the Gazette, I often thought about the sheer concentration
of African migrants on one city block. At the corner, a local bakery sold
baked goods, like single loaves of bread and sweets typically seen in
South Africa. At the middle of block, directly across from the Gazette, a
primary’s schools awning displayed “We Lead with Excellence”. The
school shared the same side of the block with an alcohol distribution
garage that extended around corner of the building and faced an
abandoned building for sale. Adjacent to the empty building was the artist collective August House, that accommodated many of South Africa’s leading contemporary artists. A large neglected building stood across the street. Several times Moses and I walked by this imposing structure. The over five-story building had broken windows and openings with no windows at all, where visible entryways exposed the darkness of the interior. From the street view people milled about in front of a makeshift entrance and some congregated in causeways. Others performed tasks like sorting recyclable goods or washing clothes from other visible openings. At one time, Moses told me that the rubbish at the base of the building was actually suspended on water, because of flooding in the basement.

The locality of the Inner City Gazette represented common cross-sections of the areas dilapidation, harsh daily existence and the liveliness of daily social activities seen throughout the inner city. As AbdouMaliq Simone has recognized, “A drive around the circumference of the inner-city neighborhoods of Hillbrow, Berea, Joubert Park, Yeoville, and Bertrams takes less than twenty minutes. Yet navigation of their interior requires familiarity with many different and, on the surface, conflicting temporal trajectories through which Johannesburg has changed, with its sudden switches across ruin, repair, and redevelopment.” (Simone 2008, 72)

The relationship between media representations of evictions and discourses that include popular portrayals of building conditions in inner city Johannesburg shape broader discussions of evictions processes. By analyzing the film in conversation with a firsthand account of an eviction, I examined the interplay between tenants and landlords often misrepresented in popular accounts featured in the film Jerusalema or newspaper coverage of the inner city. The movies symbolism and usage as a descriptor limits the complexity of evictions gleaned through everyday livelihoods. Moreover my conversations with Moses, a local activist and his experiences that included the threat of
an eviction and form of “hijacking”, which indicated a range of ways inner city residents, struggle to access housing.

Moses, an educated immigrant from Zimbabwe, also disrupted limited understandings of who lives in the inner city and who receives evictions notices. His education and activism demonstrated social and class differentiation that exist throughout the inner city. Also while violence is a part of the narrative the structural conditions of the inner city have made possible the complexities of “hijacking” which must take into the account social construction of the inner city as a overtly dangerous environment rather than situated within in tenant/landlord relationships, access to affordable housing in the inner city and the political economy of property ownership in Johannesburg. Moses’ work as a community activist and editor of local media outlet also demonstrate how inner city residents actively attempt to redirect oversimplified narratives of the inner city and contest those depictions in their daily lives.
Chapter 8 – Hanging in the Balance: Living after an Eviction

This chapter highlights the significance of life after an eviction. Housing struggles for individuals after their eviction underscore debates about the role of state agencies to provide alternative housing for the poor in the case of an eviction and litigation used to enforce accountability amongst parties seeking to file eviction orders. Here I stress the liminal position many evictees find themselves in after their evictions. Some evictees may return to the site of their eviction pending legal decisions to permanently evacuate premises. Others are more likely to lead a precarious existence by continuously moving to vacated, abandoned or illegally partitioned dwellings that mirror the housing situations that lead to their displacement. Still other tenants in some recent eviction cases have been placed in transitional housing due to recent Constitutional Court rulings. My focus in this chapter is on these social spaces and the lived experience of living in one of the City’s transitional housing locations. The state of disrepair of one of the transitional housing locations caused many tenants to question the legitimacy of the constitutional ruling that placed them in these temporary facilities.

The title of this chapter refers to the social position I observed among individuals relocated to transitional housing sites administered by the City of Johannesburg after the Olivia Road Constitutional Court decision. The Court’s judgment proved momentous for evictees when the decision required municipalities like the City of Johannesburg to “meaningfully engage” with all parties in an eviction process to avoid tenant homelessness and provide alternative accommodations if or when evictions are granted. My reference to hanging in the balance also denotes how residents continue to wait for
improved living conditions, despite the legal obligations placed on the City of Johannesburg. Hanging in the balance also refers to how the urban poor in South Africa and specifically in inner city Johannesburg remain socially and economically situated between the rule of law and the material circumstances unmet through eviction litigation.

Since 2008, the City of Johannesburg evicted thousands of occupants from “bad buildings” and relocated some of those individuals into transitional housing facilities. Three of the most recent placement sites are two buildings in a converted private hospital and a shelter. These locations vary according to different residential requirements like individual income and each have different managing agencies. For example the shelter is operated by the Metro Evangelical Services (MES) that requires residents to separate by gender and maintains strict policies making residents leave the premises during the day to find jobs or employment.52 The other two transitional housing buildings also known as MBV Phase I is managed by the City of Johannesburg and MBV Phase II is administered by JOSHCO, the Johannesburg Social Housing Company, a housing management company charged with the responsibility of developing affordable housing as a subsidiary of the City of Johannesburg.

Tenants of all of these temporary resettlement locations have criticized the management agencies for a number of reasons ranging from inadequate security, lack of maintenance and stringent occupancy requirements. In most accounts tenants expressed

52 The Metro Evangelical Services group manages a shelter named “Ekuthuleni or ‘place of peace’”. The MES motto is “To change the heart of the city”. For a critique of the shelter’s stringent occupancy policy, see Jackie Dugard and Kathleen Hardy, "Ekuthuleni: 'Place of Peace' by Name but a Shelter It Is Not." Daily Maverick, January 11, 2013, Opinionista sec.
gratitude that the living conditions surpassed their previous living arrangements. However, the deteriorating conditions in transitional housing sites like the one I will describe in this chapter and the City of Johannesburg’s lack of oversight for all of the buildings have continued to fray the relationship between tenants and the City. Moreover, the City of Johannesburg’s management of evicted and resettled group’s draws attention to the social precariousness of these resettlement locations intended to minimize the unsustainable and insecure environments the City evicted them from. Instead, poor urban residents in Johannesburg’s inner city continue to face similar circumstances that lead to their evictions and resettlement in the first place, except with less agency. My argument is that despite their resettlement and the landmark court decisions that advocated for their relocation to better residences, poor evicted residents continue to live hanging in the balance between inadequate housing policies for low-income residents of the inner city and the municipalities’ overall indifference towards the poor. In order to offer a better sense of my argument I provide an ethnographic observation of one of the resettlement locations, MBV 1, and one of the first residents of this facility.

**MBV 1 and Nelson Chawe**

“They treat us like cockroaches”. Nelson Chawe

Joubert Park is a bustling neighborhood bordered by a commuter railway track, a large street market venue and the newly developed bus transit system in Johannesburg, the Rea Vaya. MBV I and II are located in this vibrant neighborhood, in two tall non-
descript, yet ominous buildings once housed a private hospital. MBV I and II are now home to hundreds of individuals evicted from their previous residences and placed in the City of Johannesburg’s transitional housing buildings. For many of these residents, “transitional” is a misleading term, since they have lived in these dwellings for several years and created permanent homes. However the declining conditions of MBV I have caused one of the residents to suggest they are being treated as cockroaches. When I visited MBV 1, broken toilets, corroded pipes and mildew-stained walls visibly marked the interior of the building. The idea that a tenant of a building felt as if the City treated them like pestilence or a nuisance affirmed a growing discontent among the poor and their feelings toward the ANC.

The tremendous achievement of toppling the Apartheid system seems distant in relation to the current challenges faced by the poor in South Africa. Political platitudes of a democratic South Africa continue to undermine the ANC, when so many South Africans continue to experience electricity and water-shutoffs, persistent unemployment and evictions. These circumstances have forced groups to politically organize in new ways against the party of national liberation. (Ballard et al 2005)

Nelson, one of the tenants in MBV 1 said, “You’ve got to contact the human rights lawyers. The councilors are paid to do nothing. At San Jose, they wanted us out of there.” Nelson’s reference to local government officials pointed to the complexities of the political terrain on the municipal level in the post-Apartheid era. The ongoing plight of the poor also draws attention to what the labor scholar Franco Barchiesi described as a Precarious Liberation. Barchiesi forcefully argued that the South African transition reinforced employment insecurity through neoliberal economic programs and
the government’s lack of consequential policy prescriptions that would stabilize the waged labor force with actual jobs. These factors have contributed to a climate of labor precarity, where “occupational insecurity and labor market uncertainty” (Barchiesi 2011, 24) have continued to inform South Africa’s democratic society. The proliferation of casual labor employment and part time work opportunities have contributed to a dismal economic outlook for both unionized labor and those on the fringes of the work force. These dismal descriptions coincide with the State’s “normative imagination” of job creation and employment stability touted by the ANC. (Zuma 2015) As Barchiesi explained, “It is nonetheless at that level that contrasts between promise and delivery, official commitments and mundane expectations, discipline and desire which destabilize the marriage of democracy and liberalization. The ANC’s continuous, massive electoral support amid such contradictions and persistent labor radicalism contributes to its dilemmas.” (Barichiesi 2011, 23)

Barichiesi’s argument about labor insecurity also extends to housing availability for the urban poor in inner city Johannesburg. Tenants live constant uncertainty when they have received eviction notices, especially occupants considered unlawful like in the case of the San Jose building.53

Nelson, a single elderly man, kept his apartment neat and orderly. Outside his window street noise trickled through his shaded windows. He sat down in a chair next to a tidy stack of newspapers, while I sat across from him on a plain unyielding sofa. I later found out that Nelson sold newspapers at a nearby stand starting at five each.

53 An unlawful tenant refers to someone or a group of individuals living in a property with no rental contract or without the knowledge of the property owner.
morning. I asked Nelson to describe the conditions of the San Jose building where he previously lived. He began by telling me that he had to frequently fend off criminals that wanted to set up shop in the dark and placid structure. Nelson shared with me that he other tenants lived in this massive 14-story building without electricity or water, while local government officials worked tirelessly to remove them.\(^{54}\) Nelson claimed, “And the way we fought with them…[until the] eviction – it took us, I think it, if I’m not mistaken four or five years, [of] struggle – you see, but up until today, there is nothing that has happened there. They wanted us in the street only”. I listened to Nelson describe his daily life under the constant threat of eviction for four to five years. Nelson’s memory of San Jose gave me a clearer sense of what it means to live under the threat of expulsion and to what extent housing has become a significant site of precariousness for the urban poor in post-Apartheid South Africa.

Political theorist Isabell Lorey considers precarization a practice of governance that extends beyond the instability of employment. Lorey writes, “Precarization means living with the unforeseeable, with contingency.” (Lorey 2015, 1) She goes on to write that historical examples of precariousness differ from today because, “neoliberal governing proceeds primarily through social insecurity, through regulating the minimum of assurance while simultaneously increasing instability.” (Lorey 2015, 2) Evictions operate as form of social insecurity in inner city Johannesburg. Forced removals undermine housing jurisprudence and force us to consider the role of government in

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\(^{54}\) Refer to the court transcripts on how the city of Johannesburg continued to move forward on the eviction and claim they did not have sufficient resources to provide alternative housing accommodations.
perpetuating unstable living conditions for the urban poor. When I visited Nelson in the accommodations the Constitutional Court ordered the City of Johannesburg to provide for evicted tenants, I realized his expression signaled how the city wished they didn’t exist; just like cockroaches. In other words, Nelson believed that the City treated him and other tenants like “cockroaches” also reflected the democratic South Africa’s troubled relationship with the poor.

Previously the Apartheid government organized a set of repressive laws that used forced removals and the migrant labor system to incur insecurity in the daily lives of the majority African population. The idea that the post-apartheid government treats individuals like cockroaches relates to the expendability of poor urban populations living in inner city Johannesburg. Despite important court rulings that protect tenants from homelessness in case of evictions, resettlement locations have proved ridden with problems. Tenants of three resettlement sites have complained of poorly maintained conditions, lack of security, and rampant illegal activities. These issues have caused many of the residents to question the overall management of these buildings and the entities enlisted to administer services.

One of the main reasons evictions occur in the inner city stemmed from health and safety violations according to City codes. In the MBV 1 building, Nelson Chawe described the conditions as “very bad; no proper cleaning, no maintenance at all; totally no maintenance…2010 to 2013 is the same, and it doesn’t seem like there is going to be changes.” Nelson continues to wait, hanging in the balance.

Individuals evicted from places considered unfit for living have been relocated to accommodations that resemble the conditions that spurred their initial removal. These
conditions have also created new forms of institutional precariousness in two important ways. First, the city evicted occupants from buildings based on health and safety standards all the while transitional housing facilities continue to decline. Second, the City’s inadequate approach to housing poor populations has by default forced individuals to live permanently in temporary housing. During my experiences documenting and observing evictions I became aware of how individuals still cope with an eviction months or even years after the event. My observations draw on the marriage of both time and precariousness within the broader temporal understanding of waiting, perceived through individuals that have experienced housing aid through litigation, yet who continue to contend with current challenges as residents of a transitional housing site.

This chapter asks, how do evictions continue to inform the daily lives of evictees well beyond the eviction itself? Moreover, in what ways have the dire circumstances that led to tenant evictions remained fastened to the experience of evictees? In this chapter I will offer a brief background of the current housing situation and identify how the notion of waiting and precarious livelihoods of evictees relate to the country’s overall approach to housing during the negotiations to end Apartheid and the initial plans to address housing shortages at the beginning of Nelson Mandela’s presidency.

Next I consider the relationship between time and power, with a particular focus on waiting as conceived by Pierre Bourdieu. In his view, waiting is a relationship based on power and one that those in authority exact over the less powerful in ways like “adjourning, deferring, delaying, raising false hopes…” (Bourdieu 2000, 228) These instances of deferment or delay characterize the social position many evictees find
themselves in and after their resettlement. Previously evicted tenants continue to wait for the court judgment and the City to actually provide a suitable place for them to live. My observations also draws on Erik Harms’ study of evictions in Vietnam and his use of the expression eviction time, “a set of visceral engagements with time” that constantly draws residents into the “time of their own evictions through the conditions of their housing resettlements and how individuals must continue to deal with the realm of their own eviction even as they have been re-placed in new places to live.” (Harms 2013, 346) Harms’ argues that eviction time relates to “the complex assortment of temporalities” that extends to “how people in eviction zones must cope with and also take advantage of unfamiliar and largely alienating temporal relations marked by uncertainty, ambiguity, and contradiction.” (Harms 2013, 346) I describe the conditions of a resettlement site and how tenants continue to deal with conditions familiar to ones that lead to their evictions, yet often without the control they managed to generate through tenant committees in their previous residences. Now they have to negotiate the conditions of these resettlement sites with the City of Johannesburg and other managing agencies. They inhabit “eviction time” as discussed by the anthropologist Erik Harms in which he defined eviction temporality as a social phase where the conditions of the actual eviction and the aftermath continue to frame the social realities of individuals affected by evictions. For residents of “transitional housing” their hopes remain hanging in the balance or in a state of suspension, where they continue to live long-term in places listed as ‘temporary’ options, even as the physical environments they escaped continue to shape their present realities.
Constitutional Court rulings are the basis for the waiting experienced by those relocated after evictions. While the Constitutional Court and the current South African Constitution have provided support for tenants in eviction cases, the Courts resistance to force the municipality to secure permanent housing solutions for low-income residents does not prevent cyclical patterns of decline that motivated individuals to move into places subject to evictions in the first place. The limits of these court judgments are evident amid the sites’ crumbling infrastructure and the permanency of their relocation. Nelson’s experiences in the San Jose building and his ongoing struggle to improve the conditions in the relocation site resonates with how evictions are more than events, but processes structured around social inequalities and the material limits of housing rights for poor South Africans. Even though tenants have moved on from the site of their evictions, the harsh realities they continue to face in resettlement locations, like the one I describe in this chapter demonstrates how evictions continue to mark the social realities of the urban poor. In as much as tenants in transitional housing sites attempt to rebuild their lives, they remained rigidly tethered to the ideal of their constitutional rights to adequate housing in safe and secure locales, often in the face of indifferent municipal authorities and the extraordinary weight of economic inequalities that have generated their current living situations.

Setting

Inner City Johannesburg is in the wake of a redevelopment explosion. In the court transcript of the case that led to the placement of evictees in transitional housing, the presiding court justice noted that the City of Johannesburg’s Inner City Regeneration Strategy (2003) prompted a number of evictions through regeneration schemes that
promoted private development and investment. The collateral consequences have encouraged the city to aggressively address “bad buildings” and urban decline through the enforcement of various building regulations and health codes. (Tissington 2008))

Today the City’s treatment of the poorest of the poor as an “undeserving” population rather than a valued constituency is most evident in the transitional buildings. In an article titled “Jo’burg’s Urban Poor: Why the City Wishes They Didn’t Exist”, published in 2010, the piece described the state of MBV 1 where Nelson Chawe resides. The article represented the deleterious conditions that Nelson lived in prior to his move to MBV 1 in the San Jose building where he was evicted. Overcoming the conditions of San Jose that included no electricity or running water was no small feat. Yet the article described the state of disrepair of the government ran transitional housing building that included water leaks, flooding and broken toilets, despite a city appointed maintenance staff. Again tenants who once waited several years for the South African Constitution to act on their behalf to prevent homelessness, once more waited for the City to follow through on it’s constitutional obligation to provide secure and safe residential arrangements for Johannesburg’s poor after their eviction.

Inner City Johannesburg has been the site of several important court judgments related to lawful or unlawful evictions. As the South African economic capitol and the regions center of commerce the state has initiated large-scale redevelopment plans to regenerate Johannesburg’s central business district and adjacent areas. In 2003 the City of Johannesburg introduced the Inner City Regeneration Strategy to address slum conditions and redevelop potentially lucrative urban land in the inner city. As a result tenants of some dilapidated buildings received eviction notices from the City to vacate
The Inner City Regeneration Strategy allowed the City of Johannesburg to release properties the City unwillingly claimed due to arrears on the buildings services during its vacancy. However at it’s core the “ICRS aimed to stimulate property values in the inner city by encouraging private sector investment in the urban core.” (SAJHR 27 2011, 134) According to Stuart Wilson a litigator working on behalf of occupiers living in structures assigned for eviction by the City, 2002 became a turning point when the City began to evict in order to “transfer property” to private owners and developers.

In a report published in 2005 by the Centre on Housing Rights and Evictions (COHRE) it estimated that approximately 67,000 people lived in “bad buildings” or poorly maintained residences considered for an eviction. (COHRE. Centre on Housing Rights and Evictions February 2005) The overall strategy of the ICRS attempted to provide the City and nascent property developers a means to remove occupiers’ often unlawfully inhabiting buildings for removal without the provision of accommodations in light of their eviction. In many cases occupiers of these types of property had lived in these buildings for several years or even decades and had created modest livelihoods, despite these environments.

**South Africa and Waiting – Brief Background**

In 1994 over 12 million South Africans cast votes for the African National Congress. The picture of Black South Africans waiting in long queues to vote in the first democratic elections remains an indelible visual symbol of the country’s political transition. April 27, 1994, a day lionized as Freedom Day, would become synonymous
with political enfranchisement and democratic citizenship. The date also represented the end of waiting and for many South Africans the hope of freedom rested alongside feelings of fear. (Crapanzano 1985)

One particular area of recompense occurred with the new government’s response to housing. In the late President Nelson Mandela’s State of the Nation address he declared that the ANC lead government would aggressively address housing. He said, “We are determined to address the dire housing shortage in a vigorous manner, acting together with private sector and the communities in need of shelter.” (SONA 1994) The entire address combined an ambitious roll call of goals and tasks that included non-racialism, integration into the global economy and remedying economic inequalities. The new ANC government laid out in an impressive, yet improbable set of objectives for the next 100 days after Mandela’s speech. To carry out the vision for the national housing agenda, Mandela appointed Joe Slovo, the SACP chairman and his comrade in the anti-apartheid struggle.

In 1992 Joe Slovo commented on the role of housing for South Africa’s future. He explained, “I don’t think that we’ll be able to solve the housing problem within five years, but I think people are very patient and very understanding in general.” (Slovo 1992) 55 With Slovo at the helm, the National Department of Housing drafted a White Paper to outline a strategy to tackle South Africa’s housing needs. The White Paper framed the housing situation within the broader national economic climate of South Africa and assessed the housing crisis within a backlog of 1.5 million units. The White

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55 Joe Slovo interview with Padraig O’Malley April 9, 1992 https://www.nelsonmandela.org/omalley/index.php/site/q/03lv00017/04lv00344/05lv00607/06lv00627.htm
Paper outlined the construction of 1 million homes over a five-year period at a rate of 338,000 homes per year. With this in mind, the preamble stated, “The time for policy debate is now past – the time for delivery has arrived.” (National Department of Housing White Paper 1994) Delivery came in the construction of 1.5 million RDP homes from 1994 to 2003. (Tissington 2011)

Despite this enormous accomplishment, critics of the ANC’s approach to housing have noted that market-centered approaches fell short of their desired goals. (Bond and Tait 1997) Another criticism came from tenants who found fault in the quality of the homes, the location in peripheral areas and the size of homes. As a consequence many individuals have rented out their own RDP homes and returned to informal settlements or remained squatters. (Zunguzane et. al 2012)

Today the patience and understanding Joe Slovo believed would fortify the masses’ to wait until the government delivered, has all but withered away. During my field study, newspapers and media outlets regularly reported on uprisings in informal settlements near the Johannesburg metropolitan area. Most of the upsurges came from growing frustrations about the lack of service delivery to places without potable water or electricity and subsequent declining health standards. Many people in these places lived in corrugated tin shacks and informally constructed shelters often located outside of mining zones. In one reported instance, in an informal settlement called Bekkersdaal residents refused to allow the Electoral Commission of South Africa (IEC) to register voters in the upcoming election in 2014. In this moment of defiance, the patience had long faded away and a bitter sense of resentment and outrage surfaced against the ANC.
Waiting as National Policy

The national government’s statement about housing often recites the construction of over 2 million State subsidized houses since 1994. Despite these figures, the other side of this narrative involves the housing backlog that has created frustration and public reprisals against the government. The unrest stems from the waiting that many families and individuals have endured as applicants on the National Housing Needs Register, a domestic waiting list. According to a report titled, ‘Jumping the Queue,’ Waiting Lists and Other Myths (2013) suggested,

The dominant discourse around housing delivery is that there is a ‘waiting list system’ which constitutes a housing ‘queue’, and that people must wait patiently until their name comes up in terms of a rational process of ‘first come first served’. Any perversion of this system is referred to as ‘queue-jumping’, and this term is consistently evoked by politicians and government officials. Anti-Land Invasion Units have been set up in various municipalities, which operate on this premise and use the rhetoric of ‘the queue’ to justify evicting people from land, houses or buildings they occupy. (Tissington et. al 2013, 7)

As stated in the report, the idea of a “waiting list” is misleading and has lead to a growing level of frustration for people who believe they have a place on the list. The report concludes that the uncertainty of the housing list exemplifies political machinations linked to the country’s national housing program. The report asserted, “Ultimately, even on the official version, there simply is no housing waiting list in the sense that it is widely understood by the public, as well as by many politicians and government officials…the way in which people are ‘chosen’ for these projects is far from clear. The process is often shrouded in secrecy, bureaucratic complexity, and corruption. This lack of transparency frustrates intended beneficiaries (whether they are currently registered or not).” (Tissington et. al 2013, 81)
This report speaks to the larger context of ‘waiting’ for housing in South Africa, but also to the broader implications of a large-scale housing backlog for the poor. Bourdieu referred to this systemic effect of ‘waiting’ as “…the link between time and power – and one would need to catalogue, and analyze, all the behaviors associated with the exercise of power over other people’s time both on the side of the powerful (adjourning, deferring, delaying, raising false hopes, or, conversely, rushing, taking by surprise) and on the side of the ‘patient’ as they say in the medical universe, one of the sites par excellence of anxious, powerless waiting.” (Bourdieu 2000, 228)

On the other hand, political officials have too often criminalized any actions that attempt to undermine the state-subsidized housing register. In response, local governments throughout South Africa have formed “Anti-Land Invasion Units” to carry out forced removals. In an article authored by the Executive Director of the Socio-Economics Rights Institute in South Africa, Stuart Wilson opined about the Anti-Land Invasion Units in Cape Town. He wrote, “In Cape Town, the City’s Anti-Land Invasion Unit adopted a novel policy. It has decided that it does not need a court order to evict people living in some shacks, because it has decided these are not homes for the purposes of the law.” Wilson goes on to argue, “In this context, the role of the state is to implement the Constitution in both letter and spirit; not to devise ever more elaborate strategies to defeat its objects. To do otherwise is to let the clear and strong principles of our Constitution fall away, and to entrench a mean, a evasive approach to the state’s
obligations that can be seem to the poor as cold as the winter weather they now endure.”

**Post-Apartheid Waiting**

“The all powerful is he who does not wait but who makes others wait.”

(Bourdieu 2000, 228)

In post Apartheid Johannesburg a callous approach towards the poor has sparked growing frustration. The inconsistencies between the Constitution’s “letter and spirit” as the law of the land as Wilson expressed have varied in regards to implementation. In a recent scathing critique of South Africa’s housing policies and the Constitutional Court judgments S’bu Zikode of the “AbahalibaseMjondolo”, in Durban, South Africa acknowledged the growing disillusionment that stemmed from persistent waiting. In an editorial featured in the Mail and Guardian titled, “A Perpetual Life of Mud, Shit and Fire”, Zikode wrote, “We campaign against evictions, and for public housing: struggling for a world in which human dignity comes before private profit and land, cities, wealth and power are shared fairly. We have won many important battles in court, including the overturning of the anti-poor Slums Act, but the law has not bought justice.”

Bourdieu suggested that powerful groups possess to the authority to delay or postpone. In reference to the ANC S’bu Zikode criticized the government for the

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“ongoing waiting” for housing solutions. He wrote, “Promises were made to rehouse these people using a state-assisted housing programme, but cities refused to fulfill these promises.” And in reference to the Mandela administrations grand initiative to build houses for the poor, Zikode wrote “In Durban and beyond, Nelson Mandela's vision of dignity for all has already been lost. His promise of a universal right to free housing, free education and free healthcare has not been realized.” Zikode concluded, “But we cannot wait in the mud, shit and fire of shack life for ever. Voting did not work for us. The political parties did not work for us. Civil society did not work for us.”

Throughout South Africa, the time for waiting has expired and much of this frustration stems from the ANC’s inadequate response to housing. In Adam Habib’s analysis of post-apartheid South Africa, he contends that “housing” and the waiting endured by individuals on the housing backlog have ignited unrest throughout all of South Africa. He argued, “It is worth noting the lack of housing is one of the major cause of local protests. Although housing is a provincial and nationals responsibility municipal authorities are almost always the ones targeted in housing protests.” (Habib 2013, 63) Habib also attributes much of the delay to the structure of municipal government. In my chapter on grassroots mobilizing against evictions, Shereza Sibanda, the Executive Director of the Inner City Resource Center also attributed the local governments inability to respond to the needs of its constituents because of recurrent staff turnover. While Habib recognized this challenging structural liability, he goes a step further by suggesting that the combination of corruption, employee skills deficiency and inefficient governmental structures, also places a great deal of pressure on municipal governments to both provide services and create revenue. (Habib 2013) Habib
explained, “The municipalities are primarily responsible for the provision of services, including the delivery and billing for water and electricity, and waste disposal. In addition, they are meant to promote local economic development and achieve financial viability. This latter responsibility is what has made local governments the focus of citizens’ wrath. Confronted with the challenge of financial viability, local government officials have prioritized cost recovery over the provision of services.” (Habib 2013, 52)

As Habib described, the challenges facing municipalities have ushered in waves of discontent for many South African’s. The dual role of municipalities as both revenue generators and service providers created difficulties for the local government to provide basic services. The effects of the Growth, Employment and Redistribution Strategy (GEAR) initiated during the Mbeki administration continues to loom large. Specifically after the implementation of GEAR the South African economy witnessed increased levels of inequality and poverty after its’ implementation. Although Jacob Zuma emerged as a popular antithesis to Thabo Mbeki, his economic policies packaged in the New Development Plan and the New Growth Plan has proved otherwise. (Habib 2013)

One particular shift is the way that municipal government’s charge and provide services like electricity and water. This practice that emerged in the post-apartheid era is cost recovery or “the practice of charging consumers the full (or nearly full) cost of providing services such as water and electricity.” (McDonald 2003, 17) Understanding the government’s approach to basic services allocations and housing explains how these policies have failed to help those in greatest need. These approaches also signal the specific ways the South African government institutionalizes waiting through market-based policy directives.
Theorizing Waiting

Drawing on Pierre Bourdieu’s theorization of time and power, this chapter examines waiting as a form of domination. Bourdieu’s analysis of waiting as an instrument of power exercised by dominant forces provides the theoretical framework utilized in this chapter. Bourdieu’s critique of power, explored how waiting or living in the state of waiting can inform groups in subordinate positions. I view evictions within that experience. Similarly sociologist Javier Auyero examined waiting amongst poor populations in Argentina. He argued, “To put it bluntly, everyday political domination is what happens when nothing apparently happens when people ‘just wait’. (Auyero 2012, 19) Evictions in inner city Johannesburg have put the urban poor in a perpetual state of waiting. The waiting I witnessed ranged from anticipating courts decisions for placements from a “bad building” into an alternative shelter or when tenants continue to wait for the maintenance of basic services. I observed tenants waiting in other circumstances like awaiting legal counsel in the City’s housing tribunal while continuing to reside in untenable living conditions or while the City explores their appeal an eviction order. I consider waiting a durable experience, where the poor are continually presented with situations where they are asked to wait. Tenants of three resettlement sites exemplify this process. My observations and conversations with a tenant of one of the relocation sites will demonstrate how the lived experience of evictions remains central to lives of these individuals well beyond the actual eviction.

Time and power relate significantly to the experience of evictees. The event of an eviction signals the public spectacle of someone removed from a property, but in
many ways asymmetrical and temporal relations of power remain veiled. Theoretically Pierre Bourdieu understood that temporal power often becomes naturalized and effectively can “perpetuate or transform the distributions of the various forms of capital by maintaining or transforming the principles of transformations.” (Bourdieu 2000, 227-228) It is not an overstatement to suggest that the “principles of transformation” that represented the anti-apartheid struggle and the redistributive policies that initially characterized the first few years after apartheid ended, have dramatically shifted. The allocations of capital in the forms of basic service delivery and redistributive policies that would have aided poor South Africans have instead been retrenched or eliminated by the ANC government.

Theorist Judith Butler contributes to the relationship between power and precariousness. Butler adds that in many societies precariousness has becomes social policy, “the fact that one’s life is always in some sense in the hands of the other. It implies exposure to both to those we know and to those we do not know; a dependency on people we know, or barely know, or know not at all.” (Butler 2009, 14) In the case of the resettlement sites, the City of Johannesburg’s outsourcing of maintenance and security services has made residents dependent on unknown groups. Not only does the City carry out short term contracts to provide services for these resettlement sites, they have also maintained little oversight. In terms of the role of the courts, Bourdieu contends, “It is no accident that the institution ordinarily mandated to limit arbitrariness, the court, is here the site par excellence of arbitrariness which proclaims itself as such and does not even pretend to be anything else.” (Bourdieu 2000, 229)
Recent news on evictions in South Africa amplifies this point. Despite the important Constitutional Court judgments on evictions, forced removals persist. For example in Cape Town, municipal authorities have justified evictions based on the notion that “informal structures” like shacks cannot be regarded as a home and can therefore be subject to demolition. The court judgment reads as stated by a member of the Cape Town Metro Police, “The demolition operation started at 6pm and, as stated, thirty two structures were ultimately demolished. I state without reservation that none of these structures constituted dwellings or a persons’ home and nor were they occupied.”

The definition of home by government officials and the practice of dwelling in informal settlements underscore the complexities of eviction procedures in South Africa. Despite constitutional rulings prohibiting state authorities from forcibly removing populations the State has found innovative ways to circumvent important anti-eviction laws. These circumspective approaches provide new challenges for the urban poor and draw attention to the limitations of legal recourse as the sole means to social justice and transformation.

**The City of Johannesburg v Rand Properties (Pty) Ltd: Olivia Road**

In 2008 the Constitutional Court of South Africa decided a landmark case in favor of occupants subject to an eviction by city authorities. The decision required the City of Johannesburg to provide alternative housing options in case of an eviction. The judgment known colloquially as the Olivia Road case, named after the residential street

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58 *Fischer v Ramahlele* (ZASCA 88 June 4, 2014).
in the Berea section of inner city Johannesburg also required that cases involving evictions pursue “meaningful engagement” between local authorities, tenants and property owners to prevent homelessness during eviction procedures. For several years the occupiers of two buildings struggled against the eviction application submitted by the City of Johannesburg. In two poorly maintained buildings, over 400 tenants of two buildings without basic services changed the practice of evictions carried out by municipal authorities and property owners.

The Constitutional Court Justice Zackeria Yacoob wrote in his judgment summary that, “The Constitution therefore obliges every municipality to engage meaningfully with people who would become homeless because it evicts them. It also follows that, where a municipality is the applicant eviction proceedings that could result in homelessness, a circumstance that a court must take into account to comply with section 26(3) of the Constitution is whether there has been meaningful engagement.\(^{59}\)

This judgment occurred amid the rapidly changing landscape of inner city Johannesburg. As Justice Yacoob noted, “It is common cause that the implementation of the City’s Regeneration Strategy is an important reason that founded the decision to evict. That strategy was adopted in 2003.” (Wilson 2011, 13) The Justice’s reference to the Johannesburg Inner City Regeneration Strategy recognized that previous efforts to evict occupants based on health and safety codes remained a partial, if not hidden motivation for the City to pursue evictions.

\(^{59}\) Occupiers of 51 Olivia Road, Berea Township and 197 Main Street Johannesburg v City of Johannesburg and Others (24/07) [2008] ZACC 1; 2008 (3) SA 208 (CC); 2008 (5) BCLR 475 (CC) (19 February 2008) at 12,13 [sec. 18] http://www.saflii.org/za/cases/ZACC/2008/1.html
The Olivia Road case occurred during a pivotal moment in the redevelopment of the inner city. The City of Johannesburg began their efforts to regain control of an area, they viewed as unmanageable and undesirable, scattered with poorly maintained or abandoned buildings. The thrust of the City’s regeneration strategy would initiate deals with private developers to take over properties that the city no longer wanted or could not afford. The only caveat would come with the removal of occupants from these properties. According to Wilson’s essay on litigation and housing rights in the inner city from 2004 – 2008, “Between 2002 and 2006 residents of 122 properties in the inner city of Johannesburg were evicted in this way, numbering an estimated 10,000 people.” (Wilson 2011, 137)

Justice Yacoob specified new rules of engagement for occupiers, municipalities and property owners. This decision forced the City of Johannesburg to rethink previous approaches that would render illegal and legal occupants homeless in the case of an eviction. Yacoob’s judgment also pushed the City of Johannesburg to address the need for low-income housing in the inner city. By mandating “meaningful engagement” among all parties involved in eviction procedures, the Constitutional Court challenged the impunity of municipalities and property owners that often acted without consideration of tenants rights or the effects of the eviction.

As I mentioned earlier in this dissertation, the City of Johannesburg and media outlets disseminate distorted and half-truths about the tenants of bad buildings. The images and stories of criminal syndicates known as hijackers as the sole tenants of “bad buildings” have effectively promoted the use of mass eviction as a solution to this phenomena. Yet despite these motives, the City’s actions violated constitutional
housing rights and protection against evictions. However as Wilson noted, “An innovative and speedy process was necessary in order to ensure that eviction orders could be obtained with the minimum of controversy.” (Wilson 2011, 136) The issuance of the National Buildings Standards and Building Regulations Act 103 of 1977 became the City’s way of expediting evictions when the City could identify buildings with health or safety violations based on the guidelines of the Buildings Regulations Act. The Act met little resistance as many of the occupiers resided illegally in poorly maintained buildings or their occupancy included surreptitious payments to illegitimate slumlords. Mass evictions also benefitted from the framing of the issue as one of “health and safety” and not an issue related to housing or the ineffectiveness of national housing policies for low-income and poor populations. (Wilson 2011)

Stuart Wilson also suggested two other notable features of the City’s eviction practices. He wrote, “First, the City retained a specific law firm and counsel, which specialized in obtaining eviction orders in order to manage the process. Second, the City routinely used urgent court processes in order to minimize the likelihood of opposition to the eviction applications it brought.” (Wilson 2011, 137) The latter statement speaks directly to the comment made by Executive Director of the Inner City Resource Center, Shereza mentioned when talked evictions happening behind people’s backs or at faster rates.

While the stereotypes of those who live in “bad buildings” persist and few sources have challenged these negative portrayals, my dissertation research attempts to challenge the limited depictions about tenants of these buildings. My study also contests the idea that the City of Johannesburg has done everything it can to aid groups in “bad
buildings” throughout the inner city or that State has exhausted its resources. To the contrary through policy memorandums and court affidavits, the City has not only expressed reluctance to support alternative housing accommodations for the poor in case of an eviction, they have actively tried to circumvent or work against rulings that would make them culpable.

Legal scholar Stuart Wilson characterized the City of Johannesburg v Rand Properties (Pty) Ltd, also known as the Olivia Road case as the “catalyst” needed to redirect attention towards the human cost of evictions. This statement by Justice Yacoob also exemplified the legal parameters by which the Constitutional Court would hold the City of Johannesburg responsible in the case of evictions. He wrote,

It is common cause that the City in making the decision to evict the people concerned took no account whatsoever of the fact that the people concerned would be rendered homeless. This is regrettable…In this case the City had a duty to ensure safe and healthy buildings on the one hand and to take reasonable measures within its available resources to make the right of access to adequate housing more accessible as time progresses on the other. It cannot be that the City is entitled to make decisions on each of these two aspects separately, one department making a decision on whether someone should be evicted and some other department in the bureaucratic maze determining whether housing should be provided. The housing provision and the health must be read together. There is a single City. That City must take a holistic decision in relation to eviction after appropriate engagement taking into account the possible homelessness of the people concerned and the capacity of the City to do something about it.60

For inner city residents living in resettlement buildings, deteriorating conditions, the City’s lack of oversight and inadequate approach to developing large-scale

60 Occupiers of 51 Olivia Road, Berea Township and 197 Main Street Johannesburg v City of Johannesburg and Others (24/07) [2008] ZACC 1; 2008 (3) SA 208 (CC); 2008 (5) BCLR 475 (CC) (19 February 2008) at 25,26
http://www.saflii.org/za/cases/ZACC/2008/1.html
permanent housing options for low-income residents, has proved taxing. In his ethnographic study of Vietnam, Harms’ suggests that, “Waiting feels oppressive not because people, for some natural reason, simply do not like to wait. Rather, enforced waiting becomes oppressive specifically when it undermines subsistence or precludes the ability to plan for better subsistence strategies.” (Harms 2013, 356) Harms’ understanding of “waiting” as an oppressive weight that weakens the poor’s ability to survive relates to many of the social conditions faced by the poor awaiting for better housing conditions in South Africa today.

**Legal Waiting**

Nelson’s eviction from the San Jose building significantly changed the relationship tenants had with government and privately owned and property owners in eviction cases. The Constitutional Court judgment instituted a “meaningful engagement” clause to mitigate disagreements between all parties. Despite this legal intervention, the “meaningful engagement” clause encourages deliberation, which are often lengthy processes. While the South African Constitution states,

3) No one may be evicted from their home, or have their home demolished, without an order of court made after considering all the relevant circumstances. No legislation may permit arbitrary evictions.\(^6^1\)

Litigation subsequently developed to respond to specific evictions cases. In 1998, the Prevention of Illegal Eviction and Unlawful Occupation of Land Act (PIE ACT) addressed legal and unlawful occupants by requiring building owners at least 14

days before court proceedings to carry out an eviction. The law attempted to protect vulnerable populations like the elderly or children from violence by appointing the local police to oversee eviction procedures. Many of these laws attached themselves to the extensive nature of the Constitution. Yet as the South Africa Economic Rights Institute pointed out, “The Constitutional Court has thus far been hesitant to prescribe the exact content of the right of housing, or what individuals would be able to claim from the state in terms of this right. Instead, the courts have opted to evaluate the reasonableness of the measures adopted by the state in order to realize the right to housing.” (SERI February 2016, 9)

The Constitutional Courts engagement with eviction jurisprudence continued in a 2005 decision. The case Port Elizabeth v Occupiers involved an order to remove 68 people on private property within the municipality of Port Elizabeth, a city on the eastern coast of South Africa. A petition signed by 1600 residents to remove the residents from private land compelled the municipality of the Port Elizabeth to initiate the eviction. In this case the municipality decided to move the occupiers to a neighboring township, but the occupiers had no assurances that the alternative placement would not lead to another eviction. The municipality appealed to the Constitutional Court to remove the requirement for alternative accommodations for unlawful occupants. The PE Municipality established the idea of “justice and equity” between the occupiers and owners, which considered the PIE Acts insistence on the State taking “reasonable” actions to provide alternative housing options for occupiers. The PE Municipality judgment released by Justice J. Sachs also emphasized meditation, which later became a precursor to the meaningful engagement clause more clearly defined in
the Olivia Road case. On the concept of mediation, Justice J. Sachs wrote that, “Mediation has a particularly significant role to play.” (Port Elizabeth Municipality v Various Occupiers 2004) Justice Sachs continued to suggest that the state should not be perceived as acting solely on the basis of property owners or occupants, but that “On the basis of this judgment a court involved in future litigation involving occupiers should be reluctant to accept that it would be just and equitable to order their evictions if it is not satisfied that all reasonable steps had been met to get an agreed, mediated solution.” (Port Elizabeth Municipality v Various Occupiers 2004) Here Justice J. Sachs suggested that a negotiated resolution is the most promising response for parties involved in eviction procedures.

The mandate of “meaningful engagement” emerged from this judgment and became a more developed and robust statute in the Olivia Road case. It is also important to note that the Constitutional Court judgment essentially ruled that the City’s decision to apply for an eviction order based on health and safety regulations nullified the provision of alternative accommodation and would not be considered separate decisions, but must be a part of the “meaningful engagement” section of the law. Justice Yacoob included in his brief these declarative statements on “meaningful engagement. He wrote,

(10) Engagement is a two-way process in which the City and those about to become homeless would talk to each other meaningfully in order to achieve certain objectives. There is no closed list of the objectives of engagement. Some of the objectives of engagement in the context of a city wishing to evict people who might be rendered homeless consequent upon the eviction upon the eviction would be to determine-

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62 Port Elizabeth Municipality v Various Occupiers (CCT 53/03) [2004] ZACC 7; 2005 (1) SA 217 (CC); 2004 (12) BCLR 1268 (CC) (1 October 2004) at [43]
63 Port Elizabeth Municipality v Various Occupiers (CCT 53/03) [2004] ZACC 7; 2005 (1) SA 217 (CC); 2004 (12) BCLR 1268 (CC) (1 October 2004) at [61]
(a) what the consequences of the eviction might be;
(b) whether the city could help in alleviating those dire consequences;
(c) whether it was possible to render the buildings concerned relatively safe and conducive to health for an interim period;
(d) whether the city had any obligations to the occupiers in the prevailing circumstances; and
(e) when and how the city could or would fulfill these obligations.

[15] Engagement has the potential to contribute towards the resolution of disputes and to increased understanding and sympathetic care if both sides are willing to participate in the process. People about to be evicted may be so vulnerable that they may not be able to understand the importance of engagement and may refuse to participate in the process. If this happens, a municipality cannot walk away without more. It must make reasonable efforts to engage and it is only if these reasonable efforts fail that a municipality may proceed without appropriate engagement. It is precisely to ensure that a city is able to engage meaningfully with poor, vulnerable or illiterate people that the engagement process should preferably be managed by careful and sensitive people on its’ side.

The Trouble with Meaningful Engagement

My observations and interview with a tenant of one of the relocation sites will demonstrate how the lived experience of evictions remains fraught well beyond the actual eviction. The public interest attorney Jackie Dugard attests the limits of the Constitutional Court are inadequacies embedded within the judiciary system. The costly nature of legal services and the technical complexity of socio-economic right cases have proved significant barriers to poor litigants seeking legal representation, specifically in civil matters. Dugard asserted that,

The barriers to poor people accessing courts independently (no comprehensive right to legal representation at state expense in civil matters and non-referral of cases to the in forma pauperis system of securing pro bono representation), combined with the prohibitive costs for public interest organizations wishing to take up poor people’s issues (related to the risk of having an adverse costs order and the inability to take constitutional cases directly to the Constitutional Court), mean that
very few socio-economic rights-related cases are taken up at all, and fewer still make it all the way to that Court. (Dugard 2008, 235)

In this context the cases that have been brought to the court on evictions have even greater significance. Dugard expressed that the guidelines pursued by the Constitutional Court to address the needs of poor South Africans have remained weak or “toothless”. In terms of the Olivia Road case Dugard expounds that the Court’s style of deliberation or “judicious avoidance” a term she borrowed, but nonetheless aptly characterized the Constitutional Court in South Africa. Herein lies the challenge of litigation as the sole bearer of transformative justice to implement housing rights or to facilitate concrete solutions to protect tenants from evictions.

In Dugard’s article on the failures of the South Africa judiciary system, she summarized how the Court’s decision in the Olivia Road case while significant continued to expose poor tenants to evictions. She identified the Court’s process of “judicious avoidance” when, “In the Olivia Road, the Constitutional Court sat on an appeal from the Supreme Court of Appeal on the nature of the state’s obligations towards 67,000 desperately poor people facing eviction from buildings in the inner city of Johannesburg in terms of the City’s urban regeneration strategy.” (Dugard 2008, 237)

As Dugard duly noted, several important issues remained key for the Justices in this case, 1) the States obligation to the constitutional right to housing in section 26 of the constitution, 2) constitutional provisos requiring housing in the City of Johannesburg for the poor, as a part of a larger city-wide redevelopment strategy, 3) deciding whether the Apartheid law of 1977, the National Building Standards and Building Regulation Act
used in the Olivia Road case gave the local government the authority to evict tenants was in fact unconstitutional. (Dugard 2008)

Dugard explained that Court instead decided to focus on the idea of “meaningful engagement”, even though the provision does not provide vigorous attention to protect poor tenants from evictions in the future. In a censure of meaningful engagement she wrote, “However, while a welcome innovation, the concept of meaningful engagement does not provide poor people with any concrete protections against eviction, nor does it help to delineate the right to housing…By so doing, the Court failed to tackle the policies and practices at the core of the vulnerability of poor people living in locations earmarked for commercial development and it failed to establish critical rights-based safeguards for extremely vulnerable groupings, despite having all the material before it to do so.” (Dugard 2008, 238)

Dugard’s statement captured the limitations of meaningful engagement in the Olivia Road Case. While the Constitutional Court has power, their approach described as “judicious avoidance” resonates with Bourdieu’s belief about the duration of waiting. He wrote, “It follows that the art of ‘taking one’s time’…of making people wait, of delaying without destroying hope, of adjourning without totally disappointing, which would have the effect of killing the waiting itself, is an integral part of the exercise of power.” (Bourdieu 2000, 228)

The final comments by Justice Yacoob on the Olivia Road the stated,

It is not necessary for this Court to consider the question of “permanent housing solutions” for the occupiers. The City has agreed that these solutions will be developed in consultation with them. The complaint by the occupiers that negotiations have been marred by unclear and in concrete housing plans is not in my view a sufficient reason for this Court
to consider this question at this stage. There is every reason to believe that negotiations will continue in good faith. The situation now is very different from that which confronted the occupiers in the High Court. The City has shown willingness to engage. As a result, the desperate situation of the occupiers has been alleviated by the reasonable response of the City to the engagement process. There is no reason to think that future engagement will not be meaningful and will not lead to a reasonable result. ” Occupiers of 51 Olivia Road, Berea Township and 197 Main Street Johannesburg v City of Johannesburg and Others (24/07) [2008] ZACC 1; 2008 (3) SA 208 (CC); 2008 (5) BCLR 475 (CC) (19 February 2008) [pg. 20 – sec. 34]

In this statement Justice Yacoob placed a great deal of faith in the City to carry out a reasonable plan of action for individuals in eviction processes. The consultation he refers to is a description of honest intent, rather than a substantive attempt to provide permanent housing solutions for individuals involved in eviction cases.

Living in the time of transition: Responding to Crisis

AJ: What's the current condition of this building?

Nelson: Very bad, very bad. Every pipe is leaking. No proper cleaning. No maintenance at all. Totally no maintenance at all.

AJ: So that article in 2010, it’s almost the same as 2014?

NC: 2013. 2014 it's the same, there is nothing that has changed and it doesn’t seem it's going to change – that there is going to be a change.

This last section aims to unify the lived experience of waiting with the collective agency that emerged for tenants challenging their eviction. While evictions often have devastating effects, my example demonstrates how evictions can be catalysts of change.
and productive platforms of collective agency and social critique. In this case, an eviction spawned a host of politically oppositional strategies to challenge the City’s application for an eviction, these approaches continue to inform tenants like Nelson when dealing with a myriad of issues that have emerged in their temporary housing location. Some States, James Scott has argued are “…driven by utopian plans and authoritarian disregard for the values, desires and objections of their subjects, one indeed a mortal threat to human well-being.” (Scott 1998, 7)

I met Nelson Chawe in 2008. He and other tenants of the San Jose buildings lived in a transitional housing building known colloquially as MBV1 as a part of the City of Johannesburg v. Rand Properties judgment. Prior to moving to MBV1, Nelson lived for several years in a 14-story building known as the San Jose building without water and electricity in the Berea section of the inner city. Unfortunately buildings like San Jose are a common sight throughout the inner city. They house a range of people from different regions of South Africa and throughout countries in Sub-Saharan Africa. Nelson moved into San Jose in 2003 at the suggestion of a friend. Like so many, Nelson traveled from the Eastern Cape to Soweto and then inner city Johannesburg originally to find work. He told me he hasn’t made a living since 1993 or 1994. At times he has facilitated the purchase of copper to any willing buyer and during our first interview asked if I could help him find customers. I declined. On most days however, Nelson wakes up early and sells newspapers near Joubert Park. Like so many who have lived in buildings apportioned for evictions, many work daily as street vendors or casual laborers in inner city Johannesburg.
Nelson and many of the tenants in MBV I, live in a liminal state. They live between encroaching real estate development and decades long deterioration in one frame. The other situates them between their own eviction and their current lives in the City’s transitional housing. In my last discussion with Nelson he took me on a tour of MBV I. On previous visits we primarily stayed in his room, a neat maintained bachelor flat with a transistor radio blaring local news and stacks of tidily stacked newspapers. Nelson’s room was spotless and orderly. His room reminded me of his directives as committee member at the San Jose building, there he organized or at times ordered tenants of the dilapidated high-rise to clean “forcefully” every Saturday or leave the premises.

Nelson’s comment that very little had changed at MBV I over the past few years indicate the type of waiting he continues to endure in his transitional housing site. His description of the environment as “very bad”, also made reference to the inattention towards upkeep and unsuitable clean up. His remarks stemmed in part from his role coordinating weekly cleaning sessions at the San Jose building where he previously lived. Nelson’s ability to organize tenants to clean every week became a turning point when judges conducted site visits to determine the outcome of his eviction case at his former residence. As reported, judges commiserated with many of the tenants who attempted to maintain order and decorum in a building without electricity or water. Nelson believed that in light of the eviction notice the building received, his instructions to other tenants to keep the building tidy would work in their favor. For Nelson cleaning the San Jose building with other occupants was a means to end. He told me,
I called [a] small boy – I said look – I can see you’ve been in school and you – somebody whose got a vision – we want to stay here – we cannot stay in this place full of dirty. So now my plan is let us, everybody in the morning – wake up everybody – clean the place; forcefully – closing the gates, putting into the gates – nobody must go out – we must clean by force (emphasis on force) – go and tell your brothers. He went and tell your brothers. They called me – Man (name) comes with this idea – No’s its fine – let’s do it guys – you are going to see, it’s going to work. And we are going to win this government. If we can do that, we are going to win. Because the court can see, he is going to see that we are trying our best. The government has to try it’s best also. Lets meet halfway. They my buy my statement. We’ve done it. We did it. That’s why we are here today. It’s through my ideas.

Nelson also revealed that his strategy as an organizer also included letting others lead. He also mentioned that as a Xhosa man in a city predominated by Zulu’s he tried to avoid ethnic conflicts by letting others take charge, while making plans behind the scenes. Nelson’s deft approach worked and represented a turning point for the presiding judges to mandate the “meaningful engagement” clause and legislate that evictions not lead to homelessness through the provisions of alternative accommodations like MBV I and II. One aspect of particular importance in this excerpt is the agency that Nelson demonstrated as both a tenant and organizer in what seemed like such difficult circumstances.

Nelson’s waiting and belief that the conditions of MBV I will not change possesses greater consequence. As a tenant of a City owned and managed facility, organizing tenants to clean or the holding the city accountable for declining conditions has become more complex. For one tenant’s are reluctant to aid in the maintenance of place where they know the City hired and compensates workers to perform these duties. Secondly, despite San Jose’s conditions the
lack of oversight created a space for autonomy for tenants like Nelson that wanted to improve San Jose.

Poor and working-class South Africans moved to the forefront of social justice movements in post-apartheid South Africa. The shortage of affordable and adequately built homes of poor groups in South Africa has inspired a groundswell of collective opposition. In addition, the economic and social policies of the ANC galvanized these groups to protest against deficient amenities like water and electricity services. In terms of housing, jurisprudence in support of tenants in eviction cases has diverse effects. As cases proceed through hearings, tenants await decisions and after court decisions occupants in eviction cases wait for adjudication. Will the parties deemed responsible for providing alternative housing accommodations be held accountable? How will the courts carry out the mandates in the settlement? For Nelson and tenants of MBV 1, the conditions of their alternative accommodation is crumbling before them, seem unanswered. Specifically in a site managed by the City for whom the Constitutional Court assigned as the main litigant in charge of providing housing options in case of evictions. While the South African constitution is both an instrument of social rights it is also a guardian of propertied entitlements. The open-ended and often watered-down language at times creates loopholes for the lack of accountability to provide secure and safe living arrangements for marginalized populations in South Africa. Nelson is astutely aware of this power struggle and the human force required in negotiating the terms of their livelihoods. Nelson pointed out this complexity,

You know, nobody cares about poor people here. This constitution here it’s on the papers only. Now we have to force, to challenge that
constitution, in the court of laws, in courts, to get that constitution. You know like now, I am saying to you, we had talks, with the director, manager, ops managers, councilors; nobody comes up with any help; there’s a court case that is there about this; all these things that I am saying to you; up until we go to court; high court to challenge them; that is the time they are going to try and do something; without that nothing; nothing; nothing – absolutely nothing.

Nelson deftly points out two important ideas in this statement. First he claims that the post apartheid South African Constitution is a powerful document, but it’s power lies in the collective purpose of the people. Nelson frames waiting in his current living situation at the level of the institution of the State. Nelson has processed his ongoing struggles to obtain suitable maintenance, require appropriate security and to fix repairs as a part of a labyrinth of state actors that have delivered few results on behalf of tenants.

In Javier Auyero’s ethnographic description of “waiting” in Argentina, he suggests that the political power that institutionalizes waiting for the poor does not imply a “recurrent submissiveness of poor welfare clients”, but rather describes the nature of waiting. And the State is “the ground of both poor people’s domination and their possibilities of their survival.” (Auyero 2013, 156) In an interview with Nelson about his ability to organize, he told me, “I know the system.”

Nelson stressed that the Constitution is a useful resource to hold the ANC accountable. This interpretation suggests that the state is a both a resource and an encumbrance with regard to housing. In his description of the states duality, James Scott explained, “The State, as I make abundantly clear, is the vexed institution that is the ground, of both our freedoms and our unfreedoms.” (Scott 1998, 7)
Nelson invited me to visit MBV I and while inside the building, the layout resembled a dormitory. While Nelson lived alone in a single room, he shared a kitchen and a bathroom with other residents. When I asked Nelson about living at MBV I he replied, conditions were far better than the disrepair at the San Jose building. A few weeks earlier I met him and a number of residents from other transitional housing sites at a forum to discuss their current living situation. Residents at several of the placements voiced concerns about the security issues, worsening infrastructure and the overall management of the buildings. All of the buildings operated under different entities. Two of the buildings, a reconfigured private hospital resembled dorm like living, with communal kitchens and bathrooms, while the other site resembles more of a temporary shelter.

On several occasions I observed tenants of MBV I, MBV II and Ekuthuleni gather and voice concerns about their temporary accommodations. The Socio Economic Rights Institute sponsored these forums and met with members to address matters. Lawyers and researchers that worked closely on both the Olivia Road and the Blue Moonlight case took notes and advised tenants at these various locations. The topics of concern ranged from security, to rent and the illegal hosting of squatters. After these larger forums tenants from each building chose a representative to strategize towards the next steps. I visited each site and took note of the stated issues. Individuals selected by the tenants would come together to form a committee and organize their concerns to present formally to the managing bodies.

Nelson like others crowded in a conference room in the Yeoville section of the inner city to express their objections to the management of these new buildings.
Afterwards a small group of men separated themselves as representatives of the larger body of tenants. These members planned to voice their grievances to the City in order to address issues at various transitional sites.

On another visit to MBV I, Nelson took me on a tour of his floor. I had been in the building before, but only to Nelson’s flat. I visited another site, MBV II, which had biometrics security, but on the day I visited an inoperative elevator. The other site, Ekuthuleni required occupants to leave in order to find work or a more permanent place to live. When I visited the shelter’s commons, a vacuous room with gym lockers for storage and a few weathered aluminum picnic tables it remained virtually empty except for a woman and small child eating. The shelter had placards listing occupancy requirements and its emptiness spoke to those requirements despite the national holiday.

At MBV I during Nelson’s tour, he pointed out stained ceilings marked with decayed blotches from leaky pipes. The paint chipped and flaked as if someone had rammed a chisel to force open swathes of paint from the ceiling to the floor. In the shared kitchen, sinks swelled with dredges of waste. In the communal bathrooms, toilets marked with masking tape in the shape of an x indicated several toilets out of order. Nelson then took me outside to the laundry area, where drainage from the bathrooms seeped.

After living in a building earmarked for eviction and now living in the City of Johannesburg’s deteriorating transitional housing building, these experiences prompted me to ask Nelson how he continued to stay motivated during his time at San Jose and today. He replied, “I have a vision.”
Nelson then began to expound on what he learned from his days at San Jose and how those efforts could be replicated at MBV I. He said,

That’s what I am trying to do here also now. It is difficult now here, because you know – one can have ideas, but if you don’t have a shoulder to lean on - hard luck. You go to the legal team, tells you other story, you come to other people – tells you another story – now just looking – even here – what we were doing in San Jose – we can do it here – we can clean ourselves, in this place - because we are staying here – we are the ones who stays here. So what is wrong; what is new to us – because we used to do it - but now. Our legal team has to put in hand – to stress it – that we must do it. Not me to say to people lets do it yet there are people that are getting paid, you see – it cannot work out – because nobody would like to clean for sweep nothing – yet there are people that are cleaning that are getting paid – every end of the month. You see the difference between the two.

By examining a transitional housing site for tenants like Nelson Chawe, he indicated the socio-political challenges that persist for individuals relocated in eviction cases. Evictees relocated to transitional housing are caught between their removal and their desires to live in improved conditions. Despite these wishes, the struggle continues for tenants of MBV I to advocate for a better living environment, while under the authority of City managers. These experiences exemplify Bourdieu’s synthesis on time and power. They also indicate how waiting by the poor is a fundamental tool of domination used against marginalized populations. My ethnographic description and interview with a tenant of a resettlement site, also draws attention to Harms’ contention that evictions have long lives and the social insecurity brought on by forced removals continue to weigh heavy on the lived experiences of individuals even as they attempt to rebuild their lives after their evictions. The urban poor throughout South Africa continue to face these circumstances and withstand what Nelson often voiced as “empty promises” by government authorities to provide sustainable housing for marginalized
communities. Discussing the conditions of MBV I with Nelson made me appreciate the
intransigence of will he displayed when talking about his time in San Jose and now in
MBV I. Although his efforts to achieve permanent and secure housing continue to be
challenged we must be attuned to the everyday struggles and strategies of resistance that
contest stereotypes of the urban poor in the plight for affordable housing.
Boos for Zuma

During my field study, Nelson Mandela passed away. Experiencing post-Apartheid South Africa through his death and the collective mourning that accompanied his passing shed light on the state of South Africa’s contemporary democracy. After the news media and the ANC announced his death, people across country, if not the entire globe paused to salute and to honor the legacy of Nelson Mandela. Both domestic and international news outlets occupied every inch of the Vilakazi Street; near the small home he shared with Winnie in Soweto. Several days later I visited the township of Soweto, ANC members and supporters of the EFF seized opposite corners of the street and performed testy tributes to Mandela while also declaring their allegiance to a South Africa without his physical presence. Along with the Democratic Alliance, they were vying for the country’s political future in preparation for the national elections in 2014.

On December 10\textsuperscript{th}, 2013, I returned to Soweto to attend the Nelson Mandela memorial service. On that afternoon I had ridden one of the Rea Vaya buses to Soweto for an ANC tribute to Madiba.\textsuperscript{64} The constant downpour did not deter me, or the masses of people that came out to show respect for Madiba. The event was held at the grounds also known as Soccer City or the FNB Stadium where international football players participated in the final game of South Africa’s World Cup and the constant downpour hardly deterred the masses.

While U.S. President Barack Obama, United Nations General Secretary Ba-Ki Moon and Zimbabwean President Robert Mugabe received resounding cheers, the

\textsuperscript{64} Rea Vaya is a bus rapid transit system established in 2009 that operates throughout Johannesburg.
arrival of President Jacob Zuma was met with a chorus of boos.\textsuperscript{65} Crowds shouted whenever interior cameras showed footage of his image on one of jumbotron video screens, and their contempt made a crescendo when he eventually took the stage to offer remarks. The booing of Zuma and the celebration of Mandela lived side by side. It was not only apparent that popular support for the ANC – once ironclad – had weakened, but in the overlap of booing for Zuma and celebrating for Mandela, it was clear that a strong current of popular devotion towards the ANC, was still tied to the party’s role in the anti-apartheid struggle.

In the preceding chapters of this dissertation, I have explored this juxtaposition of political perspectives as they have manifest in the form of state-mandated evictions, despite a constitutional provision guaranteeing the right to housing. Should we celebrate the achievements of the anti-apartheid struggle in one of the world’s most unequal societies; or do deepening inequalities in post-Apartheid South Africa tarnish this democratic political transition? While the constitution upholds rights to housing and maintains protections against evictions, the constitutive nature of the constitution secures property rights and on those grounds allows forced removals. Taken together evictions underscore the conditionality of the constitution and its protections.

These contentions frustrating South Africa’s democracy call to mind larger questions about the nature of racial liberalism and post-colonial democracies. South Africa’s constitution established a framework that explicitly outlines democratic principles, yet the translation of those demands into concrete expressions remains uncertain. The issue then, is not only about the trauma of evictions as a process or events

\textsuperscript{65} Piet Rampedi et al, “Zuma’s Humiliation” The Star, December 11, 2013, 1.
but also about the larger political features that may undercut a political democracy. In my study, evictions represent this gap and serve as a visceral manifestation of South Africa’s incomplete response to Apartheid’s legacy.

It was not only Mandela’s death that prompted a popular interrogation of the ANC’s role to redress the legacies of inequality borne of Apartheid. Over the course of 2013 ANC members at almost every level of government (including Zuma) had faced accusations of misappropriation of funds. As many respected sources have declared, in spite of South Africa’s democracy and pronounced commitment to non-racialism, the country is still ensnared by the intransigence of racialized inequalities.

For many South Africans the current political leadership’s failure to uphold its post-Apartheid mandate weighs heavily on the present like a nightmare. In “The 18th Brumaire of Louis Bonaparte”, Marx reminds us that,

Men make their own history, but they do not make it just as they please in circumstances they choose for themselves; rather they make it in present circumstances, given and inherited. Tradition from all the dead generations weighs like a nightmare on the brain of the living. And just when they appear to be revolutionizing themselves and their circumstances, in creating something unprecedented, in just such epochs of revolutionary crisis, that is when they nervously summon up the spirits of the past, borrowing from them their names, marching orders, uniforms, in order to enact new scenes in world history, but in this time-honored guise and with this borrowed language. (Marx [1852] 2002, 19-20)

For so many South Africans the nightmare is now. From evictions to service delivery protests and more recently student protests in higher education, the use of violence to suppress popular protest has become all too common. Now the ANC uses private security firms to contain student protesters or muffle basic service demonstrators. All of these actions indicate the unresolved tensions along racial, political and economic
lines, but also the ANC’s ineffectual policy prescriptions that have “summoned up the spirits of the past” in order to create a climate where the ANC’s brand of democracy seems awash with hollow declarations.

In this way, the 20th anniversary of Apartheid’s fall commenced a reckoning rather than a break from the past. As Marx concluded “A whole people, believing itself to have acquired a powerful revolutionary thrust, is suddenly forced back into a defunct era; and so that there is no mistake about the reversion, the old names, the edicts, which had long declined to mere antiquarian interest, and the old functionaries, who had seemed long decayed.” (Marx [1852] 2002, 21) The pressure of evictions on the daily lives of people in inner city Johannesburg speaks to the uneven and contradictory ways that democracy works in post-Apartheid South Africa.

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Ishmael, a long-time organizer in the inner city and activist during the anti-apartheid struggle, once told me, “Don’t underestimate the power of the people.” I took that to mean that the promise of democracy in South Africa did not merely remain tethered to ideological commitments, but remained plausible through the foot stomping action of the people themselves and their political demands for secure housing, livable wages and potable water. Recent news articles about evictions focus solely on tenant actions or poor building conditions, to justify forced removals, placing blame on tenants or the environments they live in, while privileging the voices of unscrupulous government officials, greedy real estate developers and corrupt landlords. In articles like “When Property Turns Bad” one reads that property owner view lengthy court
processes, illegal property occupations, and court decisions in favor of evicted tenants as serious challenges to investing in the inner city. Often removed from this discussion are the tenants, organizers and legal advocates that struggle to change the ruinous housing conditions so many people experience while living in inner city Johannesburg.

Rather than view evictions as a symptom of tenant behavior, I consider the complexity of black urban life as understood through the people themselves and how they analyze the worlds they live in. Evictions and struggles over housing for poor persons in South Africa are critical to understanding post-Apartheid South Africa. Contemporary evictions in inner city Johannesburg remain informed by the history of dispossession and labor migration, contemporary opposition to evictions simultaneously animate potential points of resistance and new forms of political organization that respond to the specific economic and political conditions. While the constitution recognized the importance of basic rights and housing in South Africa’s democracy, protections for private property also undermine those safeguards.

Contemporary evictions in inner city Johannesburg are entrenched in the country’s settler-colonial history, a historical sequence that continued to inform urban formations in Johannesburg. As one housing official told me, “There are no new owners in the inner city.” His statement reflected the ongoing purchase of settler-colonialism and the circulation of capital that aims to rebuild the inner city. While the housing official noted that these individuals abandoned their properties as the demographics of the inner city changed, local government officials have also encouraged these entities to capitalize on the area’s regeneration.

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The foundation of the ANC’s democratic environment runs through grassroots organizing against evictions. By documenting activism against evictions I demonstrate the variegated ways organizers understand evictions beyond the event and attempt to address tenant concerns about housing. Given the changing political landscape of South Africa, everyday forms of activism have become important sites to challenge forced removals. The struggle against evictions in the context of constitutional rights to housing and protections against evictions, at times signals the limited scope of the constitution’s material application.

As I have discussed earlier, the rhetoric of a non-racial state, rather than the elimination of social inequalities and the development of policy mechanisms that would support that undertaking, hardened economic disparities in places like inner city Johannesburg. In the anti-apartheid struggle and during the country’s political transition, the ANC coopted mass support on issues like employment, livable wages, housing and basic services in order to assuage popular support. At the same time many of the political and economic decisions made by the ANC fostered an environment that would create conditions for severe housing shortages and evictions. Intensifying class divisions continue to unsettle the efficacy of a democratic political transition built in the logic of late capitalism. The constitution developed in this context and provided both limits and measured reforms to reinforce legal principles that would govern post-apartheid South Africa.

Through the media, evictions are strategically deployed as signs of tenant malfeasance, while obscuring the political actors and economic strategies that created these circumstances. Powerful images of overrun sewage, unmanaged sanitation and
broken down buildings feature tenants as egregious freeloaders of the state. These impressions elide the purposeful neglect orchestrated by property owners and the city’s willingness to endorse these actions with tax abatements. Often overlooked is how legal documents, landlord collusion, and capital drive evictions and hijacking.

The City of Johannesburg’s disregard for the poor is illustrated in my depiction of temporary housing sites for evicted tenants. This ethnographic description demonstrates the limits of constitutional decisions that rule in the favor of tenants and portrays how the city remains indifferent to the poor in inner city Johannesburg - specifically how their own facility remains emblematic of how the State views the poor in relation to their ongoing campaign to regenerate the inner city.

Patterns of urban migration that manifested during Apartheid continue to play a role in the lives of people facing evictions in inner city Johannesburg. Many of the people who participated in my study left rural villages or townships to seek employment in Johannesburg. Considering the new terrains of political activism in South Africa and the decline of new social movements, a range of political engagements have emerged and continue to forge a political vision based on material interests rather than a politics enervated by democratic ideals. While it may seem that evictions strip away one’s citizenship guaranteed by the constitution, I am reminded by what Nelson Chawe once told me sitting in his room, “You know--nobody cares about poor people here. This constitution here--it’s on the papers only. Now we have to force, to challenge that constitution, in the court of laws, in courts; to get that constitution.”
Future Considerations

At the heart of this study lies the paradox between the constitutional right to housing and the concrete reality of evictions. Globally, inadequate housing among poor households has reached extreme levels. In cities throughout the globe, evictions have become more commonplace despite democratic or human rights protections.67 As the global phenomenon of evictions develops, the study of evictions requires a deeper understanding of the historical, political and economic contexts that shape these processes. Since evictions involve local state governments, community organizers and tenants themselves, the analysis of evictions must likewise reflect their complexity. There are several areas of inquiry to consider when studying evictions. First, more attention has to be given to the relationship between local state actors and eviction procedures even as the State is not authorized to carry out evictions. This query would examine more closely how the constitution operates at the local level, specifically in the decisions of judges and law enforcement that act on behalf of private owners to execute an eviction. How have local municipalities continued to shape eviction practices under legal constraints? What mechanisms have they used to circumvent constitutional law to authorize eviction practices?

Second, a gendered analysis of grassroots mobilization is required to broaden the understanding of evictions and housing. As an organizing framework, gender would draw attention to the differential impacts of evictions in relation to race, class and

economic structures. How has gender been neglected as a frame of analysis when examining popular protest or collective organizing around housing in post-apartheid South Africa? As a theoretical compass, how could black feminist theories aid our understanding of the phenomenology of evictions, the formation of home and the construction of family within the context of forced removal?

Third, the political economy of inner city Johannesburg could be further analyzed in relation to evictions. How do global, regional, national and urban economies continue to shape Johannesburg? According to Peck, Theodore and Brenner cities have increasingly become central nodes for ongoing process of neoliberalization. As they have pointed out, “Cities have become strategically central in the uneven, crisis-laden advance of neoliberal restructuring projects.” (Peck et al 2009, 49) The housing officials’ mention of the city as “unowned” or unruly sanctions the mayor’s operations to address the perceived crisis through forced removal. The actions by the state at the level of local municipalities in many ways render the constitution’s protections empty, especially considering the significant levels of unemployment and a staggering lack of affordable housing for the majority of South Africans. The financialization of the South African economy has deepened social and economic divisions countrywide. More attention is needed to understand how the housing crisis, unemployment, poverty and economic policies have exacerbated conditions in places like inner city Johannesburg informed the continuities between evictions and capitalist economic structures.

Fourth, debt continues to inform new scholarship and theorization about its relationship to economic structures and impact on social relations. Evictions practices in inner city Johannesburg would benefit from this theorization and the capital extracted
from debt by property owners. From a global economic perspective, South Africa became entrenched in a debtor relationship with global finance institutions like the IMF.\(^68\) In inner city Johannesburg the abandonment of properties by owners at the onset of significant demographic changes eventually became the responsibility of the city. These properties, often plagued with infrastructural problems, basic service arrears and overcrowding, compelled the city to create a number of tax-based incentives for property owners willing to invest in inner city properties. The relationship between debt and local state structures in relation to profit needs to be understood in the context of evictions in inner city Johannesburg. Precisely, how have the specific conditions of the inner city property abandonment encouraged new economies of dispossession?

My hope is that this research contributes to a more just future for South Africa that includes guaranteed quality housing and livable wage employment. Over the course of my study, I met a number of extraordinary people who had lived through and continue to experience dire living conditions. Through their tenacity to be recognized as humans and because of their ongoing struggle to fight for basic housing, I learned a tremendous lesson about resilience.

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**Personal Interviews**


**Media**