

IK

i

f

e

a

s

Olaf Zenker (Halle)

Land Restitution, the Riven State, and the Quest for Redistributive Justice in Contemporary South Africa

Against the backdrop of growing public discontent with the inefficacy of the state-driven post-apartheid land reform and under pressure from the left-populist “Economic Freedom Fighters (EFF)” before the general elections in 2019, the governing “African National Congress (ANC)” started in 2018 preparing for a constitutional amendment, allowing for land expropriation without compensation. Depicted in much political discourse as the silver bullet to land reform failings, this paper probes this assertion by empirically investigating the complexities and intricacies of state-driven land reform on the ground. Using court files, judgments, interviews as well as participant observation as the basis for an extended case study regarding the land restitution claim of the pejoratively named farm “Kafferskraal”, the analysis reveals a disjuncture between a relatively functioning and progressive judicial state and a largely inefficient, self-contradictory and corrupt executive state, struggling with implementation and the unresolved legacies of persistent “customary rule”. These observations, supporting the key insights from the critical 2017 “High Panel Report on the Assessment of Key Legislation and the Acceleration of Fundamental Change” subsequently shelved by the government, put into question the widely-publicized belief that “expropriation without compensation” will substantially contribute to redistributive justice in contemporary South Africa. In light of this riven South African state, the executive might even cynically instrumentalise the fact that its judiciary is still functioning by promising a populist constitutional amendment before the elections while knowing that this amendment will subsequently be either watered down substantially or declared invalid by the Constitutional Court anyway.

Olaf Zenker is Professor of Social and Cultural Anthropology at the Martin Luther University Halle-Wittenberg. Focusing on Southern Africa, Northern Ireland and Germany, his research deals with statehood, bureaucracy, the rule of law, normative pluralities, modernity, inequality, justice, conflict and identity formations, as well as sociolinguistics and anthropological epistemologies. He recently co-edited with Markus Hoehne *The State and the Paradox of Customary Law in Africa*, Routledge 2018.

Institutskolloquium Sommersemester 2019 (Leitung: Heike Drotbohm)

Wann? Dienstag, 18. Juni 2019, 18:15-19:45 Uhr

Wo? Hörsaal 14 / Großer Übungsraum (Raum 01-715), Forum 7, Becherweg 4, 1. Stock,

Weitere Informationen: www.ifeas.uni-mainz.de