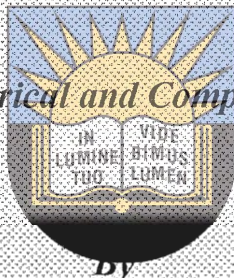


THE LOSS OF THE ANCESTRAL INHERITANCE...

***Land loss during the Monarchical era in Israel, and its
relevance for South Africa***

A Socio-Historical and Comparative Study



by
University of Fort Hare
Together in Excellence
ZANELE SONANZI

***Submitted in satisfaction of the requirements for the Degree of Master of
Arts in the Faculty of Humanities of the University of Fort Hare***

Final Supervisor: Prof. Dr. S.P. Abrahams

Date Submitted: May 2001



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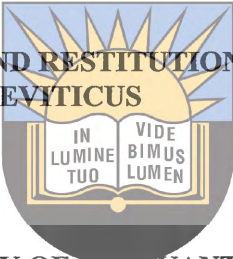
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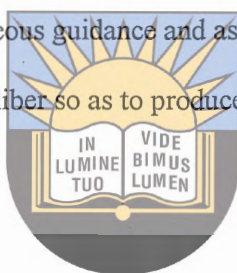


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At first I would like to express my sincere gratitude to my final supervisor, Professor Samuel Abrahams, for the excellent, courageous guidance and assistance he gave me. New South Africa is in need of leaders of his caliber so as to produce a generation with an independent mind and wisdom.



Secondly, I thank the entire staff of the Faculty of Theology at large for their constructive comments pertaining to this project. They have been so understanding and considerate to me.

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Fourthly, my family, especially my mother (Mamzotsho) and my father (Limakhwe), deserve more than hundred times all the love and gratitude from me for their tireless effort and courage in making this task a success. As victims of Apartheid's forced removals in this country, I dedicate this work to them.

Fifthly, in midst of all I have to show my wholehearted appreciation and special thanks to our diligent, approachable typist, Mrs Ngabavu. She has been kind and sacrificial to me. We want dedicated people like her in this new South Africa's administrative field.

Lastly, I would like to thank the Almighty for the strength, wisdom and courage He gave me in the long run of doing this task.



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DEDICATION

I would like to dedicate this work to my family, especially my parents, sisters and brothers, and above all to the Almighty who gave me the strength and wisdom to make my contribution in the present heated debate on land dispossession and restitution.



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DECLARATION

I, ZANELE SONANZI, do hereby declare that the work contained in this dissertation is entirely my own work with the exception of such quotations or references which have been attributed to their authors or sources and that all plans and overlays are made by me save where I have acknowledged that another is the author.



Dated at FORT HARE UNIVERSITY this 15th day of May 2001

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.....
ZANELE SONANZI

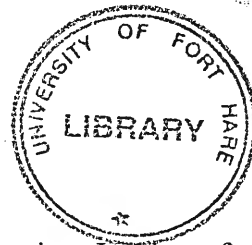
ABSTRACT

This dissertation seeks to investigate and analyse the issue of land loss. This study will focus on the monarchical era in particular as described in the Old Testament as well as its relevance for South Africa.

At first the study highlights the significance of land and its ownership from an Old Testament perspective. Contrary to that ideal of land ownership, the aspect of land dispossession by those in power is a major concern in this work especially during the monarchical era. This is coupled with some detrimental effects it has on people's lives both during the Monarchical era and the contemporary South African contexts. The term "land ownership" as used in both contexts is perceived as the basic human right to property while "land loss" on the other hand, is understood as the violation of that basic human right.

The aspect of land restitution is also examined in both situations in an attempt to find a solution to the land crisis though this is dealt with in two different context in terms of time, social organisation and economic systems. Nevertheless the need for a comparison with regard to the issues of land loss perceptions is argued for both situations as a matter of importance in this study.


1. INTRODUCTION



The title of this study emanates from the Ahab-Naboth confrontation. In this confrontation Naboth refuses to have his land (vineyard) taken by the monarch, Ahab. His refusal is worded as follows:

" The Lord forbids that I should give you my ancestral inheritance..."

(1 Kgs.21 : 3).

The narrative goes on to indicate that Naboth lost his land through murder. Because this study intends to deal with the same trend during biblical and contemporary times, the title for this thesis is informed by the events leading up to the eventual loss of Naboth's ancestral land. It is against this background that I have chosen a title for this thesis as follows : " The loss of the ancestral inheritance" The logo of the University of Fort Hare, featuring a shield with a sunburst at the top, an open book in the center with the Latin motto "IN LUMINE TUO VIDE LUMEN", and a banner at the bottom with the motto "Together in Excellence".

When looking at the events that took place during the monarchical era in the Old Testament as well as those of apartheid South Africa, the aspect of land loss appears to be the most commonly found problem which inflicted pain and unjust suffering to the majority of the poor people in both situations.

This study is therefore an attempt to give a socio-historical and comparative analysis of this phenomenon: how the loss of land took place, who were responsible for the taking over of other people's land, what were the effects of such an action and what was the reaction towards those who grabbed other people's land?

1.1 Aim of Study

The aim of this study is two-fold : Firstly, it is aimed at making South Africans aware of their basic human right to land so as to value that as their ancestral heritage to be kept and protected. Secondly, I am attempting to utilise biblical evidence on the aspect of land loss during the monarchical era so as to compare that to the South African situation today on the same aspect. It is my hope that this contribution would bring about a solution to the problem of land loss, particularly in South Africa.

It is important to state right at the outset that the aspect of land loss is the most outstanding burning issue in South Africa today. The fact that the Whites still occupy most of the land and Blacks occupy just a small part of it in South Africa being the majority clearly indicates that the problem of landlessness is still far from being addressed despite the fact that some new land reform policies are in place. In essence even these policies fall short of fulfilling in the needs of the dispossessed South Africans. The imbalance of our liberation praxis such an imbalance is morally and constitutionally unacceptable in any democratic state.

The utilisation of the biblical texts will also assist in understanding the socio-historical phenomenon of land loss in ancient Israel then, and how this relates to some land loss aspects of the South African situation today.

Much as this study is attempting to raise some awareness on the basic human right to land, it also wishes to provide South Africans with some measures of protecting such a right. This is echoed in the FREEDOM CHARTER which states that :

“The land shall be shared among those who work it.

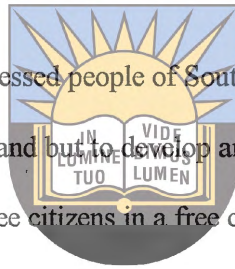
Restrictions of land ownership on a racial basis shall be ended, and all the

land redivided among those who work it, to banish famine and hunger.

The state shall help the peasants with implements, seeds, tractors and dams to save the soil and assist the tillers”.

This clause acknowledges the fact that we will always have the poor in our communities who cannot buy land, but even the poor are born somewhere and not in space. The authorities will hence have to take cognisance of their duty in terms of providing the poorest of the poor with a piece of land to live on.

It is through this study that the dispossessed people of South Africa are being encouraged not to lose hope in their struggle for their land but to develop an understanding that one day they will get back their land and become free citizens in a free country.



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1.2 Scope of study

Although this study will also deal with issues related to land prior to the period of the monarchy, its main focus will cover the problem of land loss during the monarchical era in ancient Israel. The aim is to relate that to the South African situation today on the same aspect.

This study further draws the readers' attention to the manner in which the 8th century prophets took up the land grabbing issue in their stinging criticism against the Israelite kings. I am of the opinion that this stance was also adopted by the radical South African social critics.

The reason for confining this study to the monarchical period is to enable the reader to follow with ease some specific areas of reference with regard to the problem of land loss. The

monarchical era has been identified as the period with the relevant information concerning land loss in the Old Testament. The Naboth incident is one of the outstanding examples reflecting the unjust practice of land grabbing by the Israelite kings.

1.3 Method of Study

The methods that relate very well to this study on land loss in both situations are the socio-historical and comparative approaches.

(i) The socio-historical approach



Gottwald (1979 : 17) defines socio-historical approaches in relation to the Old Testament as methodologically differentiated but compatible disciplines where the intent is to study the total experiences of people in a particular social setting. He further maintains that the historical study of the Old Testament will aim at the sequential discreteness of Israel's experience and the rich variety of its cultural products. On the other hand sociological study of the Old Testament will aim at the total structure and function of the human relations in the Israelite society. This implies that these approaches are inseparable and should be treated as that.

According to Abrams (1982: 2) historical sociology is not some special kind of sociology rather it is the essence of the discipline. He further states that historical approach has always been a core element of sociology. In other words the interdependence of these two concepts that history and sociology cannot be denied hence Gottwald (1979 : 17) says " Sociology without history is empty, history without sociology is blind." This implies that these approaches are two in one. The twinning

of history and sociology is an attempt to strive for an understanding of ancient Israel and South African social systems in totality. The understanding of the history that deals with ancient Israel social systems will be easy to follow when using the socio historical approach.

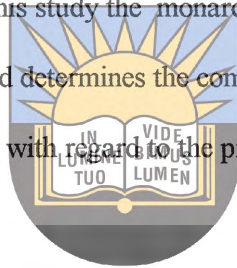
The utilisation of the socio historical approach therefore will assist the reader in interpreting and defining the difficult areas encountered in the biblical text so as to get the actual meaning of the content. Gottwald (1979: 17) maintains that the full recovery and the advancement of the socio historical approach in the study of the Bible comes as a logical extension of the preceding rich discoveries from early Israelite's environment. The socio historical approach therefore will assist in unfolding the relevant information with regard to the loss of land during the monarchical era so as to compare that to South African situation today. It gives the reader a more detailed historical picture for better understanding of the ancient Israelite's social structure. Furthermore this approach will assist in outlining the social structure and the cultural patterns of the ancient Israelites during the pre monarchical era. This also gives us some socio-historical analysis of events in terms of how the loss of land took place during the monarchical era as well as its effect to the social life of the Israelites. The socio-historical approach is also relevant for the same purpose of analysing South Africa's socio- historical situation but in a different context. It plays a major role in informing the reader on a number of social related issues based on norms and values of societies under study.

What is noticeable is that sociology plays an important role in the process of Old Testament interpretation, therefore this can also provide useful tools for the readers of the ancient Israelite's history. Sociological approach assists historians in the task of

defining an area of study and interpreting historical sources. This enables the historians to delineate new areas that must be investigated, in an attempt to formulate new questions to ask of the ancient sources so as to determine the present and the future.

(ii) The comparative approach

This approach has to do with the comparative analysis and interpretation of two different social situations (in this study the monarchical era in Israel and the South African situation). This method determines the commonality and the diversity displayed in the two situations with regard to the problem of the loss of land but in a different context.



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Since this study is dealing with the different social situations in terms of the context, time, social organisation, economic systems and world view between pre-industrial Israel and modern South Africa today, the need for a comparison on land loss perceptions has to be argued.

Certain vital considerations will however, dictate that here and there different strategies should also be utilised. The use of this method in this study includes a comparative critical analysis and imaginative reading of selected texts from various types of Old Testament literature such as narratives, prophetic and judicial material. This will assist in unfolding some realities to the reader on the aspect of land loss experienced by the people during the monarchical era. The two-fold nature of this study legitimates and also requires the use of non-biblical sources of references to facilitate and inform the comparison on land related issues.

For the effectiveness of this comparative study I considered it appropriate to gather some opinions on land loss related situations experienced by different people in different contexts. In this regard discussions with community leaders, church leaders, politicians and other interested people like those living in squatters have proven to be the best instrument for gathering useful information on land loss problems experienced in South Africa. This enables the reader not only to compare the narrated events of land loss to those of the monarchical era, but also understand it as a contemporary problem.

1.4 Significance of the study



The presentation of this study is intended to display a systematic framework on land loss events that took place during the monarchical era and South Africa today. This will enable the reader to develop a critical mindset when comparing both situations.

A study of this nature will refresh the memories of most South Africans on the undisputable value of land as the ancestral heritage that calls for unity in action for its protection. Such memories will ultimately motivate the people to think of relevant strategies to prevent the occurrence of land loss in the present and future South Africa.

It is clear that the current new land reform policies applicable in South Africa today do not fully address the needs of all those who have lost their land through unjust means. Instead, these policies rather favour those who presently possess land. In view of the said state of affairs, this study also attempts to revive the conscience of the South African authorities to fast-track the promulgation of the necessary amendments with regard to land reform policies.

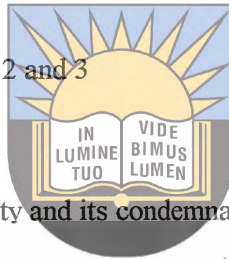
This will help in finding quick alternative solutions to resolve the land loss problem. Such a move will further assist in preventing the unforeseen uprisings where the forceful take-over of the land could occur here in South Africa as it is the case in Zimbabwe today.

1.5 Summary framework of this study

The total framework of this study can be summarised in three basic points:

The basic human right to land :

- This is dealt with in detail in chapters 2 and 3



The violation of the said right to property and its condemnation :

- All this is dealt with in chapters 4, 6 (the Old Testament perspectives) and 7,8 (the South African perspectives).

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The need for land restitution :

- This is dealt with in chapters 5 (the Old Testament perspective) and 9 (the South African perspective).

PART II

LAND OWNERSHIP AND LAND DISPOSSESSION IN THE OLD TESTAMENT

2. ANCIENT ISRAELITE SOCIAL THINKING ON THE DIVISION AND ALLOTMENT OF LAND, AS PORTRAYED IN THE SETTLEMENT

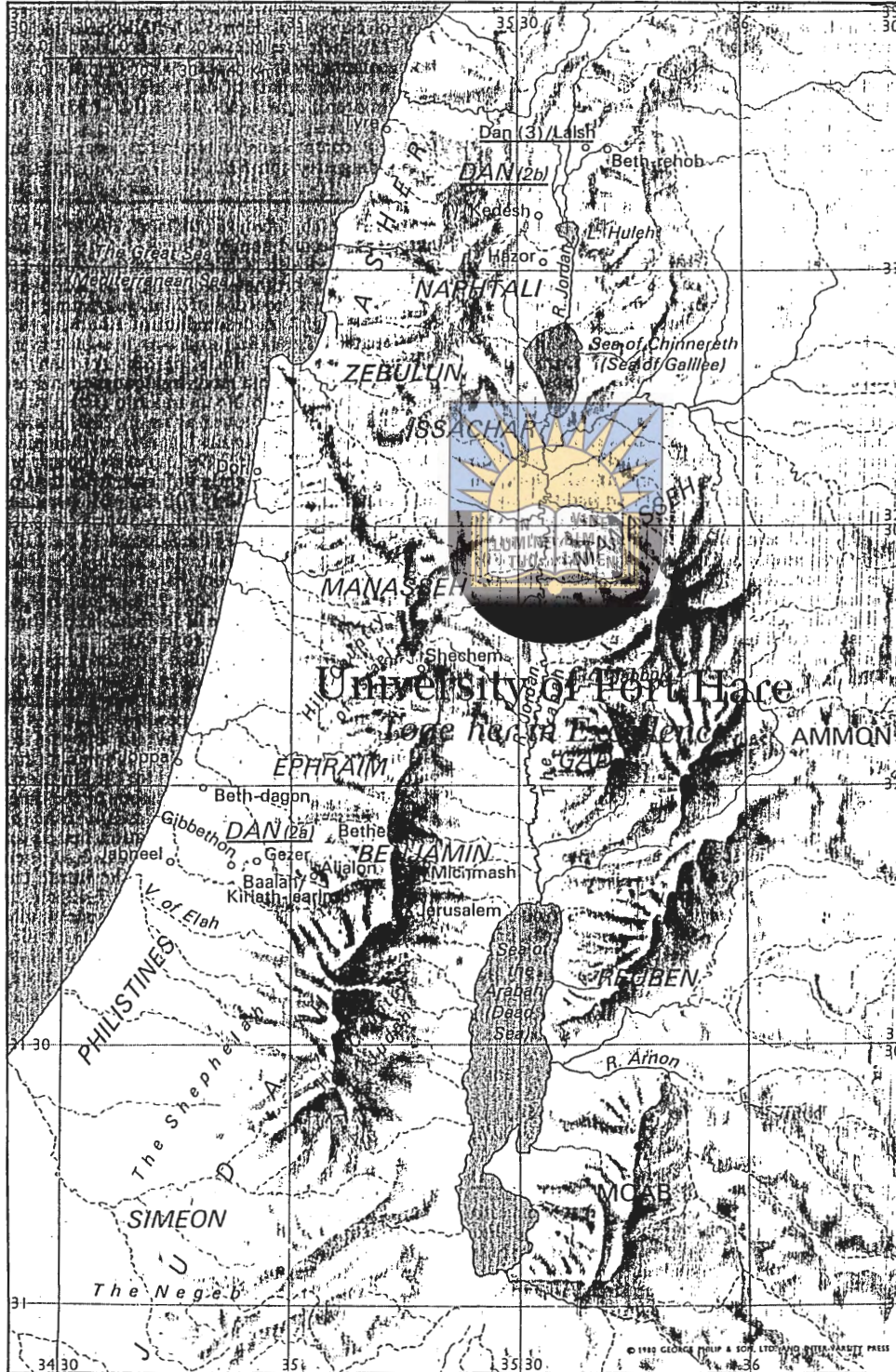
NARRATIVES

This chapter focuses on scholarly debates with regard to the social set-up during the settlement period in Palestine. It also looks into certain aspects of importance with regard to the division of the land and the significance of such a division to the lives of the people then.

According to Gottwald (1979:154) the Palestinian land was divided according to tribes or clans. Such tribes were further subdivided into "families". The mentioned pyramided social system is not so obvious or unequivocal as it looks on the surface. Therefore it is judged among the latest in date and raise tendencies towards patterning data which were either not present or not so uniform in the earliest traditions. As a result of that we are obliged to probe behind the said social schematization to see how far they correspond to the make up of the internal groupings of Israel as reflected in most pertinent sources on social related systems. It has also been a concern of Gottwald (1979:237) the entire regard of sociological and anthropological research on kinship and social organisation of the Israelites.

This has generated much of our curiosity and interest to start looking very closely to the division of the land in Palestine and the possession of the land where several people already lived.

2.1 The division of land



(i) Gottwald's idea of a "tribal land grant system"

It is important to look at the actual distribution of land that took place in the Old Testament time so as to detect the extent of the socio-economic changes expected then. Here such a land distribution is referred to as "tribal land grant system" (Joshua 13-19). Gottwald (1979:155) presents to us three formal types of tribal land grant systems as follows:

(ii) Territorial lists



This is either by the names of regions, or by descriptions of geographical extent employing the formula "from (place name) to (place name)"

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(iii) Boundaries inventories *Together in Excellence*

These are specified by describing the border as running through, along or around settlements and natural features such as rivers, mountains, passes, stones etc.

(iv) City lists

This is often reflected in a form of numerical totals or sub-totals. Some serious discrepancies occur in several lists between the number of cities named and the numerical total rounding out the list.

According to Gottwald (1979:156) a striking feature of allotment descriptions is that in no case do the boundaries, cities or territories of a tribe appear to be given in their entirety. In this

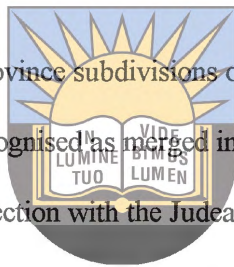
regard one is liable to agree with Gottwald because Benjamin and Judah came nearest to being completely catalogued. Moreover the western boundary and western settlements of Benjamin however, appear to be missing, and Judah lacks a list of cities for the central region between Jerusalem and Beth-Zur.

The displayed map gives us a picture that the city lists for southern most tribes are fullest, while none at all survive for Ephraim. This suggests that the Ephraimites did not drive out Canaanites who lived in Gezer, instead they lived together. Although not always complete boundaries are given in part for all tribes except for Simeon's territory within Judah, something similar seems true for Dan in as much as close examination of the boundaries in the area where the tribes of Ephraim, Benjamin and Judah suggest that little, if any, territory has been left over to accommodate the Danite cities. Some borders between the tribes are detailed and occasionally no boundaries are given for a tribal allotment according to Gottwald. For Issachar's northern and western boundaries it is necessary to consult Naphtali's southern boundary and Zebulun's eastern boundary. No information is given for relocated Dan except a note about the capture of the city Leshem = Laish = Dan. This leaves the northern eastern tribal region ill-defined.

In an attempt to identify the life settings of the tribal allotments Gottwald (1979:56) draws a basic distinction between the boundary inventories and the city lists. According to his opinion the city lists are administrative in intent and are placed at various periods under the monarchy ranging from the reign of David to the reign of Josiah. This means that the boundary delineations reflect the actual division of the tribes in the covenantal intertribal Yahwistic community before the monarchy.

The city lists have been further distinguished by Gottwald (1979:57) as follows: those from the south (Benjamin, Judah, Simeon, Dan) are fairly full catalogues of place names sharply set off from the boundary accounts, whereas those from the Galilean tribes are briefer, even fragmentary, and confusedly mixed with boundary accounts. In this regard there is a considerable doubt that the Galilean "city lists" were ever independent of the other topographical data, since it has been argued with some persuasiveness that the boundary inventories were originally only a sequence of place names later filled out with connecting verbs.

In the south, the city lists are put as province subdivisions of the kingdom of Judah. On the other hand the Simeonite city list is recognised as merged into Judah whereas the Danite city list is increasingly excluded from connection with the Judean provincial scheme.



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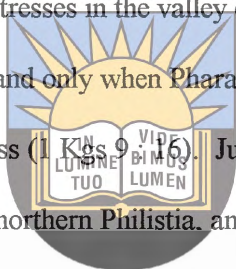
The focus in this study centres around the period in which the history of the kingdom of Judah (or in the united monarchy) is reflected in the southern city lists, both according to the boundaries of the kingdom which they assume and according to the presence or absence of particular cities. The said state of affairs has tended to divert attention from the boundary list as a whole, which is continuously regarded as premonarchic, but correspond with exactness to everything we know about the territorial conditions.

It is further argued that the late Davidic, early Solomonian province is composed of several strands. The territory encompassed in the tribal grants in its outer limits corresponds very closely to the area encompassed by David's census as reflected in (II Samuel 24: 1-9) and by Solomon's administrative districts as witnessed in (I Kgs 4:7-19).

The Israelite's territory within its outer limits is conceived as solidly occupied tribal grants.

This situation was only realised in David's time, following a politico-territorial organisation of Israel as a sovereign state. Prior to the reign of the monarchy in Israel, certain features of the allotment lists can only be accounted for as "Utopian sketches" .

On one hand the realist's interpretation of the allotment lists appears to be necessary in spite of gaps and obscurities in their surviving form. It is made categorically clear by little details that point convincingly to known circumstances of David's reign, or to Solomon's early reign at the latest. For example, the Canaanite fortresses in the valley of Jezreel are in Manasseh's possession. Gezer became Israelite's land only when Pharaoh gave it to Solomon as a dowry for his marriage to an Egyptian princess (1 Kgs 9:16). Judah's northwestern frontier extends through Danite territory, deep into the northern Philistia, and can only be understood as reflective of the period after David had driven the Philistines into defensive positions in the immediate vicinity of their major cities.



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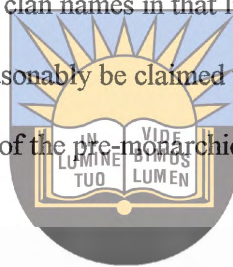
In this regard the late Davidic early Solomonic lists manifest an awareness of previous change in tribal locations and adjustments in occupational patterns among the tribes and in a sense they sometimes carry a history of tribal territorial changes within them, but there is little evidence that tribal boundaries by precise geographical specification were projected prior to David's time.

Gottwald (1979: 158) maintains that the tribes certainly understood where their occupational zones lay, but the idea that they had strict conceptions of territorial sovereignty to be protected by fixed borders, is said to be dubious and extreme.

Of course, the laws of the premonarchic period show great concern that the land will not be alienated from a family or clan. Such laws do not, however, put the matter in terms of territorial integrity but rather in terms of the right of patrimony of the extended social group.

It means that each person was aware of the tribal and family affiliations and the boundaries of his own holdings, there were no need of politically drawn boundary documents to assist him.

There is no possible pre-monarchic setting for city lists per se. The clan tabulation found in (Numbers 26) may reflect some of the clan names in that list as identical with city names in the Joshua lists. Therefore it might reasonably be claimed that the city list of (Joshua 13-19) grew out of the clan list for the master of the pre-monarchic army.



Gottwald (1979: 163) argued that, although there is much confusion between the tradition of Joshua and Judges due to distortions resulting from their attribution to the time of Joshua, their value for determining the original settlement in Palestine, considerable as it is, must be limited to the unevenly detailed view they give at the end of the settlement period.

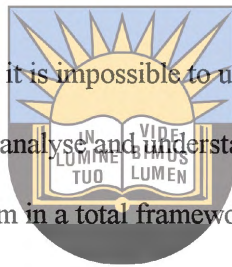
The underlying understanding of the whole settlement period of Israel as recorded in some of the Old Testament records is based on the principle of equal rights to property so as to boost the socio-economic standards of all people of Israel. From my observation the land served as a resource in the early Israelites' agricultural economy. According to Gottwald's opinion the right to property enabled each extended family to acquire the necessities for a meaningful, decent life through responsible work. It becomes clear that the fundamental human right to life, the right to subsistence is immediately and organically linked to the right to land which could be considered as the primary resource for human survival in Israel as well as in South Africa today.

2.2 The importance of land division

2.2.1 Land division as a form of social order

The ancient Israelite social structure from the settlement period was based on communal setting of social order as claimed in the social organisation of Israel. By the look of things, each social organisation of Israel implies a particular social function.

The concept "structure" suggests that it is impossible to understand a part without relating it to the whole. It is difficult therefore to analyse and understand the individual aspect of the society without necessarily placing them in a total framework.



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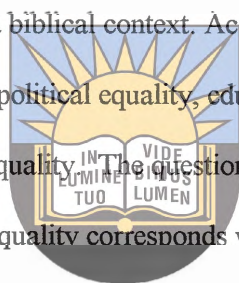
In an attempt to find the functions of the social structure established during the settlement period we need to look at the premise of the socio-economic impact it had on the lives of the people then. We have some ground allowing us to judge the principle of a new social order which had been established by the ancient Israelites when they settled in the arable land. Van Waldow (1970: 193) argues that what mattered in the nomadic or semi-nomadic culture, of course, was not that an individual could not own real estate, but in terms of an ethical principle practised then, the land was actually owned by the community which in turn was lent out to the individual. It means therefore that the individual had no right to sell his holding or parts of it, as witnessed in (Leviticus. 25: 23.)

On the other hand, though each individual was entitled to receive an equal share. This points to the basic principle of the new social order, which is the nomadic principle of parity. In order to avoid social conflicts and splits of the community, no privately owned land holdings were

provided. The same socio-economic basis and opportunities were given to everybody in ancient Israel. In this regard the early Israelites must have been a society without social classes, each individual member possessed a piece of land more or less similar in size and value of agricultural potential. This served as a basis of peaceful settlement .

2.2.2. Land division as a form of equality

At first we need to have a comprehensive understanding of the term "equality" in a broader perspective before we look at it from a biblical context. According to Mays (1983 : 159) the concept of equality can be defined as political equality, educational equality, equal access to resource (land, water etc), economic equality. The question with regard to these definitions is, which, if any, of these definitions of equality corresponds with Israelite's social system in the pre-monarchical era?



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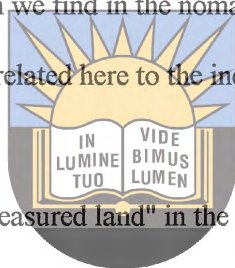
The concept “equality” as understood from a biblical context can be interpreted within the framework of socio-economic parity for all and freedom for all. This in turn is reflective of the notion of the right to property. Hence the settlement period is characterised by equal distribution of the land.

A few texts will now be dealt with in an attempt to shed more light on the principle of "equality" especially as it impacts on the social border.

To start with, we should look at the Deuteronomic narrative as displayed in Joshua (18: 1-10). From the very onset the biblical text presents Joshua as the leader of the association of the tribes, allotting the land to the tribes according to subdivisions and different clans. With regard to the mentioned social arrangement, Von Waldow (1970: 191) argues that it cannot

possibly be the historical way, because to him such an administrative hierarchy was not the presupposition of the occupation of the land and the new order to be established, but rather the result.

The second textual presentation in Joshua (19) focuses our attention on a situation prior to the allotment where the land is said to be measured. This is indicative of surveyed, mapped land thus divided into equal portions according to the number of entitled tribes. Such a situation points to the principle of parity which dominates the entire procedure. We are reminded here of the principle of equality of rights which we find in the nomadic kinship association. The remarkable difference is only that it is related here to the individual tribes.



With regard to our remark about "measured land" in the biblical text, Von Waldow (1970:193) claims that the measuring was done with a measuring line because the measured portions of land were called with the same Hebrew word which designate the measuring instrument "hebel." This however, could be questioned : is it really possible to measure out and to divide in equal portions territories of tribes, in size as described in Joshua (18 and 19) with a measuring line? Such a procedure as described here seems possible only on a small scale where the land in question can be surveyed e.g, when a clan apportioned holdings to individual households. This means that the Deuteronomic presentation of the apportionment of the land by Joshua to the tribes cannot possibly be true. If there was an apportionment of the land at all, then surely it must have been on a small scale.

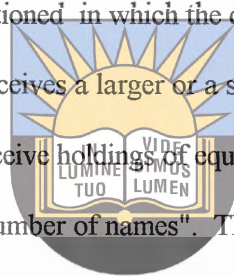
Seeing that there is much doubt with regard to the above-mentioned text on the issue of "measuring of land into equal portions", this brings us to another text of Numbers which is part of the Priestly writings:

"And Yahweh said to Moses: "To these the land shall be apportioned for inheritance according to the number of names. For the one being large, you shall make his inheritance large, and for the one being small you shall make his inheritance smaller, every tribe shall be given its inheritance according to its numbers. However, the land shall be appointed by lots, according to the names of the tribes of their fathers they shall inherit." (Nm 26 : 52 –56)

Here again we find the principle of equal portions but, interestingly enough, in another form.

Prior to the allotment, a census is mentioned in which the claims of the tribes are listed.

According to their numbers, a tribe receives a larger or a smaller portion. This arrangement presupposes that the different clans receive holdings of equal size, but that the portions of the tribes are different "according to the number of names". This means that we find here the principle of equality applied to a lower level, the clans.



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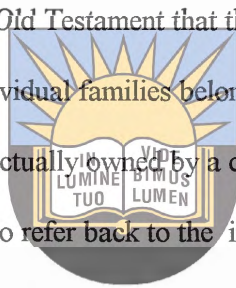
What in the first text led to equal portions for the tribes, but necessarily to different sizes of the holdings of the clans, leads here to equal holdings of clans, but to different portions for the tribes. Von Waldow (1970 : 193) maintains that there seems to be no doubt that this description comes closer to the historical truth than the Deuteronomistic one. However, this gives us some idea that the Priestly text also cannot possibly describe the real course of events.

In this regard Von Waldow argues further by saying that when the size of the tribal territories was determined by the number of clans, this included the determination of location. The lot casting makes no sense and is unnecessary. How can we solve this problem? Here, we have to try and focus on points which both texts have in common as suggested by Von Waldow (1970: 193), and which will probably come closest to the "historical" facts:

- (i) The final recipients in both cases are the clans.
- (ii) The land was apportioned by lot
- (iii) The principle of parity

The final recipients are perceived to be the clans. This seems to combine a true and false reminiscence. What we must expect is that after the allotment, the land was in the hands of those who constituted the economic units and actually made their living by tilling their holding.

However, there is no indication in the Old Testament that these were the clans. But we can always assume that these were the individual families belonging to a clan. On the other hand it seems to be correct that the land was actually owned by a clan, but it was not the case. To be able to assess this situation we have to refer back to the invasion and settlement periods.



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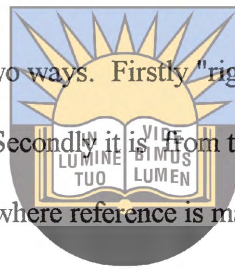
When the Israelites decided to make their living by tilling the soil they had to clear woods in Canaan. However this cleaning could not possibly imply that Israel owned that piece of land. Rather it reflects the united effort of the whole clan as based on sharing equal responsibility. Following the aspect of the cleared portion, Hopkins (1987 : 178) maintains that the land was divided by a measuring line into equal portions according to the number of families who had helped and it was distributed by lot casting. On the level of clans and families, the procedure of allotment as preserved by the Old Testament tradition seems to be possible since the number of families was limited, and the land to be allotted could easily have been surveyed , and even different productivity of the fields could be compensated for.

Of special interest here is the fact that in this procedure we find the principle of parity applied to the families. This makes more sense because the economic units were family households.

2.2.3 Land Division as a form of right to property

The basic rule of “one man - one house - one inheritance” determined the notion of everyone having a right to property in ancient Israel. Such a notion leads to a point where we need to know the meaning and the difference between the two basic terms "property" on one hand and "right" on the other hand in relation to Israel’s social structure during the settlement period. To start with the concept of "property" as defined by Dearman (1981: 1), is perceived to be an object or entity which a person owns, legally or over which he has the power of disposal.

Dearman defines the term "right" in two ways. Firstly "right" is said to have its basis in statutory law, custom or even ethics. Secondly it is from the Hebrew Bible in at least three texts (1 Sam 8,9, Jer 32: 7, Isa 10: 2) where reference is made to someone's "right" (mispat) with regard to the possession and disposal of property.



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Dearman’s definitions give us a collective understanding of both terms from the socio-economic context as related to the Old Testament interpretation. They define property right as an entitlement with the obligation to perform any duties associated with such a right. The Israelites’ perception of land ownership was not found or managed on a purely economic base alone, but also on moral obligation and social responsibility.

Mays (1983:11) saw property right as “constitutive of the integrity of a citizen's existence”. In other words he views it as a source of meaningful life. It means therefore without a property right one is worthless and becomes a social misfit. In a similar vein Capulong (1984: 234) concludes that to lose a property right, then, as a member of God's people, was tantamount to losing identity that went with privileges. The implication here is that there was a close

relationship between the land and its people. When one loses land, one loses his identity or sense of belonging.

The right to property therefore is an economic and social right as it protects the economic interest of the individual within a particular society. The concept of property right has been perceived by the Israelites as an aspect of freedom attained through God's deliverance. It is from this perception that Mays (1983 : 11) maintains that the original owner's right to have his ancestral land is a higher right than the second owner's right to maximise profits. This depicts the element of protecting the original individual right to property especially in the case of the poor, the orphans, the widows, and the marginalised masses.



In summary, both the concepts of equality and property right deserved some consideration since they offered various dimensions regarding land empowerment for all people. The concepts of equality and property right as essential components of the individual's and community's understanding of land ownership.

2.2.4 Land Division as a form of economic livelihood

The biblical account of the book of Joshua presents the Israelites as pastoral nomadic people who entered the land of Canaan under Joshua's command and care from the desert, and who, in the course of settling down in the land, underwent massive transition to an agricultural economy and, more slowly, moved through village organisation towards urbanisation. (Jos 12 : 1- 24)

The pastoral nomadism has been perceived by the Israelites as being the leading socio-economic mode of life based on intensive domestication of livestock which required a regular

movement of the animals and their breeders in a seasonal cycle thus dictated by the need for green pastures and water . (Gottwald, 1979 : 440).

It appears to be equally obvious that no nomadism is pastoral nomadism. The query with regard to the subject of nomadism is that it does not acknowledge the distinction at all, or else inform judgements in practical terms. The life style of the hunters who gathered in the hills is reflected in the Bible, for example the case of Nimrod (Gen.10: 8-9), Ishmael (Gen. 21: 20-21), and Esau (Gen.25: 27-28, 27:1-4).



All these above mentioned cases are understood as direct reference to pastoral nomadism.

Gottwald (1979: 439) further maintains that "there is no direct attestation in Near Eastern records exclusively or primarily at hunting and gathering stage, but it is evident that hunting and gathering continued to be viable together in pastoral agricultural communities alike since the staple products of field and flock could be periodically or sporadically supplemented by game and wild foods."

The implication here is that, in order to understand the critique of pastoral nomadism as an explanatory theory in Ancient near Eastern cultural and historical studies especially in the case of Israel, it becomes necessary to grasp pastoral nomadism as a socio-economic type in its relationship to others. This can help in taking into account the great variety of ways in which the typical traits of nomadism have been combined in particular instances.

According to Gottwald (1979 : 439) "most biblical records lack such a comprehensive analysis of pastoral nomadism, either as a general type or as a particular formation in the ancient Near

East and have been at the mercy of the old uncritical constructs of nomadism with their faulty perceptions about the relations between pastoral nomads and settled people."

It has been widely thought that the hypothesis of the early Israelite's nomadism can be resuscitated by regarding them as semi-nomads. The matter in dispute is not whether pastoral nomadism existed there. The issue here has to do with social forms of living, functions of those, local incidents, populations size and overall significance of pastoral nomadism in Israel's social system of that time.

Hopkins (1987 : 179) argue that the struggle for Agricultural subsistence has been one of the basics of life for the settlers of the highlands. Many pastoral nomads were engaged in agriculture and by some means they acquired land for their agricultural needs. Agriculture then appeared to remain as an indistinct socio-economic factor of the time. This also raises some questions as to what challenges the early Israelite families faced.

The Israelite's agricultural farming has been highly affected by many variables such as crop types, length of growing season, water resources, kinds of implements, types of land use and forms of economic organization etc. Hopkins classified all these as environmental demographic factors. He states further :

"The relatedness of the aforementioned factors bears emphasis on the fact that farming in the highlands of Canaan was limited by certain environmental constraints especially the availability of water. The farmers of the Canaan highland could also probably count on some propitious temperatures known even today in Palestine but would also have to contend with the same desiccating seasonality and variable precipitation patterns."

The village agricultural system of the highlands had very limited possibilities for irrigation from springs or streams, as Hopkins (1987: 184) puts it. Such a situation left farming villages with no choice but to face the difficult facts of water availability head on.

Another question which could also be raised is: what strategies of water conservation and control did the highlands of the early Iron age pursue?

The primary strategy cited for water conservation then was terracing. Though the motivation for terracing has often been seen as the desire to protect soils against erosion, it was more important in early Israel as a water-conservation measure. Farming communities cannot change the patterns of precipitation, but through terracing they can reduce the losses of water due to run off. Terraced agriculture was highly intensive and demanded a great deal of labour for construction and maintenance. This and the responsibility to create terrace systems for the time not as a dominating feature of the landscape but as an occasional phenomenon, the result of variable local conditions and site histories. But how far did early Israelites spend their energy in conserving and protecting the soil environment in a new settlement?

Although terraces were perceived to be the best way to protect hillside slopes, on the other hand these were too costly. In their struggle for agricultural subsistence, the early settlers had devoted their energies to the short term farming and could ill afford to take long term viability into consideration. The consumption of the soil base appeared to be a regular feature of incipient agricultural communities.

Von Waldow (1970: 190) maintains that the variation in agricultural farming was the major preference for the Israelites but now on a stationary basis. This however, did not necessarily

imply a change in the sociological structure of the society but only that in addition to breeding small cattle they started to till the soil. The big innovation which was automatically connected with this new way of making a living, was the existence of landed property and the resulting problems.

This gives us the picture of the landed property, comprising of fields and vineyards which were not only the economical basis as Von Waldow puts it, but without doubt, it was the most important means of living and must have endangered the ancient nomadic moral code on the traditional ethical rules.



The picture given in this study indicates that the transformation of Israel took place after the breakdown of society in the Late Bronze Age. It represented a movement from a more pastoral and less sedentary economy to a primarily agricultural economy dominated by small settlements then. It is precisely within this context that new socio-economic relations set the foundation for the emergence of the new settlement for Israel and its neighbours.

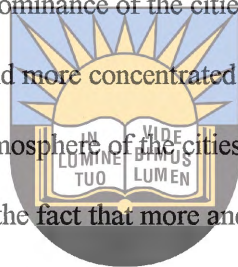
In place of their reliance upon the broader economic framework of the Late Bronze Age and the autonomy afforded by the predominantly pastoral mode of production, the diverse highlander groups of the early Iron Age were impelled towards co-operation.

As time went on, the Israelite's struggle for agricultural subsistence came as the condition and cause of tensions that led to a second and more durable transformation of the highlands. This came about with the emergence of the monarchy and the nation states of Israel and Judah.

In this regard the further development shifted the economic point of gravity more and more from the countryside to the bigger cities as Von Waldow (1970: 196) points out.

The bigger cities housed the commercial centres (1Kgs 20, 34), military garrisons (1 Kgs, 9, 19), centres of the royal administration (1Kgs 4,7 ff) with its merchants, officers and their employees, and here the "princess", "judges", counsellors", the "sons" and the "servants of the king" were found.

On the other hand, the increasing predominance of the cities was supported by the fact that real estates in the countryside was more and more concentrated in the hands of a few people who preferred to live in the comfortable atmosphere of the cities. The palaces were worked by slaves. This development was due to the fact that more and more free peasants in the countryside lost their landholdings and lived in the cities in a dependant position .



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Without doubt the greatest landholder became the king because he could afford to buy larger Canaanite properties (2 Sm 24, 1 Kgs 16,24) or he could take over Israelite properties which for any reason had lost their owner as reflected in (1Kgs 21, 16, 2Kgs 8,). These crown lands were used to be given to the deserving "servants of the king" as witnessed in (1 Sm 8, 14, 22, 7, 1 Kgs 1, 26).

This brief description shows sufficiently what had happened in Israel after the end of the period of the Judges. The result was a new social order and new economic conditions which were contrary to the ancient order. The society was split up beyond hope into "haves" and "have-nots". It becomes clear now that during the monarchical era the control of the land and wealth possession with the ancient principles and regulations was impossible. So Israel was in danger of losing essential parts of her socio-economic interest based on religious tradition unless

something was done to adjust the ancient tradition to the "modern" circumstances by reinterpretation in priestly and prophetic circles (Von Waldow, 1970: 197).

3. ANCIENT ISRAEL'S THEOLOGICAL THINKING ON LAND OCCUPATION AND LAND OWNERSHIP

This chapter seeks to outline some of Israel's theological perceptions with respect to :

- (i) The origin of land,
- (ii) Land ownership,
- (iii) Fulfilment of God's promise (to Israel) as well as the significance of the said ownership of property to Israel as the so-called chosen nation.



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3.1 Origin and ownership of land *Together in Excellence*

The starting point concerning the origin of land as perceived by Israel is based on the belief that God is the sovereign creator and the owner of the universe as reflected in the creation theology. This view is further witnessed in one of the biblical texts in (Psalm. 24:1) which states "the earth is Yahweh's and the fullness thereof". This clearly indicates that God is perceived by the Israelites as the original owner of the land.

The Israelite's perception that God is the one who has given the earth to the whole race of humanity to be used and enjoyed contradicts the idea of private possession. The biblical tradition rejects the socialist's declaration that Yahweh 's ownership of land is equivalent in modern terms to state ownership.

When looking at jubilee laws their immediate concern was with the redemption of land and property as Wenham (1979 : 320) puts it. This leads us to a fundamentally important aspect of the Israelite's land tenure, namely the inalienable character of the land. The Israelite's understanding of the "inalienability" concept was based on the fact that the land should be held in the form of patrimonies which should not pass out of the family as Wright (1990 : 56) puts it. This implied that if a man was forced to sell some of his family property due to debt, another member of the family should come and buy it back for the family.

The Old Testament does not provide us with a case where an Israelite voluntarily sold the land outside his family land tenure; instead, we only hear of land transfers due to kinsman redemption as recorded in Ruth (4) and Jeremiah (32 : 7), or non-voluntary sale called mortgage of land for debt as in Nehemiah (5 : 3). Wright (1990 : 56) speaks of the lack of biblical evidence on the Israelite's voluntary sale of land as being consonant with the lack of any legal provision in the Old Testament for sale of land. He writes that in the inheritance within the family, there was no other legal method devised whereby an Israelite might come into permanent possession of land and there was therefore no proper way in which to dispose of property except to apportion it to his legal heirs.

In Leviticus (27 : 22- 24) we are provided with a hypothetical case which seems to be an exception, but not. Here we are referred to a situation where a man dedicated a field which was not a part of his possession by inheritance. In this regard the purchase did not effect a permanent transfer. In terms of the jubilee procedure the land was to revert to the one whose original property it had been his before coming into the possession of the one who dedicated it. This case as it stands is indicative of the fact that both legal and institutional protection were applicable to "father's house" and the "kin group" (Wright, 1990 : 57).

In parallel to the said case we also need to focus our attention to another case of more or less similar nature as reflected in Deuteronomy (25:5-6) where it says "he shall succeed to the name". This implies that the family land is not explicitly mentioned, but it can be seen as part of the purpose of the levirate marriage which was to prevent the property of the deceased brother out of the family. If we can compare both cases in Deuteronomy (25: 5-6) and Ruth (4:10) where Boaz intended to perpetuate the name of the dead in his inheritance, one will find that in both cases the preservation of the family's land was the major part of purpose of the jubilee provisions.

We are also presented in Leviticus (25; 16,28) with the concern for the integrity and preservation of land of the "kin group" as a whole as follows:



- (i) In the redemption provisions (Leviticus 25: 24),
- (ii) In the legislation arising from the inheritance of daughters (Num 27:1-11, 36: 1-12), which specified that where daughters inherited in the absence of sons they must marry only within the "kin group" of their father. This served as a conformation of the principle of inalienability applied throughout the whole system of land tenure of Israelites from the largest to the smallest unit.

3.2 Land ownership as a fulfilment of God's promise.

The perception of land ownership as a fulfilment of God's promise to the Israelites being his covenant people is well displayed in the Old Testament. Von Rad's perception on God's fulfilment of land promise to the Israelite's patriarchs as contained in Wright (1990 : 05) is categorised into two conceptions that is historical conception and cultic conception. He argues further that historical conception is comprising both the promise to the patriarchs and its

fulfilment in the conquest. The granting of the land served as a fulfilment of God's promise to the patriarchs of the Israelite's time.

Hence we find the following words of the old Credo:

“ The he brought us to this place and gave us this land, a land flowing with milk and honey". (Deut 15 : 5-9)

This implies that the land of Canaan also belonged to god and that has been given to the Israelites as a fulfilment of promise to the patriarchs. Von Rad (1962 : 299) maintains that there can be no doubt that the claims on Canaan land were thought of as having their origin in Yahweh and his will, since it was to Yahweh that this land belonged, and he alone could dispose of it. He argue further that there can be no question in terms of the idea that Canaan was Yahweh's land, Yahweh's hereditary possession or inheritance. In Joshua (22: 25) we are presented with the fact that to belong to Yahweh was equivalent to having a portion in Yahweh's land. According to Von Rad (1962: 299) if Yahweh was the real owner of land, concrete conclusion could thereby be drawn for the regulation of matters of inheritance between men.

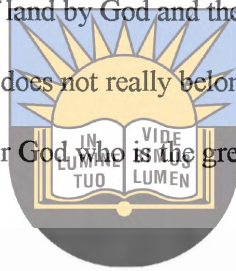
The use of the words " the land is mine, you are strangers with me and sojourners" as contained in Leviticus (25 : 23) depicts the theological basis of all legislation concerning land tenure in ancient Israel as Von Rad (1962 : 300) puts it. This implies that much as the heritable ground belong to the individual families, the ancient Israelites were also aware of the common land which could be allotted from time to time. They also knew of the institution of communal possession of land hence the use of the term "nahala" in the Old Testament signifies the whole land as the inheritance of all Israelites and not merely the portions of tribes or clans.

On the other hand Von Rad speaks of cultic conception which was basically the belief that the land was owned by Yahweh. In this regard Yahweh's land appears as distinct from promised land hence we find this biblical expression which says :

" The land shall not be sold in perpetuity, for the land is mine"

(Leviticus 25: 23).

This implies that the total ownership of land by God and the people are just residence and settlers in God's land. In other words it does not really belong to mankind. The Israelite occupy it solely to the mercy and favour of their God who is the great land owner as witnessed in (1Chr.29 : 15, Ps.39: 13, Heb.11: 13).



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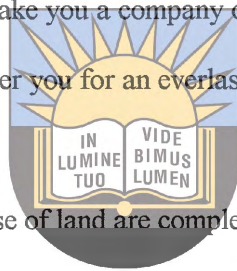
The context of the statement made ~~in the 1962 Jubilee~~ ^{Together in Excellence} biblical year which can be considered to have been the occasion when the true and sole ownership of Yahweh is brought once again into prominence. Von Rad (1962 :85) speaks of a "new realm of ideas" with nothing in common with the promise of possession of the land. This in essence is of a totally different order from that of the promise of land to the early Israelite's patriarchs. It is a holy cultic notion as compared with others which may be characterised as the historical conception.

Furthermore Abraham is believed to be reiterating God's promise of land to his servants as presented in the following statement:

"The Lord, the God of heaven spoke to me and swore to me, "To your descendants I will give this land" (Gn. 24: 7)

Davies (1990:6) argues that the sworn land would be a more accurate rendering than the promised land. It is the same promise of land, repeated to Jacob (Gn. 48: 4), which Joseph cites at his death and which sets the stage for the next act, the Exodus, which in turn aims at the realisation of the promise. The land promise, while sometimes given in isolation, is also interlaced with other promises chiefly of descendants (Gn 13: 14-16, 26: 4, 27: 3, 35: 9-12). Typical of that is the report by Jacob who states that God Almighty appeared to him at Luz in the land of Canaan, blessing him and said:

"Behold, I will make you a company of people and will give this land to your descendants after you for an everlasting possession". (Gn. 43: 3-4)



The promise of descendants and promise of land are complementary. The use of words "everlasting possession" with regard to land promise to the Israelites clearly depict that they would no longer be nomadic, they would remain in the land of Canaan. Numerous descendants needed living space, a land needed occupants. From the beginning, the people and land belong together, they are two in one, both belong to Yahweh. Certainly entry into the land at Jericho, if not already the earlier take over of the land of Moab, represents also this fulfilment of the promise.

The biblical text also focus our attention to the farewell speech of Joshua where he mentioned the good things which have now been fulfilled among them, namely the occupation of the land .(Jos. 23:15).

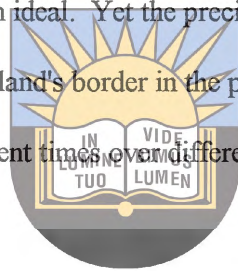
Von Rad (1962: 122) maintains that a more complete fulfilment came in David's time, when the extent of conquered territory corresponds more exactly to the large borders given in the

promise. The theological significance of the promise fulfilment scheme becomes apparent when a threefold comparison of the land promise is made. According to Von Rad it consists of :

- (i) The ancient Near Eastern notion of deity (gods) and land-holding,
- (ii) The promise for multiple progeny and
- (iii) The larger promise fulfilment scheme in the Old Testament.

From the look of things it appears as if the land was never defined with geographical precision.

One might say it was to some degree an ideal. Yet the precise fulfilment is not so neatly established since the description of the land's border in the promise varied, and Israel during its occupancy of land had control at different times over different land masses, belonging to different population groups.



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In lyrical phrases of the Bible the land is described as a good land, a land of brooks of water, of fountains and springs, flowing in valleys and hills, a land of olive trees and honey a land in which you will eat bread without scarcity, in which you will lack nothing (Dt. 8: 76-99). For its richness and desirability is compared with the land of Egypt, to which it is far superior as witnessed in (Dt. 11:10-12). The land was favoured land for "the eyes of the Lord your God are always upon it" (Dt. 11: 12).

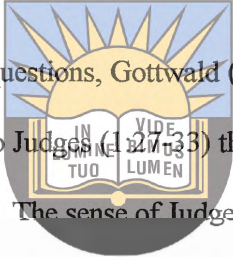
The significant point is that glorification of land as well as land theology dominate in Deuteronomy and the Deuteronomistic writings. The land appears as a kind of paradise thus representing the provision of physical security, a home, a fort as follows:

"You have not as yet come to rest and to the inheritance which the Lord your God gives you but when you go over the Jordan, and live in the land which the

Lord your God gives you, rest from all your enemies round, so that you live in safety". (Dt. 12:9-10)

The promised land as displayed in the book of Deuteronomy (12: 9-10) is perceived to be a place of freedom from harassment of enemies and safety for Israel. The ironical ethical questions which arises in this regard is: to what extent has the freedom and safety of the original occupants (Canaanites) of that land been infringed? Was the right to property violated? What was the Canaanite's fate with regard to loss of land?

In an attempt to answer some of these questions, Gottwald (1979: 164) referred to the writer of Judges (2: 1-5) who claims according to Judges (1: 27-33) that the Israelite tribes who lived with Canaanites did not drive them out. The sense of Judges (2:1-5) is that the Israelite's tribes refused to expel the Canaanites, they rather preferred to make covenants with them. We don't know how far true was that.



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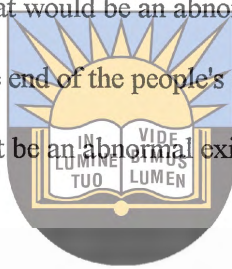
Gottwald further maintains that the Canaanites continued to live in tribal areas not because of the Israelite's refusal to drive them out, but because of the latter political and military weakness. He goes on to mention that the Canaanites who possessed chariots, (Judge 2 : 19) were formidable foes who persisted in dwelling in that region (Judges 2: 27, and 35).

If the situation of the Canaanites remained seemingly stable according to the Judges(2: 1-5) some questions still remain: did the fulfilment of God's promise ever take place or was it just an ideal? If it really happened, how and why the use of force is mentioned? Why did God of Israelites allow a military seizure of other people's land if he was perceived of as the God of justice? The unfinished argument with regard to the disputable "fulfilment of God's promise to

Israel therefore invites some more exegetical opinions from biblical scholars to validate the biblical information provided.

Much as we acknowledge the principle of God's fulfilment of the land promise to the Israelites as displayed in the aforementioned verses of the biblical text (Joshua, Judges and Deuteronomy), it is difficult just to accept these facts with ease, without scrutiny.

Davies (1974: 157) argues that Israel and the land were so inseparably bound together that if they were to be deprived of the land, that would be an abnormal existence. The implication here is that the loss of land could be the end of the people's existence as Israel in the theological sense. The question arises: Would it not be an abnormal existence for the Canaanites who lost their land through Israelite's conquest?



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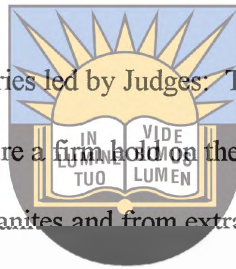
Gottwald (1979: 176-187) therefore together with Eickholt discusses about the conquest of Canaan by Israel which in fact can be viewed in the light of being part of the fulfilment of God's land promise:

- (i) At first we are presented with what is called "centralised conquest" which gives the impression of a united Israelite seizure of the entire land of Canaan. On examination, Gottwald views the complex turnout to be a report of seizure of Benjamite's territory with attached references to a campaign in the foothills of Judah and another campaign against Hazor in Northern Galilee. (Jos. 1-12).
- (ii) Secondly Gottwald further refers to localised conquest which reports the taking of and by at least nine tribes (perhaps by eleven) who fought alone. The description in each case could either be an account of occupation of land or a statement about cities or

regions that were not taken from the Canaanites. In the latter circumstances, there is the assumption that the tribe named had taken areas adjacent to the unconquered Canaanites.

- (iii) A complex of land allotment traditions: This presented as comprising of regions occupied, boundary inventories and city lists for the respective tribes thus omitting landless Levi and purporting to survey the entire holdings of united Israel prior to the death of Joshua (Joshua 13 - 19).

A complex of localised stories of victories led by Judges. The basis of these stories was the struggle of sub-groups in Israel to secure a firm hold on the land they occupied in the face of repeated threats from indigenous Canaanites and from extra-Canaanite's enemies pressing in from the desert or from Trans-Jordan and later in the case of the Philistines, from coastal plain.



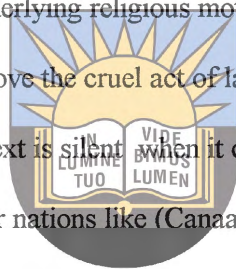
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From my observation the centralised conquest model appears to be the most outstanding land-taking campaign launched by the Israelites against the Canaanites under the cloak of centralised cult. In this model a twelve Israelite's tribes joined forces in a concerted campaign to conquer and destroy the people of Canaan so as to grab their land. This indicative of a "bloody coup" where displacement of Cannanite population took place so that the Israelites could take over the land after killing the previous occupants.

The notion of killing people for their land as displayed in this conquest model during the pre-monarchical era clearly set precedent for the Israelite kings who later on took other people's land through the same method of murder during the monarchical era thus using the false accusations of disobeying God eg. Naboth incident (1 Kgs. 21).

The centralised conquest model reminds the disadvantaged communities of South Africa about the forced removals carried out by the former apartheid government with only one mission in mind: that of dispossessing the oppressed of their own land so as to appear as strangers in their motherland. A similar situation has been experienced by the Canaanites in the Old Testament, but their forced removal was through God's dictatorial power and the use of force so as to ensure that the Israelites got the land not because they deserved it but because they were earmarked as a privileged group with a label of being "God's chosen nation"

Though we seem to understand the underlying religious motive behind the take over of the Canaanites' land, it is difficult to approve the cruel act of land grabbing be it godly ordained or otherwise. In this regard the biblical text is silent when it comes to criticism of the Israelites' land grabbing thus forgetting that other nations like (Canaanites) as well do have the right to property and their history too is deeply tied up with and indebted to the land.



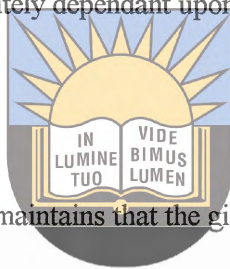
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From my opinion the Israelites were just using the name of God as a scape goat in grabbing other people's land for their socio-economic prosperity. This leads to a situation where one may say if the Israel's action of grabbing the land is divinely justified, why not if it is done by other nations unto the Israelites? In an attempt to answer the said question Mendenhall (1973-4: 17) tries to explain the situation of the conquest between these two groups (i.e the ancient Israelites as covenant people and the Canaanite as the non-Israelite population) extensively.

He further argued that the conflict between those groups of population was neither a race war nor a class war, for they do not have much consequences according to the biblical tradition, rather, it was a revolution that equalled the agricultural (if that actually happened), philosophical, and industrial revolution in importance. It is also maintained that the said

statement is defensible only from the point of view of a historical reconstruction of events, not from the usual theological attitudes towards biblical history.

It has been further emphasised by Mendenhall (1973-4: 225) that the Israelites did not win because of superior military weapons or superior military organisation. If so, did they really gain victory over the Canaanites? From my point of view, the Israelites as the covenant people were merely using the name of God as a means to an end so as to gain victory over the so called enemies. To consolidate this view point Mendenhall argues further by saying that enjoyment of the land, then, was absolutely dependant upon obedience to the sovereign who does own it (that is God).



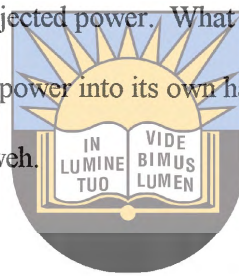
It is understandable when Mendenhall maintains that the gift of the land merely meant that the old political regimes and their claim to ownership of all land was transferred to God himself, and it was not given to the Israelites. ~~Together in Excellence~~ the sale of land is impossible in biblical law. This means that one cannot sell something one does not own.

All what is emphasised here is that the whole question of the fulfilment of God's promise largely dependent on the religious mission and not on political mission. In this regard what is expected is the survival of the fittest between God of the Israelites who claimed ownership of the entire land and gods of the Canaanites who were perceived by them as bringing prosperity and fertility to their land.

The said opinion is further witnessed in Gottwald (1979: 233) where he agrees with Mendenhall when he says the "religious" covenant is in actuality a new social unity among tribally affiliated families whose common denominator was deliverance from intolerable political monopoly of force. The common agreement between the two scholars is based on the

fact that the cult and ideology on Yahweh, appears to be a point of Israel's uniqueness. The only criticism Gottwald raised against Mendenhall's argument on the above matter, is the problem of taking the cult and ideology of Yahweh seriously as historical phenomena and render them into their material equivalent in the social system.

In this regard Gottwald differs from Mendenhall in that he does not pursue a number of questions on the Israelites' social system far enough instead he tends to be a philosophical idealist in his approach. For example Mendenhall illustrated in his totally unacceptable assumption that the early Israelites rejected power. What he has to account for is the statement that the early Israelites took power into its own hands at the same time that it attributed the source of power to Yahweh.



Deducing from the said scholarly debate on the Israelites' social system, there is a strong need to look further for a constructive model of the Israelite social system in its own right. This firmly rooted in its national conditions, a model which delineates the major subsystems and the segmented organisation decisions, as well as a model which groups the integrating mechanisms and the solidifying rationale of the social whole. Such a model must incorporate the highly articulated religion of Yahweh but it must do so sociologically by understanding the religion as a social phenomenon related to all the other social phenomenon within the system.

3.3 Theological significance of land ownership

The significance of the land ownership in the Old Testament is that the land is one of the valuable forms of the ancestral heritage ever since creation. Land ownership has a deeper meaning for the people in both the Old Testament times and South Africa today.

Dwane (1991:2) maintains that the theological basis of land ownership was perceived by the Israelites to be vested in God and not in human hands. This is the justification for the prohibition of selling any land in perpetuity.

No human being therefore had absolute power over the land, hence the Israelite's divinely ordained guidelines regulated their occupation of a piece of land.

Under these regulated guidelines, cities of refuge in Israel were established to protect people from murders as witnessed in (Dt. 19:7). To occupy the land (as in modern occupancy of property) was based on the willingness to submit to regulations of the owner (God). It would seem that Israel was not at liberty to set its own guidelines that would govern their behaviour, but as residents in the land. Wrong behaviour, for instance, is not only unbecoming but it defiles the land.



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The shedding of blood is an example perceived of as polluting the land, and no explanation for it is possible, except the death of the murderer. This is displayed as follows:

"You shall not defile your land which the Lord your God gives you for an inheritance." (Lev. 19: 29)

This implies that the land should be viewed as demanding a specific life style. The land is a symbol of God and there is a closed association between God, land and humankind. The continued occupancy of land by humankind is therefore conditioned by observance of the law and includes the promises of continued residence as reflected in the following statement:

“All the commandments which I command you this day you shall be careful to do, that you may live and multiply, and go in and possess the land” (Dt. 26: 18). It is also reflected clearly in the words of Moses that only justice should be followed, so that Israelites may live and inherit the land which the Lord gave them (Dt. 26:17).

The most fundamental assertion displayed in the biblical records is that of human stewardship. To own land carries with it a responsibility to God for the manner in which it is used. The theological motive as a protective measure has been used when it comes to entitlement of the land especially to the poor. The use of such mechanisms has been an attempt to meet the needs of the poorer section of the community. It was also strongly propagated that the land which has been unjustly taken away from the original owner should be restored during the year of Jubilee (Lev. 25).



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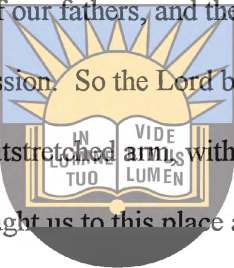
Brueggemann (1991: 239) maintains that the Israelites' idea of the land ownership as portrayed in the conquest traditions and in the Torah provision has been assigned to the entire community. It is from this perspective that the possession of land as perceived by the Israelites seem to appear as an aspect of liberation and the will of God to have them as free people on a free land as Mays (1983:11) puts it.

3.3.1 The land-gift as part of the Credo

Israel was aware of the fact that the land could be a source of revenue and sustenance. At the same time they realised that the land whose produce they now enjoyed had not been theirs. The Old Testament presented God as one who had kept his promise of giving them land despite the resistance of his people (Ex 3: 7-8). God's provision knew no limits and it is being

perceived as a continuous process. In Psalm (136) the credal statement placed on the lips of the farmer bringing the first fruits of his harvest to the sanctuary suggested so. Having been instructed to place his basket of harvest produce before the altar, he is told:

“Then you shall declare before the Lord your God: My father was a wandering Aramean, and he went down into Egypt with a few people, lived there and became a great nation, powerful and numerous. But the Egyptians ill-treated us and made us suffer, putting us to hard labour. Then we cried out to the Lord, the God of our fathers, and the Lord heard our voice and saw our misery, toil and oppression. So the Lord brought us out of Egypt with a mighty hand and an outstretched arm, with great terror and miraculous signs and wonders. He brought us to this place and gave us this land, a land flowing with milk and honey, and now I bring the first fruit of the soil that you, O Lord, have given to us.”



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This Credo gives an indication of the faithfulness and the power of God in control of history.

Land as a gift was perceived by the Israelites as proof of God's might and ability to provide in their needs.

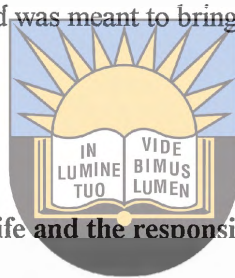
3.3.2 The land gift as theological expression of the relationship between God and Israel

The Israelites were convinced that they were the people of God due to the conviction that He had given them land, and that gift verified the relationship of both the covenant with Abraham and the covenant made at Sinai with the whole people. The use of the term "inheritance" (Leviticus 25: 23), implies the relationship of sonship between the Israelites and God.

According to the Exodus narrative God refers to the Israelites as "my firstborn son" (Ex. 4:22),

for whom he demands release from captivity with the intention of bringing him to the land of promise. In other instances Israelites are called "God's son" or "offspring" (Ex. 14:1, 32: 5)

From my observation the Old Testament speaks of the land of promise as a land of struggle where long periods of defeat are interspersed with hard won short lived victories. The exodus movement, for instance, is presented as being based on the struggle for land ownership and control of the right to cultivate. One of the practical consequences of this would be the unreserved enjoyment of the blessing of the land. The land was perceived by the Israelites as the good gift of their bountiful God and was meant to bring joy, dignity and gratitude to the people of Israel.



3.3.3 The land-gift as a source of life and the responsibilities of Nahala

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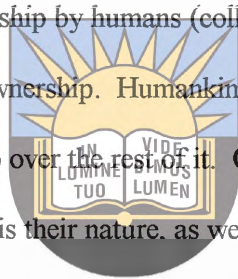
The concept "nahala," depicts a gift that guaranteed the right of inheritance of vineyards and even shelter. It excluded the idea of dispossession. This means that the gift of land was perceived as a source of life that addressed the basic socio-economic needs of the people.

Each individual household could therefore claim that its right to the land was guaranteed by God. Thus, inheritance (nahala) was used of the small portions of land belonging to each household, as well as to the territory of whole tribes or the nation. These small portions, too, were held as the gift from God. The land was intended to be equally divided, so that every household had its part in the national inheritance. The strength of this belief is clearly seen in the Naboth incident (I Kgs.21:1-16).

It makes good sense to assume that the concept of the land as a divine gift generated a strong set of rights for both the nation and the individual. On the other hand the conceptualisation of

the land as being under continuing divine ownership generated a wide range of responsibilities. These responsibilities can be classified broadly as responsibility to God, to one's family, and to one's neighbours. Responsibility of the people to God for the land included such things as tithes and first fruits of the harvest laws. The release of debt pledges etc. family responsibility, that is, land was not to be bought and sold commercially but preserved within a kinship framework.

The fact that God owned brought with it demands of accountability in the use of it from his tenants: any claim of economic ownership by humans (collectively or individually) is secondary and subordinate to God's ownership. Humankind is considered as part of God's total creation, he has no absolute ownership over the rest of it. On the other hand God had given the earth to humankind as his trustees. It is their nature, as well as their responsibility and their right, to be engaged in productive work with the material resources of the land



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It is also by virtue of God's supreme dominion that religious law limits the rights of the human occupants, for instance the duty of leaving gleanings of corn and vines for the poor (Lev. 19: 9-10, 23: 22, Dt. 24:19-21, Rt. 2). It was the right of every passer by to satisfy his hunger when passing through a field or a vineyard (Dt. 23: 25-26). The Israelite tribes were acquainted with living where pastures and watering places were common property. Such an idea of common property still survives in modern times where people settled according to tribes. The occupation of the land should be coupled with a task of taking care of it in order to bring about a sustainable life for all.

4. SOME PERSPECTIVES ON LAND DISPOSSESSION : EXAMPLES FROM THE MONARCHICAL ERA

This chapter looks into some biblical evidence pointing to the role of the Israelite kings in the dispossession of land in the Old Testament era. The two significant biblical evidences on the said aspect (land dispossession) is vividly outlined firstly from Naboth incident which can be dated back from the 9th century (i.e. early monarchical era). Secondly from the 8th century prophetic condemnations against the unjust land grabbing by some kings of Israel. (i.e. in the late monarchical period). This also takes into account the detrimental effects of land loss as experienced by the poor in the Old Testament.

4.1 Early Monarchical Era



4.1.1 An overview on the role of some Israelite kings in land dispossession

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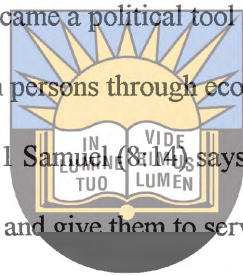
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The monarchical era has been characterized by the unjust practice of land grabbing by the Israelites' kings. The underlying motive was the greed for more land hence they were increasing the number of their properties by taking other people's land.

As a result of that not only the free holding peasants would lose out on their land but that they produced food for the wealthy few. In assessing, the malpractice of land grabbing, this act was committed by the ancient Israelites' kings under the pretext of the land grant system. The so-called land grant system enabled the rulers to take land from the poor and make gifts of the land or property to favoured persons according to their own needs and interest. The basic pattern of this land grant system contains three elements: the king (the ruling power that operates the whole system), those whose land or property is taken and those who benefit from grants. In this regard the king is seen as the grantor of the land. These grants mostly comprised fields, vineyard and houses.

It appears that part of these were grants of land that were made as a reward for services to the kings, for instance land grants that were made simultaneously with appointment of a person in the king's service. In clear terms that was tantamount to bribery between the grantor and the recipient, because in return for the grants, the recipients were obliged to pay certain taxes and render certain services to the king. In some cases land had been taken from its owner under the pretext that he was unable or was negligent in performing his obligations.

In this regard the land grant system became a political tool for creating a ruling class together with the aim of king, gaining a hold on persons through economic dependence or motives of prestige or self-interest. In this regard 1 Samuel (8:14), says: "He will take the best of your fields and vineyard and olive orchards and give them to servants". According Ben Barak (1981: 45-46) this shows that the king was exercising the sole power over the lands of his subjects.



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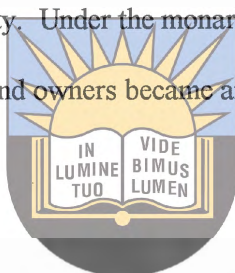
No clear distinction was made between what was the king's personal possession and what belonged to the crown. Everything therefore passed to the king's successor, whether or not he was of the same family. According to 1 Samuel, Saul (the Israelite king) said to his officials who stood about him:

"Hear now, you Benjaminites, will the son of Jesse give everyone of you fields and vineyards, will he make you all commanders of thousand and hundreds."

(1 Sam 22: 7)

This implied that the grants were made on the occasion of appointment to a certain military rank. A similar situation is presented in 1 Samuel (27: 6-12) where Achish king of Gath, gave the town of Ziklag to David in return for his services as an army commander.

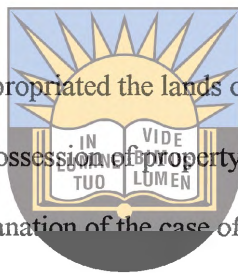
De Vaux (1961: 124) presents to us king David's take over of Saul's estate as well as his harem. This is clearly indicative of the fact that some kings in Israel could confiscate land from other people in order to give it as fief (a certain form of tax) to people in his administration. Saul, for instance came from a family of modest means who belonged to the landed elements of the Israelite's society. Under the monarchy, the constant accumulation of large estates in the hands of wealthy land owners became an opportunity to prevent justice as Brueggemann (1977: 60) points out.



It is further maintained by Brueggemann (1977 : 60) that the formation of large estates by the Israelite kings created a large number of the poor who instead of migrating to the larger cities, remained in their agricultural communities and became hired workers on the land that once belonged to their families. The implications was that, the desire for great production by the ruling class at the lowest cost possible and the desire to maintain the luxurious standard of living gave rise to the exploitation of the poor, landless Israelites. These people worked for the landowners as agricultural hired hands who depended on the landowner for their livelihood.

The land was also confiscated from conquered enemies, whether opponents are at home or foreign. An example in this regard is furnished by the story of Meribaal Mephiboshett, as son of Jonathan and grandson of Saul, who in the natural course of things had received and enjoyed an inheritance to land (2 Samuel 9 : 1-10). When however, his family lost the throne to David, the latter disposed his predecessors.

The confiscation of private property (land) by the crown (king) is also witnessed in an exchange by the royalty as reflected in 1 Samuel (8: 12, 17). The land is exchanged for some other commodity of greater immediate need. For example Hiram, king of Tyre, obtained land and villages from Solomon in exchange for gold (1 Kings 9: 12). It is said that the land was bought by the king from ordinary subjects on occasion, for instance king Omri of Israel bought the Hill of Samaria for six thousand pieces of silver (1 Kings 16: 24). This is indicative of a shift from the original Israel principle which stated that no property or land shall be sold or bought in Israel.



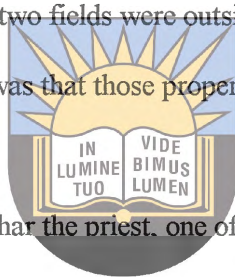
Here we find that the king not only expropriated the lands of his predecessor or of his political enemies, it appears that he also took possession of property left vacant when the owner left the country. This is witnessed in the explanation of the case of the Shunemite woman mentioned in II Kings (8: 1-6), who had left her home and sojourned to the land of the Philistines for seven years. On her return it was necessary for her to appeal to the king for the restoration of her house and land. The confiscation of land by the Israelite kings from criminals was perceived by them to be a common practice.

Looking at the regime of Solomon, it also offers a very interesting example of how a ruler can easily use religion to justify royal policies to confiscate land from the poor. The people were forced to produce certain amounts of products for the king and his soldiers instead of producing for their own sustenance. Here we found a reversed situation where those who were the former owners of the land were forced to produce for those in power.

The motives behind these kinds of confiscation of land was to ensure that the king's relatives and officials would be numbered among the great land owners. Another practical example of that is found in II 11 Samuel (14:24-28, 13:23) where one of the king Solomon's sons,

Absolom held property in two localities. He had the city property in Jerusalem and also had an estate at Baal-Hazor, near Ephraim, where he kept large flocks.

In this regard neither of these were his by inheritance, since they lay outside the holdings of his tribe. That must have been his by gift of the king, who confiscated them, or perhaps by purchase. Another example is that of Joab, king David's close relative as well as his highest ranking military officer, who had a similar situation of owning what was probably his inheritance in Judah (1 Kings 2:34), but that happened also to own the fields next to Absolom's near Ephraim (II Sam. 14:30). These two fields were outside the traditional tribal territory of their owners increase. The likelihood was that those properties were grants of the king.



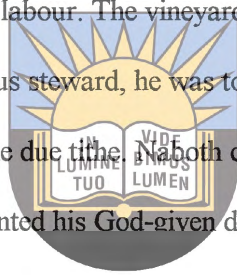
Another grantee of the king was Abiathar the priest, one of the principal advisors and servants of king David (II Sam. 20:25). For his service and in recognition of his office king David must have awarded Abiathar with fields from the crown lands. At the beginning of king Solomon's reign Abiathar was banished to his estate (I Kings 2:26) because he had championed Adonijah's aspirations to the throne. Solomon did not kill him nor even take away from him the fields, because of services, rendered to his father, king David.

The fields granted to Abiathar could not have been an ancestral estate, in the ancient Israelite sense, since a priestly family like him (Abiathar) had no claim to such. A similar situation was that of the priest Amaziah at Bethel, who sought to silence the ministry of Amos. The prophet predicted that Amaziah's land would be parcelled out by line (Amos 7:7). The land was undoubtedly a grant from the crown because of the office he held, but which he surely had to lose as a result of the coming destruction of the state.

4.1.2 The Naboth incident as an outstanding example reflecting the involvement of the

kings in land dispossession

Having a look at the Old Testament, it presents to us the notion that the people were continually deprived of their ancestral land and forced, by debt bondage and other means into a state of virtual serfdom in the land which originally was their own especially in the monarchical era. The Naboth incident is a typical case in point as reflected in the book of 1 Kings (21). What must be understood is that Naboth was just simply the steward of the farm on behalf of his family. He had been entrusted with the vineyard by God and it was his duty to work it and to harvest the fruits of his labour. The vineyard is the avenue by which God could bless him and his family. As a righteous steward, he was to follow the task set for him by God by obeying God and offering to him the due tithes. Naboth clung to his yard, for it was the inheritance of his children and represented his God-given duty to work that particular slice of the promised land.



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Naboth hoped that god would bring prosperity on his house in return of his labour. Ahab, by contrast wished to gain blessings for which he had not laboured and to which he had no right. His theft of Naboth's land therefore entailed more than the taking of a piece of land, it entailed the theft of potential prosperity and blessings which should have accrued to Naboth and his family. In his blind selfishness, Ahab reduced the vineyard to a potential vegetable patch and Naboth's family to the level of working animals. He failed to see their special place within the community of God's covenant. He stripped them of their land and located them somewhere else on foreign soil which held no promise of prosperity, for it was not the piece of land which God had entrusted to them. The officialdom like Ahab failed to realise the significance of the relationship between a group of people and their family land. They did not see the invisible bond which tied that group to that piece of land nor did they understood its significance in terms of the prosperity of the people.

Naboth refused to sell his vineyard because as he said, that land was an inheritance from his ancestors. But more than just considering as an ancestral land, it was a land considered as a gift from God as such. The law of the Israelites prohibited the selling and buying of land in perpetuity as reflected in Leviticus (25: 23). Naboth's reaction to king Ahab's suggestion on purchasing or exchanging other land for his (Naboth's) vineyard was absolutely vehement, hence the following statement:

“The Lord forbid that I should give you the inheritance of my forefathers.” (1 Kgs 21:1-3)



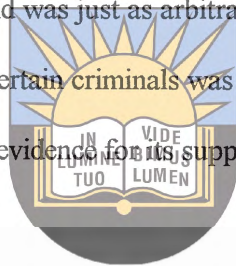
EXEGETICAL NOTES (ON THE NABOTH INCIDENT)
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The issue here was not really that Naboth had to give or exchange the piece of land he occupied. But he put his trust in God for the benefit of his family. From my observation, it was not the question of “human rights”, “natural justice” or anything abstract, but it was a staunch upholding of the right of a member of God's people to maintain that part of the national inheritance from God had been assigned to his personal household. According to Domeris (1991: 27) "To move the people from their land was both to destroy their future security of their children and their unborn children, and to turn their backs against the ancestral spirits who bequeathed that land to those families." The implication here is that the end results could be poverty and rootlessness.

Naboth's attachment to his ancestral land concurs with the view in antiquity that the land of a family or clan is inalienable (Nm. 36: 7-9). Some commentators have rightly seen in the

episode a clash of the Israelite and the Canaanite ideas of kingship, of citizenship and property. Naboth refused to relinquish his patrimony (vs. 3). Jezebel, the wife of King Ahab thought that the king could do anything he pleased (vs. 7). Andersen (1966: 46) referred to the phony trial of Naboth as "an arbitrary means of getting rid of him, where interpreters were at a loss to discover any legal grounds for Ahab's subsequent seizure of Naboth's vineyard." They preferred to emphasise the failure of communal justice rather than to resist intimidation of the tyrant.

Either it is supposed that taking the land was just as arbitrary and despotic as the murder, or else it is believed that the property of certain criminals was forfeited to the crown. Yet the latter point is highly dubious, the only evidence for its support being drawn from later and different cultures.



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Roland de Vaux (1976: 55, 124) ~~in his~~ *Excursus* comments, where he states

“The episode of Naboth (1 Kings 21:15) has led some writers to conclude that the property of men condemned to death has been reverted to the king; but it may simply be an instance of arbitrary “confiscation”. The story of the Naboth incident also indicates that the king was bound to respect the property rights of the family. This is implied not only in Elijah’s denunciatory words, but also in the king’s own conduct (1Kgs. 21 : 19-20).

The Phoenician Jezebel, however, brought a foreign law which took away the right of the family to land. According to her understanding of the law Ahab the king may act according to his wishes. It was Jezebel's influence that made Ahab, though with some hesitation, agreed to assert himself in spite of his knowledge of the ancient Israelite property rights. It appears from the story however, that in Israel the property of a delinquent had to fall to the king; hence the only way Ahab could get the vineyard was by falsely convicting Naboth of blasphemy, an

offence by which he forfeited his right to belong to God's people. He was stoned accordingly, and his land was forcefully grabbed (1 Kings 21: 11-16) by king Ahab. Blasphemy against God and the king referred to a contravention of laws governing blasphemy as contained in the Book of the Covenant (Ex. 22:27). According to Bosman (1991:24) the question of blasphemy in Leviticus (24: 10-16) was viewed as a capital offence. Cursing of the king was also regarded as blasphemy, because the king was regarded as God's representative on earth. Stoning was the punishment for blasphemy and was usually executed outside the city in order not to incur impurity (Lev. 24: 14, Num 15:36).



According to Mariottini (1983: 71) Jezebel, the Canaanite princess, who probably grew with the idea of absolute despotism in which the ruler had unlimited power, solved the king's problem by introducing into Israel a new phenomenon which was later denounced vehemently by the eighth century prophets. She (Jezebel) berated her husband for being soft in dealing with the vineyard issue and decided to instruct the elders and the nobles of the city to call a cultic assembly of the people where Naboth would be accused with false charges of blasphemy by two rascals and punished to death. The verbal testimony of two false witnesses was all that was needed to provide legal grounds for Ahab's seizure of the land. All what has been done to Naboth was an attempt to dehumanise the poor, but as someone faithful to God he stood fast and die rather than to hand over his vineyard to king Ahab with ease. The irony in the whole judicial system of that time in Israel was that the very culprits, that is Jezebel and Ahab were the ones who carried out the execution of innocent people. That clearly indicates the abuse of law by those who claim to represent God (Ex. 22:28).

The silence of the ancient Israelite judicial tradition and the absence of any other clear example of the reversion of "criminal's" property to the crown, especially with regard to Naboth's

execution raises some serious questions in the minds of many readers particularly in matters of a judicial nature.

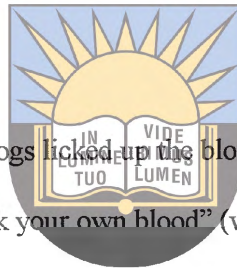
Comparative studies suggest that Jezebel's purpose was to gain proof that Naboth was not the legal owner of the vineyard at all. Jezebel's strategy was based on the false claim that Ahab was the real owner and this would give grounds for subsequent seizure of the land. It would be enough to claim that Naboth had actually promised to sell the vineyard to Ahab.

Her maneuver was grounded in the known fact that Ahab and Naboth had discussed the deal. It was known that Naboth had invoked the name of Yahweh in that occasion. All that was needed was to twist his words into a promissory oath. "May I be cursed by Yahweh if I do not sell you my vineyard" or perhaps his words were reported as an invocation of Yahweh in blessing upon the new owner, or Naboth's actual words (vs. 3) could then be truthfully reported, but constructed as his former intention of an alleged previously made agreement to sell to Ahab.

Naboth's guilt was found in something he was alleged to have said. According to Capulong (233 :1984) the legal framework of Ahab's appropriation of the property of the deceased "blasphemer" may be sought by means of comparative jurisprudence. It is clear that Jezebel was the real villain although allowance should be made for the fact that the historian focuses all his hostility to the Canaanite's ways upon her. He further argues that Ahab's sulkiness was not just due to pique, this is out of character compared with his strong-mindedness on other occasions. Ahab realised that Naboth's position was unassailable, but Jezebel could not understand. It is not clear whether her (Jezebel) comment is a question or a scornful reproach. In view of the following imperatives, it is probably exhortative:

“Now is the time for you to show that you exercise kingship over Israel”. (vs 7)

Andersen (1966: 47) is right in seeing in her (Jezebel) attitude the contrast between Samaritan and Tyrian court life. Hence any knowledge we can gain about the sociological and juridical aspects of land ownership and exchange in a Canaanite city-state should throw light on Jezebel’s conduct. The judicial murder of Naboth in 1 Kings (21) share the indignation of the historian hence this is perceived as an act of cowardice and readily endorse Prophet Elijah’s sentence against Ahab:



“In the place where dogs licked up the blood of Naboth shall dogs lick your own blood” (vs 19).

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Andersen further argues that “the ~~together of the~~ ~~existence~~ crime, without human contrivance, was signal proof that the divine justice had been done (1Kings 22:38)” The implication here is that the blood of Naboth just like the blood of Abel is crying out of the land for peace and justice. The land had been stained by the blood of an innocent person. Murder had been committed for the sake of the land.

According to Capulong (1984: 238), " what was supposed to give life had generated death, a death that was crying for vindication." This implies that vindication came through the mouth of prophet Elijah. It becomes true when 1 Kings (22:38) says " The similarity of the punishment to the crime, without human contrivance, was signal proof that the divine justice had been done." Elijah, a man of God confronted the powers that be to speak on behalf of the voiceless, helpless victims to dramatise the people's anger as well as to pronounce Yahweh's judgement. In that process he invited the risk of persecution. The biblical records reveal that

even before Elijah confronted Ahab, he was already hunted down by Jezebel. He had to flee to Mount Horeb after the famous contest in Mount Carmel between himself and the prophets of Baal. In facing Ahab and possibility of facing Jezebel also, Elijah knew the danger he was getting into. But he knew also that far more important than his safety was the need to vindicate the power of God's word over against the power of those rulers like Ahab.

In a South African situation of extreme oppression when the land becomes the scene, not of life, but of senseless killing, when greed for land by those who are not tilling it are multiplied to a thousand fold and murders are transformed into unjust massacres of whole villages, when thousand of Naboths are forced out of their ancestral lands, and when people are terrorised and muted into a remorse silence the Theologians should stand with the oppressed in their struggle for land and liberation. They must awaken the minds and sensitiveness of the people concerning their own life struggle, and offer to them the services to empower them and able to make their own stand and together with the society in which is more in harmony with the will of God characterised by just relationship, equal opportunities, where the blessings of the land are enjoyed by all, where farmers will have their own land to till, where workers will enjoy more the fruits of their own labour.



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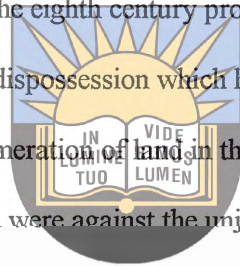
4.2 Late Monarchical Era

4.2.1 Prophetic Condemnation Of Land Loss during the Monarchical Era

In the early period after the Israelites had settled in Palestine, the whole population seemed to have equal access to land. Each Israelite tribe settled in a certain area. Tribal custom was developed to ensure that the land stayed with the tribes.

With the advent of the monarchy, the unjust take-over of the people's land appears legitimised by a popular religion under the cloak of state power. The dramatic shift of the land from a rural agricultural economy to an urban money economy led to a movement of dispossession and disruption of the ancient Israelite society which in actual fact undermined the old social order. When the silence reflected the mood of the helpless people (the poor, widows, orphans etc), God called forth the great prophets to break that silence and announce his word which will be the judgement for the oppressive powers that be and vindication for their victims.

(Wittenberg 1991:59) maintains that the eighth century prophets namely Amos, Hosea, Isaiah, Micah had revealed various forms of dispossession which had led to impoverishment of Israel's peasant community and agglomeration of land in the hands of a few rich land-owning class. This implied that these prophets were against the unjust land grabbing by those in power. As the watch dogs of God the prophets stood on the side of the poor and the dispossessed.



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These prophets addressed themselves to the leaders of Israel and Judah. They spoke against the social oppression of those who had no power to defend themselves. (Von Rad, 1969:177) They exposed those who desired to accumulate land contrary to the traditions of the past. The development of a rich and powerful class of people had increased the polarisation in the society to such an extent that the prophets saw the situation as a threat and a violation of social justice.

The voices of Amos and Hosea in the North, and Micah and Isaiah in the South, represented the feelings and the aspirations of a large constituency within the Israelite's society as Mendelsohn, (1949:23) puts it. The prophetic condemnation was more than a declaration of rights of the individuals before God. The prophets were the ones who determined the life and history of the people because of the pressure they exerted over the political, judicial, ideological and economic structures of their respective societies.

In the midst of this critical situation the call of Yahweh came to the prophets. The cry of the oppressed gave content and meaning to the prophets' message of righteousness and social injustice. Amos spoke against the powerful people in Samaria (3:9-10, 4:1-3, 6:1-8), against the rich (5:1ff) and against the merchants (8:4-8). Hosea spoke against those who had political power and could influence the nation (7:3-7; 8:4) and against the economic powers in Israel (12:8-10). Isaiah spoke against the proprietors of large estates (1:29-31; 5:8-10). Micah spoke against those who formed latifundia (2:1-3) and against the powerful people in government and society (3:1-4, 3:9-12).

4.2.1.1 Amos and property rights



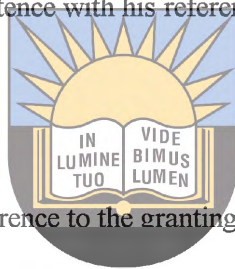
Amos a prophet from Tekoa, a village in Judah about ten miles South of Jerusalem was a spokesman for the poor and the oppressed in the Northern kingdom. He proclaimed a message against an economic system and against a social structure that exploited the people in order to maintain a standard of living that was high and prosperous.

With the increased urbanization of the society and the development of a capitalistic attitude towards land in Israel, the old traditions that demanded justice for the defenseless were abandoned. The loss of the old restraints drove some segments in society to commercial dishonesty, the oppression of the poor, to a life of luxury and lust for profit (Mays, 1983:90).

To these socio-economic abuses Amos addressed himself in the name of God and as "the voice of voiceless oppressed, the victims of injustices" (Mays, 1983:90). Most of his oracles were against the foreign nations and implied that they were accountable to God for their social actions for crimes against humanity. (Kelly, 1972:28) Amos was more specific in his oracle

against Israel. The leaders of the people and the rich people of Samaria were accused of oppression against the poor (2:6-9). The poor were sold because of a small debt, even the debt equal to the price of a pair of shoes. Amos referred to the custom of casting a shoe on a piece of land as a sign of taking possession of it, thus the poor were forced out of their land and obliged to work as slaves losing their right as free citizens. (Koch, 1982:57)

In the prophecy against the Israelites (2:6-16), Amos's original oracles contain a brief historical resume in which Amos includes not only the traditions about the exodus and conquest, but also of Yahweh's provisions for settled existence with his reference to the institutions of prophecy and the Nazirites (2:11-12).



Dearman (1981:33) states that the reference to the granting of the land is important, for Amos' accusation have their basis in the misuse of the gifts of land and settled existence:

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“Because of those who sell the righteous for money and the poor for a pair of sandals, who trample the head of the poor (upon the dust of the earth) and pervert the way of the afflicted (anawim)

For a man and his father go into a maiden,

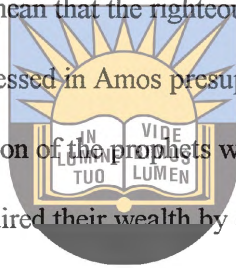
In order to profane my holy name upon pledged garments they spread out beside every altar, and wine taken in exaction they drink in the house of their God”. (Amos 2 : 6-8)

In this passage, the prophet does not specifically name those responsible for these crimes, in this regard one is expected to work his internal evidence in determining the nature and, if possible, the perpetrators of these deeds.

The term "crime" has several related meanings, but Wolff (1977:152-53) has persuasively shown that in Amos the word refers to cases that, "exclusively involve grabbing of property and personal right".

Mendelsohn (1949:23) maintains that the "righteous" are those perceived by Amos as innocent of any wrong doing, although in legal terms innocence probably does not exhaust the meaning derived from the cult and communal life.

The parallel with the "poor" does not mean that the righteous are propertyless, in fact, the various reference to the poor and oppressed in Amos presuppose that certain classes of citizens are losing their property. The accusation of the prophets was not that there were both rich and poor in Samaria, but that the rich acquired their wealth by oppressing the poor. (Balduino, 1978:21)



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Evidence for the failure of the Israelite's social institutions to administer Yahweh's will is found in the phrase, "they turn aside the way of the afflicted". The same verb is also used by Amos in describing the perversion of legal process in the gate of a village (5:12), a process and social setting that are probably referred to in (2:7) as well. It is likely that local, commercial transactions concerning property were conducted in the gate of the appropriate town where the judges and elders were present, either to witness and confirm or to adjudicate.

The possibility of corruption was present too and such a possibility is especially true in terms of conflict of interests whereby the local citizens (officials) who conducted the gate proceedings might receive material benefits from the economic misfortunes of a neighbour.

According to Mays (1983:165) part of the social problems that affected the poor people was that when they came to courts expecting to find protection from wrong and vindication against injustice, they found a system of justice that displayed the same injustices from which they sought protection. What Amos demanded was an overabundance of justice in the land hence it is said "but let justice roll down like waters, and righteousness like an ever flowing stream" (Amos 2:7a). This was a call for universal practice of social justice in the land. In (6:12-14) Amos accused the rulers of Israel of having perverted the system of justice which should be maintained by righteousness.



Amos also accused the ruling class of Samaria of violence against the oppressed (3:9-12). The oppressive atmosphere in Samaria was the result of the economic and judicial manipulation of the Canaanite civil servants who influenced the Israelite ruling class with their Canaanite view of governance. Amos also censured the women of Samaria (4:23) because they were the prosperous merchants, of the wealthy proprietors of large estates. (Wolff, 1977:205)

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One may sense in Amos's accusations a concern for the right of property owners with respect to the various goods they produce or possess, as opposed to excessive exactions, and the right to have their economic dealings fairly adjudicated.

4.2.1.2 Hosea and property rights

The political and socio-economic situation of the world of Hosea's days were the main causes of upheaval and confusion. Hosea balanced the word of judgement with the promise of restoration of the land and its renewal. (Anderson, 1978:285)

It is a well known fact that theft and adultery are crimes against a man's possessions, his property and wife etc. Deceit means not just lying but also defrauding someone. (Wolff, 1974:67-8) In Hosea (5:10a) it is stated that the Judean officials are like those who remove a boundary marker. Removal of a boundary marker was prohibited in the legal and wisdom traditions as witnessed in (Deut 19:14, 27:17, Job 24:2, Prov 22:28). Both of these traditions recognised that such markers were used to preserve family property inherited from ancestors. (Deut 19:14, Prov 22:28).

Hosea employs a simile in accusing Judaen officials of committing acts "like" those who remove a marker. The reference to the preservation of family property with a marker as Fensham (1962:132) puts it, is used for comparison in accord with the intention of a simile. Probably the real issue involved territory occupied by Judaen troops led by certain "officials" during border warfare. Hosea (7:1d) states that, "the thief enters (in), the robber-band raids without any notice". In this regard the "thief" and the "robber-band" illustrate two types of misappropriation often distinguished in ancient societies. Jackson (1972:9-11) draws a distinction between a "thief" and "robber-band". He said the thief was usually a member of the community and the robber-band was one who was frequently an outsider.

In the context of Hosea (7:1), these examples are cited as evidence of Ephraim/ Samaria's falsehood. The mention of a "robber-band" is possibly a reference to one of several group greedy for power in the last years of the northern kingdom or, to a band of brigands during this same period. On the other hand, the charge of misappropriation is lodged against Ephraim/ Samaria and the following three verses of chapter 7 concern evil deeds that please the royal house as witnessed by Wolff (1974:108-110). Perhaps the charge of robber band is lodged against the royal house and its associates for what is perceived.

Hosea said that :

"Canaan, (in) his hand are false scales, He loves to oppress.

Ephraim said,

"How I am rich, I have gained wealth." (Hosea 12:8-9)

Verse (9a) provides the clue that Ephraim is addressed as Canaan in verse (8). The appellative Canaan(ite) is used in this passage as a synonym for trader or merchant and this is witnessed in (Job 40:30, Prov 31:24, Isa 23:8, Zach 11:7, In Ezek 16:29).



Hosea is not addressing merchants but Ephraim who is made to boast that he has gained riches. This accusation presupposed an affluent society which has become rich by oppression and cheating. According to Mays (1985:167) Israel's exoneration of herself in (12:9) that she cannot be found guilty of violence and oppression was a blatant rejection of the covenant's social norms.

The accusation of fraud against Ephraim, as in a similar charge in (7:1), suggests that perhaps certain types of fiscal or commercial policies are perceived by the prophet as economic oppression. In this respect the prophet's accusation is similar to that of Amos in (3:9-10). Unfortunately nothing more specific can be determined from the context.

From my general observation, Hosea's social message must be understood against an antagonism which saw Baalism as a socio-economic system based on a commercial society which was incompatible with Yahwism and the covenantal teaching of brotherhood and

equality among the members of the community. His message should also be perceived as a call to go back to the historical past, back to the norms of the covenant so that the nation could find a source of renewal and hope for socio-economic survival.

The socio-economic egalitarianism which was ushered in by the premonarchic Israelite movement served as an ideal of the radical reversal of issues then, hence the judgement ensures that the economic differences will be levelled out and that those who are enjoying and boasting of their illgotten wealth will be made to dwell in tents. This means that they too would be like any other member of the pre-monarchic Israelite group. In other words the retributive justice will take the shape of levelling out the socio-economic imbalance (this reminds us of Jubilee year i.e. restoration of the land and property to the original owners after 49 years - as witnessed in Leviticus (25)).



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4.2.1.3 Isaiah and property rights *Together in Excellence*

The book of Isaiah in (3:12-15b, 5:8, 10:1-2) is concerned with the acquisition of property and occurs in the context of accusations about the ethical nature of such appropriation. The acquisition of property, whether the latter is movable (3:14) or immovable (5:8), are actually perceived as misappropriation and violations of the owner's rights.

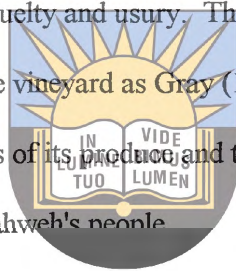
Isaiah states:

“My people's taskmasters deal cruelly and usurers rule them 'My people, your leaders take you astray, and confuse the way of your paths. Yahweh has taken his place to contend. He stands to judge the peoples. Yahweh comes for judgement with the elders and officials of his people; “You have depastured

the vineyard, spoil from the poor is in your house what do you mean by crushing my people, and grinding the face of the poor?" (Isa 3: 12,13 – 15b)

The accusation in verse (12) gives no specifics for the charge of cruelty and usury, but the context of official oppression implies a broader understanding for the charge of usury (and mistreatment) than the simple taking of interest and loan (Gamoran, 1971:127).

Furthermore the charge of goods accumulation against the elders and officials in verse (14) may be intended as an illustration of cruelty and usury. The elders and official of Yahweh's people are accused of "depasturing" the vineyard as Gray (1912:68-9) puts it. This implied that the vineyard be thought of in terms of its produce and the right of its owners to possession of its produce as well as in terms of Yahweh's people



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The verb "gazal" means to "rob" and the cognate noun in verse (14b) is used in a corresponding sense. The prophets used "gazal" in the more restricted sense of economic exploitation. (see further Isa 10:2, Mic 2:2, 3:2, Ezek. 18:7) (Gray, 1912:68-69).

Frick (1977:116-24) argues that the elders and officials, i.e., those responsible for the maintenance of order, have in their houses the possessions of the poor. The whole tenure of verses (12-15), especially with their emphasis on the leaders of society, suggests it is precisely the official status of their position which has resulted in the perceived misappropriation of property. It is difficult to determine whether this is only the result of "official" pressure and exactions.

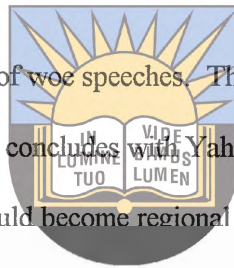
The collection of produce from the poor and its storage in the house of others has parallels in (Amos 3:9-11, Mic 6:10 and Jer 5:26-28). In the Jeremiah passage, not only are the houses of

the oppressors full of treachery but men are caught like birds in a trap, so that probable acts of foreclosure and certainly debt slavery are in the prophet's mind.

Janzen (1972:125) focuses our attention to a "woe" speech as displayed in Isaiah as follows:

“Woe to those who join house to house who add field to field
until there is no further place, and you dwell alone in the midst of the land”.

(Isa 5 : 8-10)



This is the first accusation in a series of woe speeches. The first speech (5:8-10) is structured like a prophetic judgement speech and concludes with Yahweh's announcement about the future. Latifundia or large estates, could become regional monopolies in a rural setting. For instance, the Deuteronomistic presentation of the conquest highlights the giving of the land to Israel and its apportionment to the people as Yahweh's ordinance. There are antecedents to this thought which are at least as old as Isaiah which would impede the process of land monopoly.

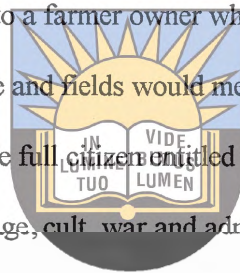
Dearman (1981:60) says “ the concern for boundary markers and one's inheritance (nahalah) also protected the equilibrium and economic viability of agricultural communities. It is generally true to say the land was the capital of antiquity hence sale contracts from various civilisations in the ancient Near East make it abundantly clear that the sale of immovable property was closely witnessed.”

This implies that the protection of one's ancestral heritage in the Old Testament was determined by the constant use of boundary markers which separated the individual's properties in a more or less same size. The above mentioned distribution of properties in

ancient Israel was aimed at maintaining the state of equilibrium in terms of socio-economic viability.

The "sale" of property mentioned from verse (8) would probably not have been the result of an attractive financial offer but a sale made out of necessity.

Indeed, the emphasis of the "woe" is on the acquisition of property, its actual sale is nowhere mentioned. More was at stake than simple ownership of house and property. The loss of land, house and field would be humiliating to a farmer owner who could no longer meet his previous sacral obligations. The sale of a home and fields would mean loss of civil privileges (rights) as well then. The property owner was the full citizen entitled to what Kohler (1956:130) summarised as the four rights: marriage, cult, war and administration of justice.



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The loss of citizenship in Isaiah is also the *University of Fort Hare* as a direct address.

Wildberger (1972:175) brings this out in his translation:

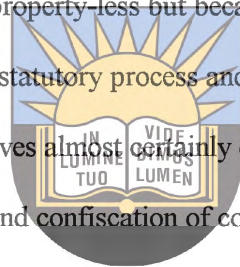
"Yet you alone live as citizens in the midst of the land". (Isa.5:8b)

The loss of rights of a property owner meant a probable further imbalance in communal affairs and in the economic structure of the community. There is no indication in verse (5) of the identity of those who defrauded the owners, yet it is difficult to view these circumstances as only a local imbalance.

One way that houses and fields were acquired by those in power from the poor is clearly illustrated in Isaiah as follows:

"Woe to those who make evil statutes, and the writers who write suffering. To turn aside the poor from justice, and to rob the poor of their land right; To make widows their spoil and the fatherless their plunder." (Isa. 10 : 1-2)

The prophetic accusation reflected above demonstrates the improper administration of the property right. The mention of the "evil statutes" in the woe speech shows the close relationship between the legal/administrative process and the loss of property right. Those statutes would only be agreed to under duress and were forced upon the poor. In this regard it should be noted that the poor are not property-less but became victims of a system that could appropriate their possessions through statutory process and the use of contract/deed documents. Also, the statutes themselves almost certainly dealt with such things as the sale and transfer of property, foreclosure and confiscation of collateral, and conditions for servitude/debt slavery. The statutes are assumed by the prophets to be legal and Judaeic and it is their oppressive effect that evokes the prophetic denunciation of future punishment as witnessed in 10:3-4.



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In the Isaiahic woe, the conditions are perceived as suffering and robbery, not judicious and fair. The violators of citizens' property rights are named by title or specifically alluded to in 3:12, 14 and 10:1.

In each instance the violators appear to have used official positions of influence for the acquisition of property (Isa 1:23). The prophet opposes their exacting and acquiring measures as infringement and cruelty without stating any reason for opposition except that of Yahweh's displeasure. The prophet's oracle also serve as a strong preventive measure against the accumulation of landed property by the ruling elite to the deprivation of the poor.

4.2.1.4 Micah and property rights

Micah was one of the minor prophets in the Old Testament who came from a rural area known as Moreshet-Gath. He made a major contribution in the struggle of his day against injustice during the eighth century B.C.E. Micah adopted an unshakable stance against injustice. (Von Rad, 1962:177). This is witnessed in Micah where he says:

"But I, am filled with power (by the spirit of Yahweh) with justice and courage to declare to Jacob his crime and to Israel his injustice." (Mic. 3 : 8)

Socio-economically, we learn from the prophets that Jerusalem was corrupt. Violence in the city was rife (Is. 5-7, Mic. 3:10). Oppression and exploitation were the order of the day (cf. Is. 5.8-10; 10:1-2). According to Abrahams (1984:6), the flagrant social injustices were camouflaged with a coat of religious piety. The prophecies of Micah, as well as the stance he adopted should be understood against this background. Micah referred to the oppressors as "this people". This is witnessed in Micah where he said:

"Therefore, thus says the Lord I am planning disaster against this people from which you cannot save yourselves "from which you cannot remove your necks", You will no longer walk proudly, for it will be a time of calamity" (Mic 2 : 3).

Micah here pronounces an oracle of doom directed against an unidentified clique of people, to whom he refers as "this people" or family. The oracle of doom itself confirms that it is an indictment. The word "therefore" in verse 3 always introduces the judgement which has to

follow. The judgement in this case refers to a state of being "bowed down", i.e. a state of oppression and subjection to powers of another party.

In Micah 1:2 the prophetic oracle anticipates the inevitable evil on the addresses that is mentioned in the judgement. Verse 21 has the meaning of an accusation, a threat and even of a curse:

Woe to those who plan iniquity to those who plan evil on their beds at morning light they carry it out because it is in their power to do it (Mic. 2 :21)

The second group of people who are also classified as "this people" in Micah's oracles are the priests (3:11b) and the prophets (3:5, 11c) and the prophets who were attached to the palace and to the royal sanctuaries. Interesting to note, is that both priests and prophets in a similar manner as the rulers and leaders ~~Together in Excellence~~ the royal policies of the state. Together they formed the civil-military and spiritual elite in Jerusalem. They were the ruling class, they are in a position to execute their plans and policies because they are powerful, they are proud and arrogant (2.3). They are not disturbed by those who are deceiving others, neither are they bothered if they are deceiving others themselves (2.11). Micah addresses himself with fierce judgement to the practices of the unscrupulous rulers who plan iniquity and execute their plans by robbing the people of their properties. (vv.1-2):

“On that day a taunt song shall be raised over you a lament shall be sung, saying we are utterly ruined. The property of my people is sold. There is none to return it again Our fields are divided up” (Mic12 : 14)

This is an oracle of judgement describing how punishment will be brought on those who “covet fields and houses and seize them, who oppress a man and his household socially and economically” (2:2). The judgement which Micah speaks about will occur when their fields are allotted to others.

That means they will be excluded from any acquisition of land in the future (v.5). The quoted song - to be sung by those who are to be punished is identified as a taunting song and a lament of greed. The song is also ironically intended to remind the oppressors and those who have evicted the poor, that the land which they have lost, was taken away by force and violence from the people who were the original owners (Koch, 1982:298). Micah describes how these powerful people behaved towards the poor:



“But you are like an enemy to my people who stand up against the poor. From the peace loving ~~you strip their cloak (evict from war)~~. You evict the women of my people from their comfortable homes. From their children you take away their dignity forever” (Mic. 2 : 8-11).

The concept "my people" in vs.8 refers to those who had suffered oppression and exploitation. They were the ones against whom the ruling class waged an undeclared war although they were the peace loving people (8a). They were a distinct group of people: the poorest of the poor, orphans, widows.

Their existence was destroyed by the greed of the powerful: the military authorities, the officers of the judiciary and the political leaders in Jerusalem.

The term "my people" in a biblical reference as used by the prophet in a context of national catastrophe as Abrahams (1984:7) puts it. The prophet's grief for the suffering of his people is clearly evident in all the oracles in which he addresses the ruling class for their perpetuation of injustice. In fact the term "my people" does not refer to everybody who called themselves Israelites and who shared the same cultural and religious heritage. On the contrary. It referred only to a class of people who, because of their status in the community, suffered under the corrupt malpractices and injustice of the ruling class. Micah also goes further about the socio-economic and political acts of injustice perpetrated by those in power, for instance: the question of evictions from and confiscation of people's land is an act contrary to land ownership as ordained by Yahweh as perceived in the Leviticus 25:23. The Naboth vineyard issue in Kings (21:3) is a classical example.



In the Old Testament times possession of land was therefore relative, hence it was always seen in relation to the Lord. Furthermore, land from Yahweh was also considered by the Israelites as a sign and guarantee of freedom. Nobody had the right to expropriate or evict somebody from his or her land. The fundamental theological consideration in this regard had far reaching socio-economic and political implications. It also assured just economic relations and avoided extremes of poverty and wealth. (De Vaux, 1976:72)

This principle also underlined the fact that a person's dignity and status in the Old Testament community rested upon his household, family, dwelling place and land. Micah summarises it as: "One person - one house - one inheritance (2:26). Thus, a society in which everyone qualifies for free citizenship, socio-political and religious rights.

Owning a piece of land was also a visible protest against the absurd possibility that one person could be degraded to the status of a slave by another person. From the theological

understanding of land, eviction from one's house or land was also considered to be a grave offence. Micah's stinging attack on the ruling class for evicting the widows and their children from their properties and homes was thus taken from this supposition.

In most cases the desire for greater wealth is the chief reason for oppression. Oppressors do not care how they obtain what they desire, there is no room for morality in their hearts. They covet whatever they see, and spend their time thinking up unjust ways of increasing their wealth (Mic. 2:1-2). The oppressors have power and mastery because they belong to the governing class or are allied with it; hence Micah proclaimed an oracle of doom upon these people (oppressors):



“Woe to those who devise wickedness and work evil upon their beds! when the morning dawns, they perform it, because it is in the power of their hands”.

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(Mic. 2:1) *Together in Excellence*

We are faced here with so-called "institutionalised violence" that receives legitimacy from the established order in which the ruling class is a principal participant:

“Hear, you heads of the house of Jacob and rulers of the house of Israel! Is it not for you to know justice? You who tear the skin off my people and break their bones in pieces, and chop them up like meat in a kettle, like flesh in a caldron”. Mic. 3:1-3

Under this kind of oppressive regime many of the prophets betrayed their mission, justifying what is unjust or remaining silent about it or preaching whatever suits them:

“Thus says the Lord concerning the prophets who lead people astray, who cry "peace" when they have something to eat, but declare war against him who puts nothing in their mouth”. (Mic. 3:5)

In conclusion, Micah's stance as a prophet is a classical example as well as a challenge for all who are engaged in the struggle against institutionalised violence. This is an inherent task of being a prophet involved in the struggle against any form of injustice and being committed to man's God-given freedom.



The question of analysing, exposing and opposing injustice especially when it is done in the name of God, is one of the main tasks of being a prophet in a situation of undeclared war against those who have military power, control over the judiciary and in most instances even have the majority of the clergy on their side. This option amounts to doing justice and refusing to believe that injustice could in any way be justified (1984:12) puts it.

Therefore, being a true prophet means to withstand the temptation of being silent in the midst of political turmoil, having experienced what it means to be a victim of oppression, exploitation, eviction, humiliation. The confiscation of the land was as bad as devouring the poor physically because it took away the source of sustenance, livelihood and residence from the peasants, hence Micah refers to such arrangement as the perversion of justice. It is a well known fact that the courts were the places where important issues relating to land were decided, but to the advantage of the rich, the judges have become instruments of legitimising corrupt practices.

In this regard Micah reverses the situation in which the guilty will be the sufferers crying to Yahweh in anguish. God's punishment for malpractices is clearly reflected in Mic.(3:4) and

that corresponds to the crime. According to Mays (1983:80) Yahweh will not listen to the cries of those who prey upon the helpless. They will themselves know the terror of being helpless.

Micah (3:11) accused three groups of people i.e. the judges, the priests and the false prophets. The commonality of the charges is that they have become manipulable through monetary means in their respective offices. The source of punishment is not specified, but the nature of the punishment is spelt out as it envisions a situation when there will no longer be a city of Zion i.e. the trappings of the urban life will disappear and in its place, the land will revert to agriculture.

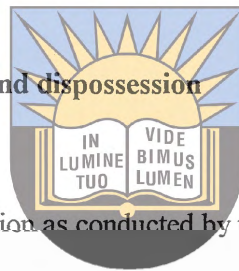


Here the charge is envisaged in terms of conversion to agriculture of a place which flourished as an urban centre. The mountain of the house (of Yahweh) shall become a woodland for the cattle. Thus the punishment is pronounced in terms of liquidation of the urban life and the installation of a rural set up in its place. This on its own suggests the great reversal of issues due to God's intervention in the life of his people so as to regain their human dignity and the prosperity which they have lost due to land dispossession practices that have ruined their lives. In viewing the socio-historical analysis of the situation in the Old Testament study on land related matters one would realise that the aspect of land ownership appears to be the most valuable source of life and also perceived as a divine gift. It is very interesting to note that in a proper African life land is perceived as a holy possession, that is, the shrine of the people's soul. The personal and family shrine is the land where the ancestors are buried. These ancestors are served (khonzwa) through all human activities for an example, they are served from family meals, to national main festivals and installation of king (inkosi) as Setiloane (1972:24) puts it.

To remove and separate people from ancestral land is to rupture their soul, to cut off their instrument of life support. This, by the way is very biblical, because there, too, we are having to do with aboriginal and primal peoples and their religious sensitivities as witnessed in Psalm 137 where it is said:

"By the rivers of Babylon (cut off from home and kindred) we sat down and wept when we remembered Zion, How can we sing the Lord's song in a strange land?"

4.3 The detrimental effects of land dispossession



The unjust practice of land dispossession as conducted by the kings during the monarchical era was one of the causes of socio-economic instability. The socio-economic instability was due to changes that took place as a result of the period of social and economic structure. The establishment of the monarchy effected very profound changes in all societies of ancient Israel and constituted a most drastic break with the traditions of the past, a break, however, which was to be contested by some members of the society until they got back their land.

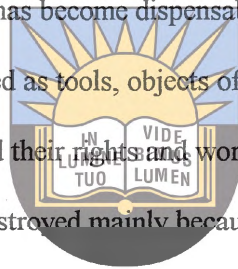
The society was split up beyond hope into the poor and the rich classes. It was more or less impossible to try to control this situation with the ancient principles and regulations. In this regard Israel was in danger of losing essential parts of her religious tradition. In the book of 1 Samuel (8:10-18) there are warnings and predictions on the nature of the proposed monarchy. Samuel, as prophet, foresaw that there would be an assimilation to the practice of the Canaanites monarchies, involving confiscation of land, feudal grants, enforced labour, burdensome taxation and other abuses.

His prediction was not only that free men would be depressed and forced into bondage, but that free men who were themselves holders of land would be deprived of property and be reduced to the state of servitude (1 Sam. 8:16,17). The peasant freeholders who fell into debt and eventually lost their farms could, in some cases, become tenant farmers for absent landlords, thus receiving a share of produce for their labour, others simply became slaves.

King Solomon engaged himself in tremendous projects such as the building program which he undertook so as to pay tribute to conquered peoples like the Edomites and Moabites, but also by the exploited labour of Hebrew and other subjects within the kingdom. The free landholders who gave up the struggle to maintain their lands could drift into the cities and be swallowed up by the royal levies of king Solomon. Forced labour was common in most parts of the near East but it did not develop in Israel until after the institution of the monarchy. David is said to have had an administrator in charge of the forced labour (II Sam. 20:23), but that was probably at the end of his rule, and the institution did not take its full proportions until under king Solomon. King Solomon's system of forced labour is witnessed in (I Kings 9:15-19).

The levy of labour force recruited for those projects came from the non-Israelite sector, namely those who had been subjugated by the expansion of the kingdom, the descendants of the Canaanites and other peoples who had escaped extermination (I Kings 9:20-22; II Chron. 8:7-9, 2:16-17). According to biblical historians Jeroboam was an able young man whom king Solomon placed over the levy (Sebel) of the house of Joseph, that portion of the land comprising of the middle hill country (I Kings 11:28). This levy was very clearly made up of the Israelites, and it was most likely that burden laid on the Israelites incited Jeroboam to revolt.

As the new cities developed, several changes were introduced by the monarchy to enable the government to cope with the shift of socio-economic power from the villages to the cities. In short, the people under king Solomon were economically exploited and politically oppressed. Their land became the scene of great disorder. If Naboth was violently deprived of his land by king Ahab and Jezebel, the people of king Solomon's time were reduced into royal production machines in their own land. In both cases, the image of God in man becomes distorted and God's creation loses its original goodness and beauty and is slipping back into chaos. The land has no connection at all with people's history and identity. Because the land has become disposable, the life of the people also has become dispensable. The kinship between land and people are broken. People are regarded as tools, objects of manipulation by the very monarchy who is supposed to protect and uphold their rights and work for the upliftment of the quality of their lives. The people's lives were destroyed mainly because of landlessness. Most people became widows, orphans, and were treated as aliens in their land of birth.



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5. SOME THEORIES ON LAND RESTITUTION IDEALS : DEUTERONOMY AND LEVITICUS

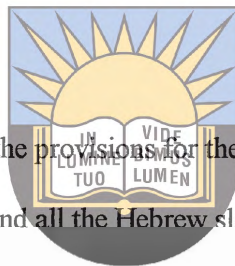
This chapter will focus on some of the biblical texts that deal with land restitution. Against the background of the above-mentioned situation of landlessness and the accompanying results, Deuteronomy and Leviticus will be studied in order to see how these authors envisaged a better or ideal society.

5.1 The Deuteronomic Laws

According to Wittenberg (1991: 60) “Deuteronomy tries to redress social and economic imbalances through legislation.” The poor were socially and economically disadvantaged hence something had to be done to save their situation. Their protection however, had to be catered for in the group of religious laws. These laws seek for ways through which the poor would also have a share in the agricultural bounty of the land.

Wittenberg summarised these laws as follows:

(i) Restitution:



This principle is contained in the provisions for the Sabbatical year when all debts should be cancelled and all the Hebrew slaves released together with adequate provisions which will assist them to re-establish themselves and to make an adequate living (Dt 15:1-23). These provisions are a source of hope in terms of immediate liberation of the oppressed and the gaining of the prospects for a just social structure during the monarchical era.

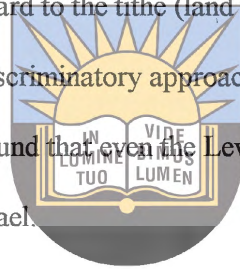
(ii) Reduction of burdens:

The difficulty endured by the poor within ancient Israelite's circles is greatly reduced by Deuteronomy's ordinance that prohibited the taking of interest (Dt. 22, 23: 19).

The point here is not about how to prevent people from being impoverished, but rather how to reduce the fate of the poor fellow citizens so as to meet the needs of the changing times.

(iii) Redistribution of wealth:

It stipulates that the tithe has to be brought to the central sanctuary, but the offerings are not to be handed to the state or the temple coffers, they are to be eaten by the people themselves (Dt. 12:6, 11-17, 14, 22 ff). In the third year, however, all of the tithe of the produce is to be gathered together in the towns and rural villages and is to be distributed to the poor (14:28f, 26:12ff). Tax is therefore partially abolished, while a certain amount is still levied, but now for the support of the underprivileged of society. Wellhausen (1957:56) also shares the same ideas on the aspect of the treatment of the poor with regard to the tithe (land tax) as witnessed in (Dt. 14: 28, 26:12). Here we find a non-discriminatory approach which encourages the sharing of resources, wealth hence we found that even the Levites were being catered for though they were aliens in ancient Israel.



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(iv) Mobilisation of the spirit of solidarity: *Together in Excellence*

Certain legal provisions stipulate support for the weakest and poorest members of society. Loans are to be freely given (15: 7ff), and after the harvest the fields are not to be gleaned completely, not even the grapes picked which had been overlooked. They are to be left for the poor and the strangers (24: 19). This verse is in line with (Ex. 23:11, Lev. 25:5) which states “that the poor of your people may eat”. This alteration of the understanding of an old cultic institution makes sense only if it presupposed that there were people who were excluded from the privilege of owning land so that the custom of reallocation, which we supposed in connection with the sabbatical years was not applicable to them anymore. From my observation this principle had to do a reply to the plight of the poor to maintain some sort of socio-economic justice and equity.

The proposed support system in the above verses was targeting those who were referred to as the poorest of the poor who did not even have a chance of owning land.

(v) Curbing of the excessive power of the king:

This is evident in the law of the king in Deuteronomy (17: 14-17). Here the king is appointed by the people (v.15), is part of the people, and may not lift up his heart above his people (v.20). Deuteronomy therefore enunciates the principle of democracy and also of preventing power abuse by the Israelite kings who in most cases grabbed the land of the poor for their selfish interests.



The above mentioned guiding principles for Deuteronomic reform are just as valid today as they were in the time of ancient Israel. They could also serve as important guidelines in trying to redress some of the gross imbalances and inequalities in South Africa.

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5.2 The Law of Jubilee

According to Leviticus (25), the term “Jubilee” perspective is described as a fiftieth year in which debtors were freed of their debts, and freedom was granted to slaves. This also entailed the restoration of the field to their original owners. The seller of the site and the buyer got together and reckoned up the returns and the expenses for the property. When the income was found to exceed the expenditure, then the seller regained the title to the field, but when the overheads outbalanced the surplus, the individual paid the differences and gave up the property. If however, the tally should be exactly equal for returns and expenses, then he should give the land to its former tenants. The jubilee social legislation as prescribed in Leviticus, was based on certain basic principles as follows:

(i) Rest for the Land:

These verses advocate the notion that the land should rest in order to produce more food. This was believed to be another form of catering for the poor because they were also going to get a share. In our South African context this can be equated to the contents one of the clauses of the Freedom Charter which says: “The people shall share in the wealth of the country.” This can be seen as a form of enhancement program aimed at achieving socio-economic equity for all.

(ii) Year of Restoration (Lev. 25: 8-17):



This entailed the declaration of a freedom day and the proclamation of freedom for all inhabitants of the land in ~~the year of atonement~~ (day of atonement) all property that had been sold or taken should be restored to the original owners or their descendants. This was also coupled with the fact that any one who had been sold as a slave should return to his/her property with all dignity he/she deserved. The implication here is that the process of restoration should not be understood from one dimension only (that is, getting back the land) but it could also be seen as a move towards restoring human dignity in terms of the poor.


(iii) Restoration of Property (Lev. 25: 23-34):

The main emphasis here was the regaining of the lost property/land. Even if one had sold it, that would have been done on a temporary basis, because at the end of 49 years the original owner of that land reserved the right to get it (the land) back. The notion

of land ownership and the right to property were firmly endorsed in that regard. This principle attempts to teach us as South Africans that the restoration of the people's land should not only be determined through monetary means . Land can also be given back instead of buying it back.

(iv) Loans to the poor (Lev. 25: 35-38):

The point here was that of neighbourly assistance expected from the rich to the poor thus showing love, respect and recognition of each other as equals so as to maintain more or less equal social status standards. My perception is that the recognition of the poor people's dignity and the upliftment of their socio-economic status as reflected above are some indications of "ubuntu" in our context of understanding the current call of African Renaissance by President Mbeki which forms the firm basis of our liberation praxis.



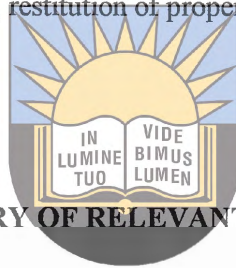
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(v) Release of Slaves (Lev. 25: 39-55):

The understanding of freedom from slavery meant regaining of human dignity which was also embraced by the act of freeing the slave to go back to his land as the owner with full power on it. Lenski (1966: 175-177) maintains that the royal traditions did not hesitate to use radical means of releasing the poor from debt and redistribution of land. In our South African context this is indicative of the great need to help the poor dispossessed people of our country to regain their land so as to see themselves as free men and women from bondage of oppression and enjoy the fruits of freedom as free citizens in their motherland.

On the question as to whether the said jubilee legislation was practically applicable in the Old Testament or was it just an ideal, it is assumed that it fell into disrepute through human frailty hence it became a dead letter either immediately, or after a certain period, or after the exile. The year of Jubilee was regarded for the restitution which could most effectively have ended the exploitation of fellow citizens. Herein lies its significance.

Finally the jubilee year has been interpreted not as a true law but an ideal norm of charity. Gehmen (1944: 333) argues that even if jubilee legislation remained as an ideal, its social values lay in teaching personal liberty, restitution of property and the simple life for all.



6. PRELIMINARY SUMMARY OF RELEVANT INDICATORS CONCERNING LAND OWNERSHIP AND LAND DISPOSSESSION

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(i) The situation with regard to land ownership:

Centrally important to ancient Israel's social ideal was the demand that each family had the necessary capital (land) so as to have an economically decent life and healthy social order. Landownership was two dimensional: that is, the co-operative basis of which the implication was that the promised land as a unit was taken possession of by the people as a whole.

As far as the individual basis was concerned, land possession involved another new aspect, its distribution, which was closely related to the element of the land promise, namely, that there existed a close bond between a family and its land. Each clan or family received a part of land.

The idea was that each family should have an equal and adequate piece of land to live on. This served as a basis for a good social order. The Old Testament perspective of land ownership had two important aspects to be taken into consideration: Firstly, a responsibility towards God: The deity required obedience from the Israelites as his people, otherwise their (corporate) stay in the land could be cut short. Secondly, the people also had a responsibility towards one another in respecting each other's right to land, as part of God's gift.

(ii) The situation with regard to land dispossession



With the introduction of the monarchy in Israel a new era had started. Despite the principle of initial equality (especially in terms of owning land), a new feature suddenly came to the fore as the title went to, namely land dispossession. Two groups were involved in this phenomenon that is, the king and his officials on one hand and the farming families on the other hand.

Olson (1986: 23) argues that many of the Israelite kings came to believe that they were above the law of God and sought to concentrate even more power into their own hands. The officials in high ranks of governance misused their position of power in a new socio-political and economic situation within which the economically strongest had the real say. They dominated the economy and as a result the equality (in terms of land ownership) which previously existed amongst families, was destroyed (Herron, 1986: 77). Their main aim was to get hold of as much land and property as possible, at the expense of those who could not survive economically.

In other words, the social classes which developed from the new socio-political structures led to a system of economic exploitation. The rich and powerful people (kings and officials) committed innumerable acts of violence (Mic 6:12), they trampled the heads of the poor unto the earth, and turn aside the way of the afflicted which eventually led to people being driven off their land and left homeless.

It is against this background that we have to understand the critique of the 8th century prophets. They accused the rich leaders and landlords of confiscating the land and property of the poor landowners. If they (kings and officials) desired a piece of land, they simply stole it, if they wanted a specific house/land they seized it (an example is the Naboth incident).



In Amos (2:6 and 8:6) it is mentioned that the needy were sold for a pair of sandals.

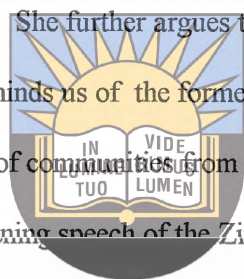
This is a clear indication of the way in which the houses and property of the poor were sold or confiscated, when they were not able to service their debts. Their land, which was dear to them, was simply taken away and they were left homeless, often resulting in their being taken as slaves.

The worst part of it is that the poor, weak and needy members of the society such as widows and orphans were the victims of gross injustice. They lost their land and their independence because there was no judicial protection. Unfair taxes and levies were cast upon the poor farmers which increased their financial burdens. The courts and Judges, being bribed by the rich, sanctioned the taxes and levies claimed by landlords and could even fine the poor farmers further, for not complying with the requirements of his contract.

PART III: THE LAND ISSUES IN SOUTH AFRICA

7. SOME BLACK AFRICAN PERSPECTIVES ON LAND DISPOSSESSION IN SOUTH AFRICA

According to Ramphela (1991: 3) the Whites robbed the indigenous people of their land. The fact that the Whites occupy 87% of the land while the Blacks are forcibly confined to 13% of the land is indicative of land robbery. She further argues that land robbery is a political reality that cannot be wished away. This reminds us of the former Nationalist government policy of apartheid in which massive removals of communities from productive to unproductive land occurred. President Mbeki, in his opening speech of the Zimbabwean Trade Fair held on the 5th May 2000 said, "Land dispossession was one of the most iniquitous results of colonialism".



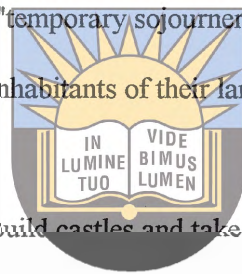
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Evidently, land dispossession does not begin with the land Acts of 1913 and 1936 as many people wish to think. In fact the act of dispossession was constituted the day the White man entered the shores of South Africa. Similarly, Tatu Joyi, the Thembu sage, locates the beginning of the process of land robbery in the 17th century. Speaking of the history of legal land dispossession, he says (in part) "Abantu were defeated by the White people's papers, which they took by law, their law, what they could not take by war" (Meer, 1988:15). How the Whites committed the land theft is further graphically recounted by Meer (1988:15):

“White man brought a piece of paper and made Ngangelizwe put his mark on it. He then said that the paper gave him possession of land and when Ngangelizwe disputed that, the White man took him to the White court and the court looked at the paper and

said Ngangelizwe had given the White man 4,000 morgan of land. The court also said White people needed the land of the Tembus to protect themselves from the Tembus!" (Tatu Joyi's words)

Similarly, Tutu (1983:43) states that "when the Whites came to South Africa, they were welcomed by the indigenous inhabitants, who provided them with fruit and vegetables and the land on which to grow them." He continues to say "the Whites had grabbed a lot of the land". In this regard, Tutu attributes land dispossession to conquest by the White "superior fire power" and considered the Whites as "temporary sojourners". He argues that the Whites have unjustly dispossessed the indigenous inhabitants of their land. He writes:



"They (Whites) decided to settle and build castles and take over large tracks of land and they resented the indigenous people whom they had found in possession when they arrived and then dispersed. When the first settlers ventured into the interior capturing vast pieces of land through conquest because of their superior fire power".

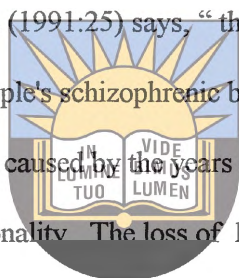
These explanations imply that the taking over of the Black people's land was not a plain sailing situation. On the contrary, violent measures were used by the Whites to ensure total removal of the Blacks from their ancestral heritage. Even the history of South Africa which has been written by White historians supports Tutu's argument that the Whites grabbed the indigenous peoples land. Clearly, one cannot be a "temporary sojourner" in another's land and be the legitimate owner of that land at the same time.

It is ludicrous, therefore, to say that the sojourner who arrives has equal legitimate claim to the land to which he/she arrived. The fact that whites arrived in 1652 is not a sufficient (moral) ground for them to occupy the land of another. In the same way, no person can be both my

guest and the owner of my house at the same time. In addition, no nation has the sole prerogative to arbitrarily occupy the indigenous land without the consent of its owners.

An acceptance of land occupation on the basis of the idea of sojourner is rationally impossible and it can merely serve to justify land theft. The tense reflection on the African understanding of land dispossession give rise to a crucial question: why after 360 years are black pastors and politicians uncompromisingly demanding that the land be returned to its indigenous owners?

As a response to this question Mosoma (1991:25) says, "the persistent demand for land return is necessitated, in part by the black people's schizophrenic behaviour". The said mode of thinking reflects the detrimental effects caused by the years of apartheid's mental and spiritual occupation on the Black people's personality. The loss of land contributed adversely in lowering the Black people's self-image.



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The divisions amongst the Black humanity is the result of "apartheid regime's" robbing and alienating mechanism - alienation from land, religion and ancestral fellowship. In terms of African traditional religion there exists close connection between the living and the "living dead" ancestors. There is a belief that active communication takes place between them. The holiness of the ancestors is linked with a "degree of land holiness" hence Mazrul (1986:271) writes "the mystique of land reverence in Africa is partly a compact between the living, the dead and the unborn, where the ancestors are buried, there the soul of the clan resides, and there the prospects of health of the next generation should be sought".

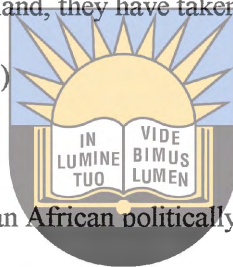
He (Mazrul) underscores the view that all life is marked by the relationship between the people and their land, but perhaps this striking relationship is most pronounced in the end of life, that is, death. This means that the burial of the community's ancestors in the land is a sacred act

that completes the bond between the people and the land. The lives of their ancestors continue to sustain life for those who dwell in the ancestral land.

Religion is rooted in the land, therefore one cannot have religion by itself, without the land. We cannot practice our religion without the sacred land or the sacred places because this is where we draw our religion from. To support this statement a grandmother whose shack was demolished and removed from Cape Town to a remote resettlement camp said:

"They have taken our land, they have taken our God."

(Grandmother's words)



This implies that landlessness renders an African politically impotent and spiritually bankrupt, hence the problem of split personality. For Africans, history and identity are rooted in the land. A statement drawn up by the World Council of Churches in 1978 makes the same point:

“To the indigenous people land is life. We affirm that land is an integral part of the individual, family and community life. The history and identity of our people are intimately bound up with the land and therefore our history and self-understanding become meaningful only when they are related to our land. Land is the primary means of our continuity as a people and it connects our past with the present, and it is the hope of our future”.

(World Council of Churches, 1978/79:7)

To be moved from one's land of birth is both to destroy the future and security of the children and their unborn children, and to turn one's back upon the ancestral spirits who bequeathed that land to the families. (Domeris, 1991:27)

Aninka Claassens recorded the sentiments about land expressed by an old man in the community meeting as follows:

“The land, our purpose in the land, is that we must achieve. The land is our whole lives, we plough it for food, we build our homes from the soil, we live on it and we are buried in it. When the Whites took our land away from us we lost the dignity of our lives, we could no longer feed our children, we were forced to be servants, we are treated like animals. But in everything we do, we must remember that there is only one aim, one solution and that is the betterment of our people” (De Klerk, 1991:50)



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7.1 Various forms of land dispossession used in South Africa

It is imperative to note that land dispossession in South Africa was achieved through the use of various strategies. These can be categorised into three headings as follows. (1) Use of force (2) Use of law (3) Use of Religion.

7.1.1 Use of force (wars of dispossession)

Ever since the arrival of the Europeans in South Africa in 1652 there was a notion of dissatisfaction amongst the African people who were already in various parts of the country.

The European settlement and the incorporation of the sub-continent into the world-economy was the cause of concern amongst the indigenous owners of the land.

Our historical conviction is that there was of course a competition for land, which often led to friction and which sometimes burst into small scale wars. But these skirmishes were the start of the ferocious campaign which the white man launched against the indigenous population, using their superior weapons first and then their unjust laws under the religious pretext that they are the people divinely chosen to rule the world.



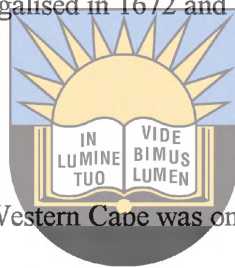
The scramble for land began in earnest when the Dutch East India Company in its endeavour to make the Cape settlement viable, took the decision to release some of its officers, so as to cut down on salaries. These free burgers as they became known, were so to speak, let loose on the black population, because without capital to establish themselves, and to pay for the required labour on rural areas, they resorted to other means as a means of survival. And so they moved further into the interior. Cape Town's restraining influence diminished, and correspondingly the level of violence and outrage increased. They were always ready to increase their needs and their lands at the expense of the indigenous people. With the arrival of the French Huguenots in 1688, the situation went from bad to worse. Expansion proceeded at a rapid pace, as the colonialists murdered people and looted the land to make their living easy, and to open up the interior. An example of this kind of behaviour is an incident which took place in 1705, the account of which is as follows:

“A certain Johannes Starrenberg, Landdrost of Stellenbosch, undertook a journey towards Saldanha, in the hope of finding oxen from the Khoikhoi to barter for the company. But there were very few oxen there because, a colonialist general called Dranke Genrit, had come to their

kraal a few years previously, accompanied by others, chased out the Hottentots, set fire to their huts and took away all their cattle without their knowing for what reason since they had never harmed any of the Dutch". (Cooper, 1989:55)

For the colonialists this was a way of life, the consequence of which is that by 1740, the only Khoikhoi left in the Western Cape had been reduced to poverty and servitude.

The sporadic seizure of the land was legalised in 1672 and 1717, when 400 farms were granted in freehold. (Cooper, 1989:69-70)



What happened to the Khoisan in the Western Cape was only a warming up exercise for the conflict in the Eastern Cape frontier between the combined British forces and Boer trekkers on the one hand and the Xhosa on the other. In the 19th century, the Eastern Cape was the meeting ground between the Khoisan and the Nguni people. The Khoisan were nomadic, while the Nguni were more of a settled agricultural society, growing crops and producing iron goods.

Contact between the two groups was on the whole friendly and of mutual benefit. Sometimes it resulted in intermarriage, but of more permanent value is the gift of Khoisan clicks to the Xhosa language. When the trekboers arrived, they settled in quietly amongst Xhosas and began trade in iron, copper and bangles in exchange for cattle and ivory.

Trouble seems to have begun in 1788, when the Cape governor Van Plettenberg drew some Gwali chiefs into an agreement, which required that the Xhosas should observe the upper Fish and Bushman's rivers as the colony's boundary. This in itself was a controversial arrangement,

because the Gwali chiefs as chiefs of junior rank in the Xhosa hierarchy, could not enter into such an agreement on behalf of all the Xhosa people. Then to exacerbate an already delicate situation, in 1780, van Plettenberg changed the agreement unilaterally, and declared the Fish river in its entire length as the official boundary. In other words, the territory between the Fish and the Bushman's rivers was thereby annexed by the stroke of a pen.

By this time, there were five Xhosa chiefdoms living west of the Fish river, in the area between Peddie and Alexandria, claiming ownership of the land as far as the Sundays river, some 30 kilometres away from Port Elizabeth. That same year the commandant of the Eastern Cape by the name of Adrian van Jaarsveld, received instructions from Cape Town to remove the five chiefdoms forcibly. At first he tried to persuade them to move, but when they were adamant, he assembled a kommando, which attacked and killed an unrecorded number of people and looted thousands of their cattle. This was the beginning of the enforced removals in this country (South Africa) and the consequent annexation of land by the government for white settlement. When the British entered the scene in 1795, they carried forward the policy of military intervention on the side of the Boers against Xhosa people.

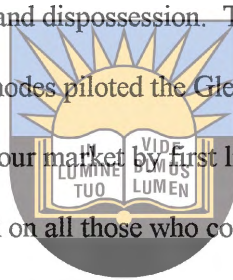
In 1812, in what became the second war of dispossession, Lieutenant Colonel Graham launched a vicious attack on chiefs Chungwa and Ndlambe, for which he was rewarded with the proclamation of Grahamstown, in respect of his service whose outcome was that the "Kaffir hordes have been driven from the valuable district. (Cooper, 1989:206)

The settlement of the 1820 British immigrants in the aforesaid area coupled with the population growth, to which large Dutch families and the early age at which their marriages were contracted contributed in no small measure, was to make the Eastern frontier overpopulated and prepared the way for the great trek. The great trek itself led to the carnage of 1833, what

was sadly but appropriately known as the blood river with this achievement, the colonists annexed the Southern part of Natal as the Republic of Natal. The story continues but cannot be narrated in its entirety here, partly because the next is well known, and partly because the point of this account is to put this debate on land in its context.

7.1.2 The use of law

After the military conquest was over, the stage was set for the programme of legislation which would carry forward the campaign of land dispossession. This began in 1894 in the Cape parliament. In that year, Cecil John Rhodes piloted the Glen Grey act, whose chief motive was to force more Kaffirs into the wage labour market by first limiting their access to land, and then by imposing 10 shilling labour tax on all those who could not prove they had been in some wage employment for at least three months in a year. (Cooper, 1989:206)



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The bill was passed at a time when the government itself acknowledged that "the native district of Peddie surpasses the European district of Albany in its productive powers" and which was to raise so much wheat, maize and millet that served as the granary of both Northern District and the Free State too. It came at a time when African peasants in Peddie, Bedford, Stutterheim, Queenstown and Alice districts were excelling as wool farmers.

7.1.2.1 The Land Act of 1913 and 1936

The crown of this legislation on the land came in 1913 and 1936 when what was implicit in Cecil John Rhodes's Glen Grey Act was made explicit. Prime land and the bulk of South African territory now became the preserve of the white minority.

The Land Act of 1913 became one of the most important pillars of the system that later became known as apartheid. As a result of that indentured labourers, slaves and migrant workers were forced, through the poverty which resulted from their loss of access to land, to leave their homes and work under harsh conditions dictated by the development of capitalism in South Africa.

The land act of 1913-1936 has later led to certain forms of forced removal carried out to maintain some essential structures of apartheid, migrant labour, division and segregation of the population, and political subordination of the Black majority. It is through those notorious acts that the African people were deprived of their land and were forced together in Bantustans.

The land act of 1936 placed severe limits on the movement of African people and tried to confine them in one place. The 1937 Native laws amendment act placed severe limits on African labourers who were working in urban areas. This act stipulated that work seekers could only remain in an urban area for 24 hours in the following year thereafter they were forced to leave their own place of birth. The wife of a worker had to have a permit before she could settle in town. The minister was given the power to intervene if a local authority did not carry out its duties in observing influx control.

The act also prohibited Africans from acquiring land from non-Africans in the urban areas and effectively prevented any further African acquisition of freehold rights. The regulatory influx control legislation could have done little to provide the labour which urban-based industrial capital needed. The introduction of the land acts on its own was a direct attempt of impeding the so called "Swart gevaar" which was said to be coming up as a result of increased urbanisation. It is clear that the government intended to use such discriminatory laws to suppress the mobilization of black opposition that was placing white political power at risk.

From the mid-seventeenth century onwards, Black farmers and pastoralists were gradually dispossessed of most of their land through armed conquest, various treaties and economic pressure. This pattern was formalised in the Land Act of 1913 which restricted African land ownership to just 7% of the total, in 1936 the allocation was extended to 13%. The land set aside for Africans consisted of fragments scattered throughout the country. In 1948 the Nationalist government instituted its policy of apartheid, a cornerstone of which was the creation of "bantustans" or self-governing "homelands" for the African population. In reality, these continued to be labour reserves for the White minority's farms and mines.

Massive forced removals that took place over decades has destabilised the family units and brought about orphans, widows, street kids, etc. It has been estimated that between 1960 and 1985 more than 3.5 million people were forcibly removed from one place to another.

The land acts of 1913 and 1936 increased the pressure on the 13% of the land reserved for African use with disastrous ecological consequences.

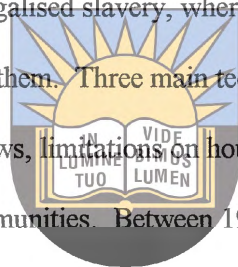
Marginal land was ploughed by people trying to eke out a living under desperate circumstances, leading to desertification of large parts of rural areas formerly covered by sweetveld (good grazing). The poet Alan Paton described the resultant desolation as follows:

"The great red hills desolate, and the earth has torn away like flesh. The lightning flashes over them, and the clouds pour down upon them, the dead streams come to life, full of the red blood of the earth. Down in the valleys women scratch the soil that is left, and the maize hardly reached the height of a man. They are valleys of old men and old women, of mothers and children. The men are away, the young men and girls are away. The soil cannot keep them anymore." (Allan Paton)

As a part of a deliberate strategy to discourage urbanisation, the infrastructure of African townships was neglected. There was scarcely any provision of basic amenities: housing, sewerage, tarred roads, storm-water drainage, electricity, tele-communication and social services. The "architect" of apartheid, Dr Verwoerd, proclaimed in 1956:

“The Native who comes to the White area does so because he is there to serve, thus no loafing may be permitted.” (Dr Verwoerd’s proclamation)

This situation could be described as legalised slavery, where the human dignity of the (poor) African people was being stripped off them. Three main techniques were employed by the state to prevent black urbanisation: pass laws, limitations on housing construction and the destruction and removal of Black communities. Between 1916 and 1986 (when pass laws were formally abolished) the number of people prosecuted for being somewhere without official permission were estimated to be at least 17 million. More than 1 million people were expelled from their homes on the so called white-owned farms, where they had often lived for generations.



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Bantustan consolidation removals were an attempt to tidy up the map and create more coherent "natural states" for various ethnic groups, by changing boundaries and moving people accordingly. "Black spot" removals entailed the expulsion of Africans who owned land in White areas.

7.1.2.2 Group Areas Act

The birth of the Group Areas Act in 1950 has led to the forced relocation of various population groups right through South Africa.

The Asiatic Land Tenure law amendment Committee, established by the National Party government in one of its actions, recommended that different population groups should be forced to move out of their land and that people should be removed to areas assigned to their group.

These recommendations were enacted in the Group Areas Act of 1950, which stipulates that certain areas would be proclaimed as Group Areas in which only members of a particular group might live, own property, and conduct business. The act was facilitated and was indeed the corollary to, two earlier laws which had institutionalised the division and classification of the population into separate groups on the basis of a combination of language, descent, skin colour and so on. These were entrenched in the Population Registration Act of 1950, which provided for the issuing of identity cards indicating the group to which a person had been assigned, and the Prohibition on Marriages Act of 1949 which made intermarriage between groups illegal.

The group areas act meant that Indian and Coloured residents who had been long settled in city centres close to and intermingled with Whites, began to be removed to outlying townships. The Group Areas Act was not used to enforce the segregation of the urban African population as this was already provided for in the 1945 Urban Areas Act, but African families living in an area proclaimed as a Coloured, White or Indian Group Area had to move.

The act gave the government control over all property transactions between the different groups and over occupation of land. Thereafter it could decide where the different groups could live. Local authorities were obliged to plan Group Areas and to suggest their location to a Group Areas Board. The planning of group areas, buying out property owners who found themselves

living in the wrong group area, compensating traders and establishing new segregated Indian and coloured townships, has been a long drawn-out process.

The establishment of Group Areas was considerably assisted in 1966 by additional legislation which froze all Indian and Coloured rights of land ownership and occupation in areas that had not yet been proclaimed as group areas. Nevertheless the residential segregation of the population envisaged in the 1950 legislation was recently revoked with the fall of the apartheid regime. The Group Areas policy has however been consistently sustained, and only now is some of the legislation being revised. A number of adjustments in Group Area legislation were conceded after 1973. New legislation was gazetted in 1977 in response to recommendations of the Theron Committee which examined the conditions of the population and its position within the apartheid system. The regulation stipulated firstly that industrial areas outside the Group area would not be reserved for White-owned factories exclusively. Indian and Coloured entrepreneurs would be free, with the State President's permission, to establish factories in those areas referred to as industrial estate if wished.



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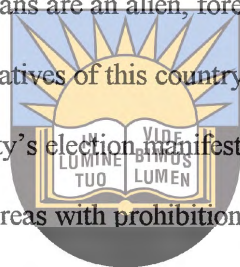
Some Coloured and Indian retailers were permitted to open shops in areas outside the allocated group area. In 1984 the Group Areas Amendment Act repealed certain sections of the original legislation and made it possible for the State President to deproclaim group areas and open them for trading, commerce profession practice and education by all groups. But residence was still to be limited to the population group for whom a group area was originally declared.

The sections of the population have been key targets in the regime's attempt to co-opt sectors of the black population. The inauguration of the new tricameral parliament in January 1985, with separate White, Indian and Coloured chambers and cabinet has been the most striking political demonstration of this. The Group Areas Act has had several objectives. It has been a means

to enforce a system of residential segregation in urban areas which supports the population classification system refined by the apartheid policy. (Unterhalter, 1987:63)

It became a way of splitting up and keeping the Black urban population in separate areas which facilitated control and hampered organisation. At one stage the Group areas legislation had a specific part in government policy concerning the Indian population. The National Party Election manifesto in 1948 called for the "repatriation" of South Africans of Indian descent:

“The party holds the view that the Indians are an alien, foreign element which can never be assimilated. They can never become natives of this country and must be treated as an immigrant community.” (National Party’s election manifesto) The main objective was the removal of Indians to separate group areas with prohibitions placed on their ability to live, trade or own property in "White areas". The new law also served to meet the demands of commercially precarious Afrikaner traders for legislation limiting their competition from more solidly established Indian retailers.



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However, the widespread popular military of 1950's gave the Group Areas Act a new political rationale. In the repressive period of the 1960's it was used to break up the mixed communities of the inner cities in an attempt to undermine the unity between Indian, Coloured and African, which had been given concrete expression with the formation of the Congress alliance and at the Congress of the people in 1955.

In the most recent period Indian and Coloured communities removed in terms of the Group Areas act have generally experienced better conditions in the new township, compared to those in African areas. In Indian and Coloured townships better housing, better roads, a wider range

of facilities and greater proximity to industrial areas have all served the government's attempt to widen the gulf between the various groups.

Implementation of the group areas act involved gross dispossession. Although the Group Areas Boards were meant to value the property lost and award compensation, the awards rarely compensated at market value and could not make up for the loss of long-term investments.

Once a group area was proclaimed, a property owner of the wrong ownership for the area could continue to hold property in the area for the rest of his or her life without occupying it. After their death their heirs had one year to sell the holdings, whatever the market conditions they were obliged to sell. In this regard things in South Africa tend to differ as compared to Old Testament period where the selling of the land was prohibited. Instead the land has to be passed from generation to generation if death took place. In Johannesburg, Western Native township was designated a Coloured Group Area after the Coloured People's Alliance had been removed in the 1950's. So many people were crowded into the township, the Transvaal coloured population grew and this situation resulted in the area becoming a slum.

People were removed from well-established integrated environments to tightly controlled and barren landscapes. Although it has taken many years to rebuild this solidarity among communities, it is testimony to the contradictions of apartheid that the very sense of popular unity which the Group Areas legislation was created to destroy should itself be re-created in opposition to that legislation and the whole panoply of apartheid laws.

7.1.2.3 Forced removals

The question of forced removal can be viewed from the light of being one of the pawns used by the apartheid regime to frustrate and to destroy the life of African people. Forced removals were conducted under the auspices of apartheid where the pass laws became central to the development of the economic system and crucial to the maintenance of White political power. Even though the implementation of such laws involved police, the courts, and a massive administrative machine, it did not succeed.

The main aim of the National party's policy in 1950's was the repression of opposition by armed force and legislation aimed at strangling the emergence of a unified opposition based on the principles of national liberation and trade union organisation. The attempt to undermine Black opposition was partly assisted by the destruction of old-established black urban communities, on which some of the networks of resistance were based.



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According to Unterhalter (1987:11) *Together in Excellence* the terms of removal were envisaged by the legislative programme of 1950's. At first there were removals from the urban area, through influx control, of a reserve army of labour that comprised male unemployed workers and some women. Influx control intended both to prevent farm labour leaving the rural areas and to provide White farmers with a pool of workers who had been removed from the cities.

The second form of forced removal resulted from the destruction of the mixed inner city communities and the establishment of segregated townships partly as a measure to inhibit the growth of a national liberation movement against apartheid. This form of removal intensified the process of segregating the urban population. It was carried out mainly through the application of the Group Areas Act of 1950. In fact this was not the first piece of legislation that had attempted residential segregation, but it was the most systematically applied.

Africans in urban areas had been segregated from the rest of the population under the terms of the urban areas act of 1923, and Indian occupation of land had been limited by legislation in the 1940's. These measures were extended by the Group Areas Act and that enabled the government control over all property transactions between the groups into which it divided the population, and control over the occupation of land, thus ensuring its complete powers to decree where the different groups could live.

State power was extended in 1955 with the Bantu (Urban areas) Amendment Act which enabled the government to abolish African freehold rights to their property. The legislation enabling this form of removal to take place was designed both to concentrate the areas where black workers lived, and to insulate these areas geographically and politically from "White" South Africa.



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Urban segregation was not achieved through the courts. White farmers used the courts in long drawn out battles to delay their removal under the group Areas act. Some African freeholders also took legal action. The Johannesburg city council refused to co-operate in moving Africans from freehold land in Sophiatown, Martindale, Newlane and Pageview to the new township of Soweto. The central government responded by enacting new legislation namely, the Bantu Resettlement Act of 1954, to five local authorities to carry out these removals. The third form of removal in the 1950s was the expulsion of peasant households from the White owned farmland. This simply shows that peasants were forced out of subsistence production as squatters on White-owned farms into agricultural wage labour.

In 1954 an amendment to the Native Trust and Land Act obliged white farmers to register all households renting land from them. Under the amendment all those who had rented land after 1936 were deemed illegal occupants under threat of eviction. The removal of all safeguards to

the position of these households meant that they could be forced into arrangements of labour tenancy or wage labour with farmers. From 1954 chapter IV of the land act of 1936 was implemented. It pointed out clearly that no African could settle on white-owned farm land unless he or she was a farm worker, a registered labour tenant or a dependant of workers in these categories. Unlawful residence entailed removal and imprisonment and farmers who did not remove surplus population on their farms were guilty of an offence.

In February 1983 the Western Cape administration was reported as repeatedly trying to destroy the settlement at Khayelitsha. Although shacks were flattened and hundreds arrested, people returned to the site and rebuilt their homes. The authorities were forced to allow 2,500 families who qualified under the pass laws to remain at Khayelitsha. But in 1984 as the population of Khayelitsha swelled, with people moving to the site from crossroads, further demolitions took place.



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During the first six months of 1984 more squatter houses were demolished in the Western Cape than in the whole of 1983. Houses were demolished at an average rate of 48.8 per day and the total number of demolitions by July reached 8,597.

In the space of more or less four weeks, 28 May to 2 July, 1,024 homes were demolished at Nyanga, Crossroads, and Khayelitsha. As the camps were razed the sick, the elderly and small children were left exposed to the adverse weather conditions, mothers lost their children in the confusion, possessions were strewn about. At the height of the raids the people of KTC would rise before dawn, take down their own shelters, bury their possessions, and go off to work, calculating that it was the best strategy in the face of repeated raids.

The government's actions against the squatters cannot be justified what so ever for it is the same government that did not want to build houses of a good condition for the poor people especially the landless unemployed people. The continued occupation of the unoccupied space by the needy people clearly reflected the inefficiency of the government's policy on the issue of land and housing for the people. The people's resistance to the forced removals conducted by the then government is a direct challenge that needs to be addressed as soon as possible so as to attain stability/harmony amongst all the societies. The harsh raids and forced eviction of the people from their land cannot be tolerated.



At Grahamstown the landless people started to occupy the unoccupied land in 1991 as a response to a call by United Democratic Front in the eighties. This took place throughout Grahamstown areas like Makanaskop, Fingo village, etc.

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The response by the Rini Town ~~Community~~ *Together in Excellence* the landless people. Their shacks were destroyed by the council with the assistance of heavily armed police force. The people there were left without shelter in bad weather conditions. The people of Grahamstown regarded the action of the council as a direct challenge and that was met with a strong uprising where some White motorists died in Raglan road, and where the throwing of stones became the order of the day. Then the council suddenly stopped its action of eviction.

The Grahamstown people further occupied the neighbouring farms illegally without asking permission from anybody. The Council could not act as they were afraid of the people's anger. Instead they bought that piece of land for those people who had already occupied that land.

The East Rand Administration Board evicted the squatters of Katlehong to the accompaniment of tear-gas, baton charges and arrests. At Grasmere, near Johannesburg, 200 squatters were

arrested in January 1984 in an early morning raid, taken to a specially convened court and sentenced to one hundred days imprisonment or R100 for squatting illegally, although many were awaiting housing allocated to them in Sebokeng township and many others were legally in the area, having been recruited as farm labourers.

Squatters in bantustans fared no better. Usually the raids and attacks were against people deemed to be in the wrong population group for the area. For example at the Erasmus settlement in Bophuthatswana, the police raided it every two days, hounding those not deemed to belong to the bantustan, particularly people from the Transkei and the Ciskei. In the police attacks windows and doors were broken with steel bars, and those who could not bribe the police were arrested with their children and taken off to prison.

They were only released after paying admission of guilt fines of R30. A man whose wife was raped during one such raid told a journalist:



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“We cannot afford the bribe. So most of us, including women, flee to the veld and sleep there. We go to our respective places of employment the next day without having washed. It's terrible. I feel like dying rather than living like this.” (The words of the man whose wife was raped)

Because of the precarious nature of life in the squatter camps unscrupulous entrepreneurs mercilessly exploited the people's needs. Landowners charged exorbitant rents. Even municipalities made high charges for minimal services. For example Crossroads residents in 1984 were paying R7 per month for garbage collection, sewage service and water provision although only 20 water taps served the population of close to 540,000. In some places water was sold to the people a R2 a drum, roughly 200 litres (This took place in Garankuwa and Winterveld north of Pretoria). Thus diseases of poverty such as cholera, typhoid, fatal gastro-

enteritis etc. resulting from polluted water supply and lack of protection from the cold were common in squatter settlements, while these illnesses were almost unknown amongst white South Africans and residents of newly established townships. Conditions at Winterveld in Bophuthatswana were described in a report by the Diocese of Pretoria:

“Most dwellings are of corrugated iron, mud bricks or packing cases obtained from factories ... Houses vary in size from one to six rooms. Because of uncertainty of tenure these shacks are built in such a way that they can easily be dismantled and moved elsewhere. No running water, electricity or sewerage system is provided. In some cases boreholes are contaminated from toilets. The incidences of deficiency disease, Kwashiorkor, scabies are rife”.

(Diocese of Pretoria)



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There have been three main forms of forced removals from the land: the eviction of labour tenants and farm workers, and dispossession of peasants through betterment and other land allocation schemes in the bantustans; and the seizure of freehold land in "black spots".

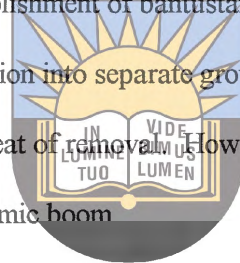
Long-established peasant subsistence communities have been uprooted and forced to make way for highly subsidised commercial farmers. Although forced removals of workers from White-owned farms and peasants from communally held Black farms have their origins in similar economic developments, the extension of commercial farming throughout the South African countryside have different political dimensions.

The removal of huge numbers of people from their land has been a brutal chapter in the development of capitalist agriculture throughout the world. Resistance appears most difficult for people who are already bound by a form of master and servant contract, as were Africans on White-owned farms in South Africa and most sustained when the people removed have

legally recognised rights to the land they are losing. (Unterhalter 1987:93) A resistance of equal intensity, although of different form, has been mounted by the remaining African owners of freehold farms who find themselves in areas designated "black spots" and scheduled for removal into Bantustans.

7.1.2.4 Homeland system (Law of divide and rule)

This phase of apartheid bantustan programme was initiated in 1959 with the promotion of Bantu self-government Act. The establishment of bantustans entailed a further division of South Africa and a division of population into separate groups. Africans owning land that fell outside the bantustans came under threat of removal. However, the large scale removals of this period were mainly the result of economic boom



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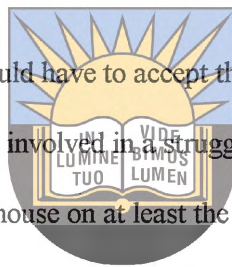
The bantustans, initially were established under local control and these became crucial as areas where removed people were sent. A key aspect of the National Party strategy became the attempt to reverse the flow of Africans to the urban areas, and to establish the bantustans as the major African population Centres.

The bantustans were drawn on the earlier colonial system of government through chiefs which had been resurrected in the 1951 Bantu Authorities Act. In fact this act had placed local government in the reserves in the hands of chiefs, villages-headmen and councillors, all of whom were salaried officials, accountable to the Bantu affairs department. These local officials were in charge of the maintenance of roads, schools, law and order, pension and welfare applications and allocation of land.

The promotion of Bantu self-Government Act of 1959 incorporated these features of reverse administration and devolved greater executive powers to eight regional bantustan administrations. Simultaneously the parliamentary representation of Africans through white representatives, introduced in 1936 was abolished.

The rationale for the final act of political segregation was expressed by the minister of Bantu administration and development at the time, who stated that if the principle of African parliamentary representation was retained:

“... then the Bantu would have to accept this parliament as his parliament and he would then become involved in a struggle in which he would demand representation in this house on at least the same basis as the White man. This is the trouble which awaits South Africa ...” (Minister of Bantu Administration’s *Forde*)



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The struggle for African parliamentary representation and full political participation had been taking place in the 1950's. The government's response was to reject the demands for full political rights, abolish the small representation that existed, and institute the bantustans where it was intended that all African political aspirations would be channelled and contained.

The demarcation of the land for each bantustan began in 1959 and plans were mooted for consolidation of their widely scattered areas. Many of the areas of freehold land held by Africans throughout the Republic since 1913 came under threat when they lay in areas designated as part of "White" South Africa. They were termed "black spots". A long-term plan for the eradication of black spots in pursuit of bantustans consolidation was drawn up.

In some areas of Natal, particularly in the Dundee area and also in the Eastern Cape, people began to be forcibly moved from black spots usually to land owned by the South African native Trust designated for inclusion in a bantustan.

The people in bantustans areas were faced with a series of problems like starvation due to scarcity of work/jobs, expensive transport, dusty roads, inadequate medical facilities. After the 1971 television film "Last Grave at Dimbaza", exposed some of the horrors of closer settlements. Dimbaza became the focus for concerned development efforts by the Ciskei bantustan administration to change conditions in response to international pressure. It upgraded the resettlement area by building factories.



Dimbaza residents complained of shortage of money and inadequate accommodation, unemployment, lack of hospitals and the high cost of education.

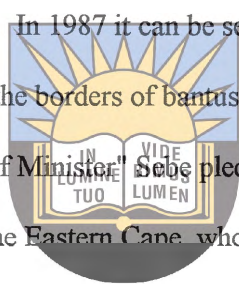
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Closer settlements under apartheid are, even at their best, places of extreme deprivation, hardship and exploitation. It is clear that part of the development strategy for the bantustans has involved decentralisation and the attempt to relocate industry in the bantustans.

Another aspect of the development policy has been the attempt to utilise betterment schemes to foster the development of a class of commercial farmers with substantial landholdings in the bantustans. Subsistence farmers, dispossessed through these plans, were relocated in closer settlements farming a pool from which contract labour and labour for decentralised industry is drawn. In Transkei for example people were forced to move from communally held land to make way for a tea plantation in Pondoland, an irrigation project and intensive agriculture development in Qamata and an asparagus farm owned by the bantustan leader Matanzima.

The new emphasis was on cash crops for an export market and the destruction of subsistence agriculture. The development strategy has been incorporated into the development plans of a number of bantustans. For example the development plan for kwaZulu published in 1978 and redrafted into a White paper in 1979 proposed a reform of the entire land-tenure system in the bantustan. According to the White Paper land tenure reform was to be undertaken to enable land to be used as security to raise development loans.

Bantustan leaders were careful in putting into effect such explosive a policy which might jeopardise their own political standing. In 1987 it can be seen that bantustans, and the removal of people from one area to another as the borders of bantustans were drawn from time to time. In the Ciskei bantustans in 1978 "Chief Minister" Sebe pledged his support for the people of the black spots around Mooiplaas in the Eastern Cape, who were involved in a struggle against eviction and forced removal. He told reporters:



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“But whatever that Government does will not include the removal of our people from their land, their removal will never be affected during our lifetime. That area is dear to us. It is our shrine which we will never give up, no matter what the consequences.” (Chief Minister Sebe’s words)

In a similar event a Bophuthatswana official protested in 1978:

"The South African government is going ahead with the removal of our people in spite of our protest that they should not be removed until amenities are provided them.” (Bophuthatswana official words of protest)

Gatsha Buthelezi, the kwaZulu bantustan leader, in 1973 commented on the bantustan consolidation proposition as follows:

“We have said before that we are not prepared to co-operate with the removal of people. We don't want to be party to the misery of our people.” (Gatsha Buthelezi's comments)

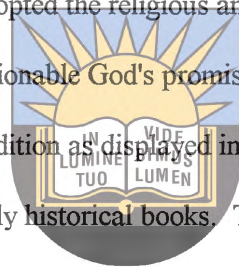
In other bantustans, leaders have on occasion actively encouraged removals. The Gazankulu administration welcomed removals arising from bantustan consolidation. Bophuthatswana too has collaborated in the division of people in the territory and sanctioned removal on these grounds. In 1977 the chief minister, Mangoshe, signed an agreement with the ministry of Bantu Administration that those who did not take out Bophuthatswana citizenship could be expelled from the squatter camp at Winterveld and any landowner who refused citizenship would be expropriated. Non-Tswana-speaking people were rounded out of Winterveld by Bophuthatswana police.

The bantustan policy was being imposed at a time when the state faced the most far-reaching challenge yet to its apartheid policies. The bantustan became crucial as the catchment areas for people endorsed out the cities. And they (bantustan) were used to exploit and oppress the masses of our people once and for all for the rest of their lives.

7.1.3 Use of religion

Some traditionalists perceived the land as a fountain of God's freedom to a specific group of people, hence it is further maintained that the right to acquire land should be qualified and be limited by its social role and theological significance. The said statement left much to be

desired. Does it mean therefore that one has to be bound by a particular social role under a particular theological significance so as to own the land? If not, why should people have to lose their land for the sake of others as it was the case with the Canaanites, the Hittites, and the Hevites etc? Furthermore if we can compare the aforementioned statement as applicable in to the South African context one would find that it was from this more or less same perspective that the apartheid policy makers made use of Christian principles as a form of a theological motive for enacting laws which have brought about the massive resettlement and dispossession of people's land. (Wittenberg, 1991: 58) We could sense here the manner in which the rich and the powerful few have deliberately co-opted the religious and theological language for their own egocentric political end. The questionable God's promise of land and the historical fulfilment of that through conquest tradition as displayed in a biblical text together, form the major theme of the Pentateuch and early historical books. The notion of a strong land-gift tradition has wide implication on Old Testament thinking and practice. Basically we are aware of the fact that the land gift tradition is not only a theological concept and part of the description of Israel origin.



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May be this is done for theological reasons, hence the dominating idea in the Bible is that Yahweh bestowed (conferred) the land ownership unto Israel. In this regard the Israelites are perceived to be sacral partner with Yahweh in confederation of twelve tribes and as such a partner of Yahweh covenant. Consequently, in the later reconsideration of the history, Israel developed the idea of the bestowed land in such a way that Yahweh is said to be understood to have given to the tribes in a cultic ceremony of its allotment which took place at the central sanctuary in Gilgal or Shiloh as Von Waldow (1970: 195) puts it. The question is, what about the welfare of other people like the Canaanites, the Hevites etc? We never heard any special arrangement for them with regard to the said allotment of their own land of course, instead we heard of God who helped the Israelites to evict them (Canaanites, Hivites and Hittites) from

their land. This act of the so called God of Israel is bias and highly questionable in terms of justice and equality for all.

From all what has been said the question of robbing one's land to satisfy another seem to be a dominating factor here. What is expected to be seen as doing justice will only be that if the occupation of the land should have acquired a comprehensive meaning for all people there. This would have shown that the meaning of life of all people regardless of their religious belief, race, colour is in the land. On that note the real God won't be the one who takes side with others to the detriment of others, instead we expect a God who does not discriminate.



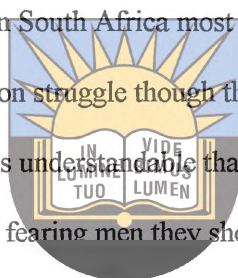
Naboth incident, as displayed in 1 Kings (21), once again proves that religion indeed can be a tool not for saving but destroying people as a legitimate instrument in legally depriving a people, in a legally impoverishing a people, in legally ejecting a people and declaring them squatters in the land of their birth (Cagong 1984 : 238). With what Jezebel did, everything concerning the death of Naboth appeared so legal and legitimate. He even died the death of a convicted man, all through the use of religion by the foreign queen in a wise manner. The prophet Isaiah sees the very same phenomenon taking place in his society hence he cried, " Woe to those who join house to house, who add field until there is no more room and you are made to dwell alone in the midst of the foreign land." (Isaiah 5: 8) What should be realised is that when people could find no fault in a situation of gross injustice and violence, when people could still afford to praise and find no fault among the very perpetrators of such crimes then something must have really been wrong with that society and the way religion was being practised in that society.

Religion could only but appear then as an instrument for brainwashing the people, to make suffering become acceptable even to the suffers so that in a sense the oppressors took over the

role of God hence Psalm (73:9) says, "Thy have set their mouths in heavens and their tongues dictate to the earth." This statement could easily evoke the thought of religion as a propaganda machinery in the hands of the rulers intended to condition the minds of people into accepting as legitimate even the most ruthless act of oppression against them and at the same time securing for the rulers the preservation of their power and wealth.

7.1.3.1 Christianity as a mode of pacification in South Africa

During the tense struggle for freedom in South Africa most Christians did not want to be associated with politics and the liberation struggle though they claimed to be God's ambassadors for justice and peace. It is understandable that they feared persecution from the authorities of this country but as God's fearing men they should stand and die for the truth as Christ did.



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The long standing resistance of the poor against the evils of their masters i.e. of taking away their land and property by force, came out as an indication that people had reached a stage of saying enough is enough. Christianity has been used to shield capitalistic exploitation, and suffering of the oppressed under the cloak of obedience to the master so as to be obedient to God.

Christianity has lost its value of being the comforter to the troubled people. Instead it has been made to become the legaliser of oppression upon the already oppressed masses, because the very oppressors misused Christianity as a means to an end and to justify their oppressive rule upon the poor as divinely ordained. Until Christianity is reviewed and re-evaluated its support will not be in a position to grow and that is clearly witnessed by the present situation where most of our people don't go to church/ or accept Christianity whole-heartedly.

7.1.3.2 The role of missionaries in land dispossession

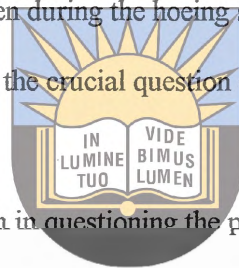
De Gruchy (1990: 178) states that European missionaries have been variously depicted as the defenders of the Blacks and critics of the colonists. More recently it has become fashionable to decry them as hand-maidens of colonial power. He furthers his argument saying that the truth is far more complex than either of these polar views will allow. Yet it seems clear that many of the missionaries were at fault in at least two respects. First of all, they were far too insensitive to African culture, and secondly they allowed themselves to be used as the agents of European colonial expansion. The result of cultural insensitivity was that the gospel contributed to the undermining of the foundations of African culture.



The missionaries' primary targets were some of the Xhosa's most treasured social institutions and they met with a resounding success in persuading the Xhosa to abandon trusted practices which they regarded as essential to their earthly prosperity and well-being in favour of a doctrine which was abstract and explicitly devoid of material benefits (Peires, 1981:75). With the advent of political independence from the late 1950's it was widely expected that African emancipation would involve the rejection of the alien religion of Europe. On the other hand it also made them (missionaries) the most persistent critics of the first British administration whenever its actions appeared to them to be harmful to the interests of the African population. The practical example is the Blantyre mission position on the crucial question of land that illustrates the way in which it came to be regarded as the champion of African interests:

“We have always held that the land belongs to the people, and have even questioned the legal moral right of the chief to sell any part of his territory

over the heads of those dwelling on it without safe-guarding to them the right to have room, to plant and build. A very large part of the Shine Highlands is claimed by European punchers. Where is the native community soon to find room to hoe and plant its food crop? It is with hope not yet too late to secure for them part at least of the rights which in not a few cases they have unwittingly disposed of. We wish to see such limitations bid down as will secure to the Native the right to hoe his garden and build his village, without having to fear such invitations of the purchasers of the land, should he refuse to leave his own garden during the hoeing season to hoe theirs. (Blantyre Mission's position on the crucial question of land)



So persistent was the Blantyre Mission in questioning the policies of the administration on such matters such as land, labour and taxation that in 1894 Alfred Sharpe reported that:

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“Mr Commissioner Johnston in his dispatches advised that there would be no permanent and satisfactory state of things with regard to this mission until two missionaries, Rev D.C. Scott and Rev Alexander Hetherwick were removed from the country. The missionaries are taking a course that makes them appear in the eyes of the natives of this protectorate as an opposition party to H.M. Administration”. (Sharpe Report, 1894:197)

Having been instrumental in the imposition of British rule the Blantyre Mission maintained a close watch on the way in which this rule was exercised. At a time when British military force was being widely used to impose the authority of the new administration, the Mission commented:

“We cannot treat the land as a conquered country, and we must in every case of confiscation or annexation have the very best proof to show that no other way than fighting the Natives was possible. We have all along believed and believe still that the British Government could rule and develop this whole African Empire, in all questions really Native without striking a blow. We grant it means endless tact and patience and real grip of native language, life, customs and history but this is easily obtainable.” (Blantyre Mission’s comment)

In some instances the missionaries were viewed as spies (which in a sense they were) or, even worse, as part of a plot to destroy the Xhosa by drought and disease, Bhotomane one of the village people once asked the missionary Kav



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"Can you tell me ~~Together in Excellence~~ why we are dying so fast? S'lhambi is dead, Dushani is dead, and now Gaika is dead. Enna is very ill, and I am also not well. Pray, what is that killing us all". (Bhotomane’s words)

More concretely, the mission stations were seen as an invasion of the sovereignty of the chiefs. The mission people considered themselves British citizens under the protection of the British government. Since most of the people attracted to Christianity in the early years were misfits and refugees from Xhosa justice, it would not be surprising if the chiefs, like their Colonial counterparts, regarded the missions as refugees for criminals and good for nothings.

The success of individual missionaries depended to a large extent on a political situation which was beyond their control. Shaw (missionary), whose people were not raided by commandos, did not have to face the same problems as the capable and liberal Ross, whose assistant was

once asked: "How many are these gospels that you preach" ... we ask that because Somerset came and said "Stop doing evil," and yet he kills people everyday."

When the troops expelled Maqoma from the Kat River, the most Ross (missionary) could do was to ask them not to burn huts on the Sabbath and even this was disregarded once his back was turned. Despite all the questions of misusing religion as means to an end by those who were in power, the African leaders remained broadly sympathetic to Christian principles, while being severely critical of many aspects of missionary paternalism.

7.2 THE DETRIMENTAL EFFECTS OF LAND DISPOSSESSION IN SOUTH AFRICA



7.2.1 Homelessness and Landlessness

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By the end of the last century most of the land in South Africa had been taken over by White farmers, by mining companies, and by the government. According to most South African historical experience, the issue here is that all the passed segregational laws have lead to homelessness hence the people started to build shacks on whatever space they find available on the remainder of the 13 percent of the land occupied by Black people. One has become aware that the problem has been hidden away from public attention by the fact that these families, have been squatting on other people's premises, often overcrowded and under unsanitary conditions. Their present position had not altered the conditions, but it has at least given them a place of their own for which no rent is due to the landlord. The second thing that comes to mind is the economic result of landlessness. It is to be noted that Cecil John Rhodes set in motion the process of making land less and less accessible to Black people so as to force them as slaves into the labour market. Related to this was the phenomenon of under utilised land in

the rural areas. The government introduced a programme of culling livestock, so that the land available to Black people could cope with the demands made on it. This has impoverished Black people as it has deprived them wealth.

The African individual land-owner also had to pay extra tax to the government, as well as paying the costs of fencing their land. The result was that very few of them remained full-time subsistence farmers. Either they lost their land or they began to grow crops to sell to the growing number of people in the mines and the towns. They became peasants farmers, like many boers.



Very little land was still owned by Black tribes in the Orange Free State and the Transvaal.

The Black farmers here did not farm their own land. Most of them lived on land that belonged to White farmers or they farmed unused land that belonged to mine-owners or the government.

The farmers were called squatters. They were living on their land of birth.

The land act of 1913 stated that if Africans lived on white owned land, they must live and work for the landowners. In other words they must live as farmers in tribal land. The "Reserves" formed less than a tenth of the land in South Africa. The mine-owners saw that the only way to get more black farmers to leave the land was to take it away from them. The Chamber of mines supported the white farmers when calling for laws against the so-called black squatters. Black squatters no longer owned the land, but they were still able to live on it. (Callinicos, 1981:24) As Black farmers began to lose the struggle for land, it became clear that there was no longer enough land for most people to live a decent life. The land that was left could not support all subsistence farmers. Some of them began to work for the right to farm a piece of land, and perhaps some food or calf as payment each year.

The concern of the people about the loss of land is clearly reflected in one of the poems from Old Homes by David Mphusu (Staffrider Vol 1 no 1)

“We pass where life was, the sun showing the place every morning. Where every reflection of our eyes is attracted to our ancestors. Why not the body of the land forever, Why not my rooigrond living on, the spirits of our ancestors buried there? While false beliefs like glue hold our new homes together.”

(David Mphusu’s words)

According to the late Sol Plaatjie, (1982:11-12) journalist and leading political figure, the suffering of squatters after the land act is described as a very sad situation where people had no right to bury the children on their own land, until they bury their children in a stolen grave.

Plaatjie ended the story with bitter words that even criminals who are hanged have the right to a proper grave. But under the cruel workings of the land act, the children, whose only crime is that God did not make them white, sometimes have no right to be buried in the country of their ancestors.

7.2.2 Migration and cheap labour

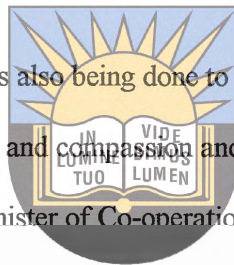
When the gold mines started, Black people were deprived of their right to property and were forced to live under inhuman circumstances brought about by the oppressive rules of the white government.

The men were to leave their homes and look for job so as to be able to pay hut tax and poll tax or else they would lose their land to the White farmers.

The Black people became migrant workers and were to provide cheap labour. Migrant workers were to travel long distances to the mines. They worked for a certain period then they went home again. The system of using migrant workers on a mine or a farm or factory is called the migrant labour system. These people left their land for a while to work for a wage in mines.

The forced removal of black-spot communities are not merely gross acts of dispossession, they are also determined attempts to divide people. The Minister of Co-operation and Development claimed, in a 1983 parliamentary debate on forced removals, that in black-spot removals:

“Everything possible is also being done to ensure that it (removal) is carried out with consideration and compassion and that all people of South Africa will benefit from it.” (Minister of Co-operation and Development’s words)



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These words do not bear serious ~~weight~~ *Together is the force* operation used to remove people from their land of their own choice in the country of their birth. Forced removals have been thoroughly implemented, particularly in the areas of mining and industrial developments.

The government's Bureau for Economic and Statistical Research commented in the mid-1970's that even after final consolidation recommendations had been drawn up for Natal, there would still be 43,000 hectares of land to be purchased in order to eradicate the remaining black spots. All people suffered from the shortage of the land. Even previously wealthy landowners found that they could not buy adequate new land with the compensation of money received.

Migrant labour system as one of the propagating mechanism of forced removal was seen as the cheapest way for the mine-owners. It was cheaper to feed and house just one worker instead of paying wages to support a whole family in the towns.

Mine owners wanted Black workers but they did not want Black families. They wanted the families to stay behind in the Reserves. They wanted their Black workers to have just enough land for their families. But there must be enough land to support them fully. We have already seen that most of the land had been lost through conquest. Laws such as land act of 1913 squeezed the Black farmers even more, by preventing them from using land outside the reserves. As a result the reserves became very crowded. There was simply not enough land to support the people living there. In the land act Black farmers were deprived of most of their means of production by dividing the land unequally between Africans and Whites as Luli Callinicos puts it. (Callinicos 1981:26)



7.2.3 Breaking of social fabric (families)

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The introduction of the migrant labour system led to the wreckage of the African society. Due to socio-economic problems African people were to undergo a process of change in their life style. Men were to leave their homes and seek for some job in mining industries. That brought about detrimental effect on their life style. Taxes imposed upon the people by the government led to the situation of the notorious migrant labour.

This system of labour practice forced married man to leave their beloved families so as to earn money for living. In this regard the family unit was threatened. The identity of chiefdom was breaking down and the mothers were left behind with a burden of bringing up the children.

The time the men spent away from home became longer. It took longer to earn the money that their families needed. As migrant workers, African people had to acquaint themselves to two different lives. i.e.

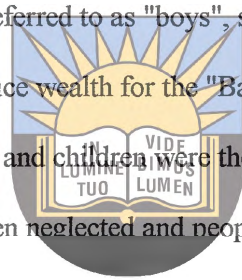
The time the men spent away from home became longer. It took longer to earn the money that their families needed. As migrant workers, African people had to acquaint themselves to two different lives. i.e.

- (i) One life was at home on the land, working with the family and with friends.
- (ii) The other life was in the towns or the mines, working with machines and with many strangers, often in a hostile atmosphere.

In one life they were family men, loved and respected as sons, husbands and fathers.

In the other, they lost their dignity and even their humanity.

Young and old Black workers were referred to as "boys", some mine-workers called them mere muscular machines. They only produce wealth for the "Baas". They worked for strangers in their own land. Back at home women and children were the victims of forced removals and torture. The right to property has been neglected and people were treated as strangers in their own soil of birth.



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PART IV

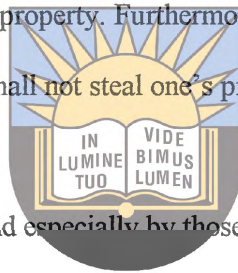
8. SOME SIMILARITIES AND DIFFERENCES WITH REGARD TO THE LOSS OF LAND AS PERCEIVED IN SOME MONARCHICAL ERA EXAMPLES AND MODERN SOUTH AFRICA

Though in this study there has been an attempt to scrutinise the social systems of two different situations, from different dimensions (i.e. Monarchical era situation and modern South African situation), the focal point of concern in both instances appeared to be more or less identical.

For instance in both situations the main focus is on the unjust suffering of the people who previously under certain rights, owned land and property but all of a sudden have lost their land

and rights to property through violent means. These were approved and perpetrated by the few “elite” who were in positions of power thus using certain “policies” or “attitudes” as a means to an end. In both situations it has come up clearly that in an unjust manner, people were denied possession of what they once possessed.

For example Strydom (1995: 406) said “ In Israel families and individuals each initially received a part of the promised land which was then later on taken away from some of them by force (Naboth incident as an example).” The implication here is that the Israelite’s kings did not recognise the individual’s right to property. Furthermore they saw themselves as being above God’s law which says “Thou shall not steal one’s property.”



The take over of one’s property or land especially by those in power was condemned in the strongest terms by the 8th century prophets. As the watchdogs of Israel’s people poor, orphans and widows, they stood up against the royal and social structures that placed the lives of the people at stake. Micah (2:2) stated for example, that the process of dispossession was violent in nature and that it was committed against a person and his household and against a person and his inheritance.

In South Africa, people who have lived in certain areas have lost their land hence it is documented that “ about 3.5 million South Africans in urban and rural areas lost their land and rights in property through forced removal” (Draft Land Policy Principle 1995: 1).

In the South African unjust social system it is further recorded that some people have never had any access or right to land hence there has been a dramatic establishment of squatter areas (informal settlement) in South African township. In this regard Van Rooyen and Ngqangweni

(1994:7) maintain that there is therefore also a need for the redistribution of residential and productive land to those who were previously denied access.

There are some elements of truth in Strydom's view when he said " In both situations the problem about the unfair distribution of land is related to other injustices, such as corrupt political policies and unjust judicial systems which also contributed to people being dispossessed of their land."

(Strydom, 1995: 405 –406).



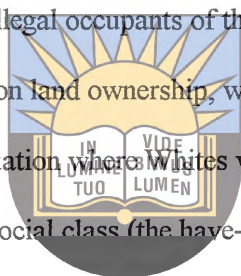
The said statement is indicative of the oppressive modes of operation orchestrated and applied during the apartheid regime in South Africa where the Nationalist party government brought about stringent apartheid policies of divide and rule so as to entrench their White supremacy in this country. The use of an unjust judicial system and corrupt political policies as means to dispossess poor people by those in authority is also reflected from the Biblical perspective when prophet Isaiah proclaimed an oracle of doom against the officials in the position of authority for making use of evil "statutes" in legalising the grabbing of land from the poor (Isa 9, 10 : 1-2).

The use of the term "statute" reflects the legal trend by virtue of law which gives powers to the authorities to take the land of another person. Strydom (1995: 407) traces the unjust use of law in the Old Testament as far back as the introduction of the monarchy. Although a principle of equality (especially in terms of land ownership) was practised, in the course of time a new picture of different classes suddenly came into existence in the ancient Israel.

The use of law as a means of grabbing people's land in the Old Testament is identical in terms of procedures used by the South African apartheid government. The apartheid government

made use of laws such as land act of 1913, 1936, group areas act etc. to ensure that Black people are deprived of their land. The huge size of valuable land has been lost by most Africans through these laws. Most African people were the victims of forced removals perpetrated by the apartheid regime.

In carrying out such forced removals, guns, sjamboks, arrests, torture were used by the regime under the pretext of bringing law and order. In this regard people, especially the Black South Africans, were treated as aliens in their motherland and being made to be the victims of false changes where they were labelled as illegal occupants of the land. This has led to a situation where Whites developed a monopoly on land ownership, while Blacks had scarcely any access to land. This further resulted in a situation where Whites viewed themselves as the upper class while Blacks were seen as the lower social class (the have-nots) as Strydom (1995:408) puts it.



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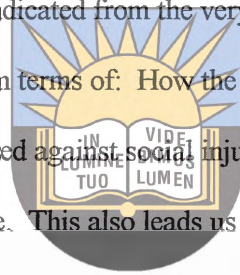
The point of difference between the South African and Israel's situation with regard to social systems is the most glaring one. This can be detected from the fact that Israel's social situation was purely a matter of social classes per se (rich vs poor), while in South Africa this social classification is inextricably linked to a racial distinction (the rich are the Whites, the poor are the Blacks) which complicates the South African situation even further (Strydom, 1995: 410).

Furthermore, Israel's situation seemed to have its emphasis on the aspect of religious negligence, while in the South African context it is on the socio-political level. The main reason for injustice according to the Israelite prophets had to be sought in the fact that the people did not comply with the religious requirements of the land promise. In essence religious negligence was seen as the crime in Israel's circles of life. In the case of South Africa emphasis is placed on the socio-political corruption which is the source of inequality.

PART V

9. CONCLUSION

To conclude this study on the problem of land loss in both situations (i.e Monarchical era and South African situation), it becomes clear that despite the fact that there are differences in the time and socio-economic system as indicated from the very beginning of this study, the said situations to a large extent correlate in terms of: How the people lost their land to the rulers as well as the stinging criticism expressed against social injustices especially the grabbing of poor people's land by the rulers of the time. This also leads us towards a proposed solution to the problem of landlessness which can be referred to as land restitution.



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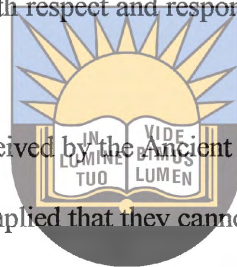
Having the two mentioned situations at hand, however, the question still remains as to whether such situations do have a direct bearing on each other? Should we attempt to evaluate them? Would it be possible to use the Israelite (biblical) situation as a guiding principle for the present South African situation?

In this regard I am of the opinion that it is not too far-fetched to conclude that both sets of criticism are basically aimed at pointing out a corrupt and unjust socio-economic system. It is also against this background that we have understood the accusations against the kings and landlords for confiscating the land and property of the poor landowners and farmers.

I agree with Strydom (1995:409) when he says, "it was thus not only a corrupt injustice, but also a religious neglect of the conditions and requirements of the land promise in the case of

the Old Testament time.” For instance the leaders had neglected their human responsibility towards God as well as towards fellow members of the community, namely to protect their interest and honour the bond which existed between a family and its land.

In a biblical context the land belongs to God and it has been assigned to humankind as a gift to work on it so as to produce food for themselves and the animals. Man’s exercise of subordinate ownership and the use of the earth and its resources is theologically and morally legitimate (Genesis 1:26). God is believed to have assigned people to live and acquire identity on land. Man has to treat the land with respect and responsibility.



The aspect of land ownership as perceived by the Ancient Israelites, was seen to be a Godly ordained right to humankind which implied that they cannot just be uprooted from the land of their inheritance even by the most powerful ruler. From my findings such an ideal was not implemented as a principle or in ~~the~~ ^{the} ~~land~~ ^{the} ~~dispossession~~ ^{dispossession} became the order of the day and the poor were left without a land during the monarchical era.

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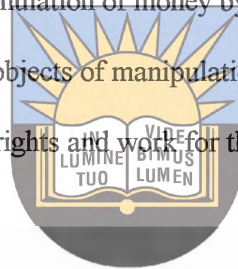
The practical example of the said situation is contained in chapter 4 of this study where a paradigmatic story of Naboth’s vineyard presented king Ahab and Jezebel as those who perverted the land of the poor Naboth.

They were not only desiring it, but they put in motion a whole chain of evil events which ultimately made it possible for king Ahab to take possession of it (land).

With regard to the South African situation, no specific religious or theological reasons for the unjust loss of land are put forward in the present debate on land dispossession and land restitution or redistribution in South Africa. In any case, no mention is made of religious

neglect in any of the documents describing the proposed actions aimed at redressing the unequal distribution and land loss in South Africa. The whole issue is basically criticised in terms of socio-political perspectives. It is however, true that in the whole build-up to where we are now, there has been quite heavy theological criticism in this regard.

Under the apartheid system of South Africa, kinship between land and people has been deliberately broken. The land has no worth except for its monetary value in the real estate world. The land is no longer considered as a gift of God (Umdali), intended for the benefit of all but as an object of desire for accumulation of money by the greedy few at the expense of the many. People are regarded as tools, objects of manipulation by the very government who is supposed to protect and uphold their rights and work for the upliftment of the quality of the people's lives.



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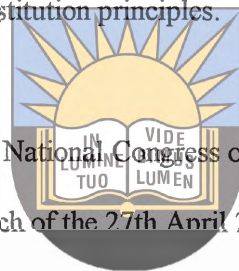
The apartheid laws have made it possible for one who does not fill the land to own so much of it as long as he has power to dominate over the many and make them fill the land and produce the food for him. People were used as machinery to perpetuate and preserve the interest of the rulers as cheap labourers.

It is clear that the very essence of being human namely, to be created in the image of God has been trampled upon because land was coveted by rulers and government. In both situations man is reduced to a work like an animal serving a demonic master. When one speaks of economic development, it should actually mean not the enrichment of the governors, but the improvement of the standard of living of all the people, especially the poor.

Land has become the locus of order and goodness in all of God's creation. The gift of land to the people is believed to be God's affirmation of his love and trust to the people. Remove a

people from the land of their forefathers then you automatically remove also their life as a free society. The possible question in the minds of the dispossessed South Africans is: How to get back their lost land which has been taken away from them through unjust means?

In this regard land restitution is suggested to be the most appropriate form of returning the land to the dispossessed South Africans which is more or less in line with the Old Testament ideal of Jubilee (has to do with return of land to the original owners after 49 years). But we must develop an understanding that the modes of operation will differ between the two said situations in terms of applying land restitution principles.



President Mbeki when addressing the National Congress of the National Union of Mine workers is quoted by the Daily Dispatch of the 27th April 2000 as saying “ The land problem is worse in South Africa than Zimbabwe”. The implication here is that he acknowledges the presence of the land crisis in our *Together in Excellence*

In this regard South Africa, as a truly democratic state, with a democratic constitution, must unequivocally admit and recognise the fact that historical dispossession of land was an economically and socially disabling process which resulted in impoverishment and deprivation, and amounted to a gross violation of basic human rights. What is needed therefore is not the scrapping, nor even the amendment, of the property clause as such, but the practical insertion of a provision into the final constitution that would place all land which was subject to historical dispossession outside of the ambit of the property clause. This would then enable parliament to promulgate a balanced and acceptable land Reform Act for all.

The constitution therefore must set out framework for redressing the land loss situation in favour of the disadvantaged. Once again President Mbeki in his opening speech to the

Zimbabwean Trade Fair is quoted by Daily dispatch of 6th May 2000 as saying “ any land redistribution should however ensure that such land was used productively to help provide a better life for the people. This is one of the important lessons we ourselves have learnt from our limited process of land redistribution and resettlement.”

The mere fact that the President speaks of “limited process of land redistribution and resettlement” clearly indicates that there are still some stumbling blocks that impedes the process of returning the land to the masses of South Africa. In this regard we need to think deeply in terms of suggestions and plans that will be of great assistance in solving the land crisis in our beloved country.



In an attempt to assist with solutions to the land question of South Africa, we need to have a well balance and informed constitution which will bring about the following:

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- (i) Ensure the practical situation where the farm workers and farmers will become co-workers and produce food for the nation and for the economy of the country.
- (ii) Ensure the joint venture in land ownership between the farmer and the farm workers. This will help in doing away with any form of eviction of farm workers by the farmers hence we ask for an immediate implementation of the Extension of Security Land Tenure Act in this regard.
- (iii) Ensure the introduction of the land tax across the board which will target those farmers who had more than one farm. This will indirectly encourage the farmers to relinquish some of the land to the state at a reasonable price so as to use that for resettlement purposes.

- (iv) The state-owned land should be shared among all the rightful citizens of this country regardless of colour, race or sex.

9.1 THE BIBLE AND LAND RESTITUTION IN SOUTH AFRICA

9.1.1 THE RELEVANCE OF JUBILEE FOR THE SOUTH AFRICAN DEBATE ON LAND RESTITUTION



It has been suggested that the most appropriate, comparable biblical symbol for South Africa's future on land restitution would be the year of Jubilee. North (1954:158) gives a unequivocal reason for the singling out Jubilee as an appropriate biblical symbol for South Africa's future on land restitution. He writes as follows: "The distinctive feature of the Jubilee is its property restitution." From my point of view the rapidly white-ruled oppressed people of South Africa are looking for today so as to see themselves as the free, liberated men and women in the country of their birth.

To witness the dominant note of home-coming in the Jubilee conception, North further presents us with three verses that reflect the distinctive feature of restitution, for example in Leviticus (25:10,13,28) All of these verses emphasise one point, that is, each person shall go back to his/her possession. The underlying message of returning the land to the original owners as reflected in Leviticus relevant to both Monarchical era communities and the communities of South Africa today. But we must be careful when we are looking for possible practical application of the socio-economic laws of Leviticus to our situation in South Africa.

When we attempt to apply these laws (Leviticus) to our context in South Africa, this should not be done just literally and unimaginatively without looking at the socio-economic situation prevailing in our times as against the Monarchical era. If not so, we would plunge our country into a socio-economic disaster that could lead to hunger, high rate of unemployment, escalation of violence, mass exodus of business people etc.

What is important for both the dispossessors and the majority of the dispossessed South Africa, is to learn something about God's will for us today from the spirit and intention of the Jubilee laws.



It is important to note that the land belongs to God and as his stewards we need not deviate from his directives of not selling and buying the land:

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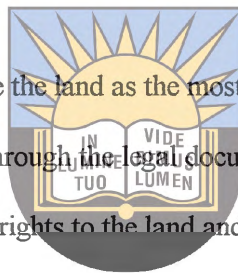
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“And the land shall not be sold forever because mine is the land, because ye are aliens and settlers with me, therefore in all the land of your possession ye shall grant ge'ullah (ransom) for the land.” (Lev 25 : 23-24)

For us to understand how does God's ownership of land affects the buying and selling of land, we must note that as stewards of God's land we have no right of selling the land on a permanent basis because it belongs to God and we are just foreigners who are allowed to make use of it.

When the land is sold, the right of the original owner must be recognised. For instance, if the Israelite became poor and was forced by circumstances to sell his land, his closest relative was to buy it. But if he had no relatives and if he did not have enough money to buy it back, it remained under the control of the man who bought it until the next year of Jubilee. In that year it would be returned to its original owner.

These verses raise some questions in our minds of as to how the ownership of land was understood in traditional African thinking as well as how it is understood in South Africa today. In addressing the first question pertaining to traditional African thinking of land ownership, allow me to say the land was perceived to be part and parcel of African lives for it served as a link between them and their ancestral spirits that were buried in it, hence justice among the Africans was believed to be embodied in the land. The traditional Africans perceived themselves as the "sons and daughters of the soil" because to them land is life.



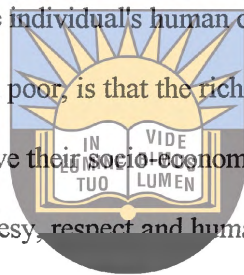
In South Africa today we still perceive the land as the most important asset to human life hence the right to land ownership is sealed through the legal document called title deed to the land. This gives the owner of the land legal rights to the land and can challenge anyone who wants to take his/her property. This teaches us that in our situation here in South Africa today we need to be honest and truthful to ourselves and to our fellow citizens. We need to have a clear mind when we practically address the question of land restitution, that means, between both the dispossessor and the dispossessed or the seller and the buyer of land. If we do so unnecessary frictions and wars to enforce the return of the land would be eliminated once and for all.

What does this mean for our reconstruction plans as South Africans? Obviously this would enhance the socio-economic standards of our communities and have a free, prosperous country for all where peace would be the order of the everyday life.

What is also important when looking at the Israelite's Jubilee concept, is that it did not just address the land restitution issue only, but it also ensured security to the poor for the betterment of their lives. This is witnessed in Leviticus(25:35,37) as well as in Leviticus (25:39-42.)

In Leviticus (25:35,37) the main emphasis was that, if the fellow Israelite living near the other became poor and could not support himself, one had to provide for him as one would for a hired man (an employee) so that he could continue to live near him/her. This went further and said, “do not make him to pay interest on the money you lend him and do not make a profit on the food you sell him.”

The priestly writers of these verses obviously taught the people of Israel to have empathy and sympathy for the poor and respect the individual's human dignity. As South Africans what we can learn from this about the rich and poor, is that the rich must help the poor and be supportive of the poor so as to improve their socio-economic conditions of living and treat them as people who deserve care and courtesy, respect and human dignity.



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Leviticus reads as follows: *Together in Excellence*

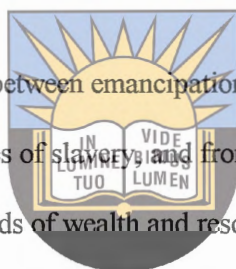
“If a fellow Israelite living near you becomes so poor that he sells himself to you as a slave, you shall not make him to do the work of a slave. He shall stay with you as a hired man (an employee) and serve you until the next year of Jubilee ... The people of Israel are the Lord's slaves, and he brought them out of Egypt, they must not be sold into slavery.” (Lev 25 : 39-42)

In these verses the priestly writers were trying to teach the Jews who had taken slaves while others were in exile, to treat the poor slaves with respect supposed to be given to any worker. The slave trade was prohibited as it was perceived as inhuman. As South Africans we can learn about the importance of good relationships that should prevail amongst the people of our country i.e. poor and the rich, great and small, Blacks and Whites, slaves and masters so as to

build one country as one nation governed by peace and love for all for the good and prosperity of the people.

It is also imperative to make mention of the significance of the Israelite's Jubilee as God's saving act to free them as his people and their land so as to live in peace. The concept of Jubilee teaches us as South Africans that political power is not sufficient without land which is the source of economic power. Liberation without a corresponding land restitution makes conditions difficult for lasting peace.

Walker (1991:2) makes a connection between emancipation and land acquisition. He states "we may be emancipated from shackles of slavery, and from the bondage of apartheid, but without access to land and various kinds of wealth and resources, we are not part of our liberation agenda."



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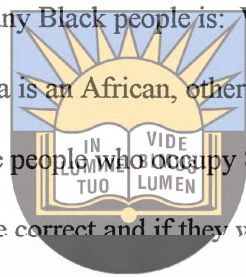
What is entailed is that much as ~~Together in Excellence~~ Africa without access to land our freedom is incomplete, therefore the struggle for the land is not yet over until its restoration.

The ancient Israelite's Jubilee tradition demonstrated in essence that emancipation without land empowerment was inadequate. That is to say, without land, freedom is incomplete. For this reason, Jubilee theological thought advocates the primacy of land right as an inalienable human right. Access to land concretises liberation. Theologically land restitution is not a consequence of a political vote, but a consequence of God's liberational activity exhibited in the change of power equation between the oppressor and the oppressed, rich and poor. For this reason, any authentic political transformation should be dedicated upon land repossession for the sake of peace and justice for all.

9.1.2 MORAL JUSTIFICATION OF LAND RESTITUTION FOR THE SOUTH AFRICAN SITUATION

The question of morality arises in a context of conflicting claims and competing interest. In this country (South Africa), the conflicting morals exist regarding the land issue. On the one hand, Black people occupy 13% of the land and yet they claim that the land belong to them; hence it is said "Africa for Africans".

The question striking the minds of many Black people is: Who are Africans? To answer that, some would say anyone born in Africa is an African, others say Africans are indigenous people or aborigines of this continent. White people who occupy 87% of the land also claim that the land is theirs. Both of these cannot be correct and if they were, there would be no need for a liberation struggle for the land.



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Tutu and others have disputed the claim of indigeneity as the basis for Whites' occupation of the land. This leaves us with one possible rationale for Whites' occupation of the indigenous land: i.e. political power. If the only single ground on which Whites' claim to land is based on political power, then the question is: does power or force create right? Rousseau as quoted in the work of Blair (1974:11) writes as follows, "if power justifies right and the strongest being always in the right, the only thing that would matter would be to act so as to become the strongest".

Following this premise, does it mean that the only way Black people can truly regain their land is by being the strongest? In this regard Rousseau assert, "I do not see what morality can be derived from physical force," since right adds nothing to power and vice versa. Might does not

make right. It can be deduced that power without justice is inadequate. Justice rather than raw political power is the moral ground for land restitution.

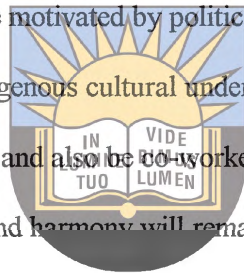
Tillich (1954:108) states that if power and justice are one in the divine ground they shall be one in human existence. That is to say, power which is rooted in the ground of being just has humanising and transforming effects. The quest for restitution aims at correcting the past injustices pertaining to land dispossession. Aquinas defines restitution as "giving back something to its proper owner". He asserts "the roots or titles of restitution, that is communicative justice to be restored, are either one or both of the following, holding another's property and the unjust taking of it". Aquinas argues for the importance of restitution for "what has been unjustly taken, for by giving it back the balance is re-established". It can be argued that the unjust expropriation of someone's property, in this instance indigenous land, implies "a violation of the virtue of justice". For this reason, the moral claim for land restitution is based on the supposition that justice has been distorted, rendered ineffective. Thus the restoration of the balance caused by such unjust taking is the only morally plausible thing to do.

Fray Pedro (in Tack 1957:49) employs a simile to express the significance of restitutionary justice. He says "as medicine is necessary to help repair the wounds which we suffer in our flesh and to put the body back in its pristine condition of health, so also is restitution necessary to close up the wounds caused by violation of the virtue of justice, to put once again in their original condition of balance and equity".

No doubt, in this country there are many people who have been wounded by population removals and settlement programmes. Further, Pedro reminds us that "not every giving back of a taken object is to be called restitution but only through which a thing is given back that was

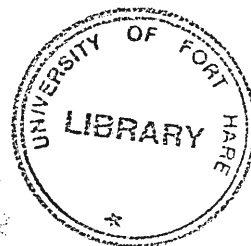
already due in justice". For this reason, he defines restitution as "the returning of a taken object which was due to justice". Like Aquinas, Pedro understands restitution as the re-establishment of the equilibrium put out of balance by the violation of justice. The dispossession of the people of their land is a legalised violation of justice.

Consequently, restitution is essential in the context where the law has become an instrument of legal dispossession, thereby effectively defeating the ends of justice. In reverse the same law could be used as a means of returning the land to the original owners. It is from this premise that as South Africans we need not be motivated by political considerations when dealing with land restitution but by biblical or indigenous cultural understanding in which people are equally privileged in terms of land ownership and also be co-workers with each other so as to build the nation together as one. Then peace and harmony will remain forever in our beloved country (South Africa).



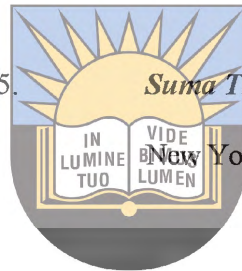
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Micah said, "They shall sit every man under his vine and under his fig tree and none of them shall make them afraid, for the time will come when people shall beat their swords into ploughshares and their spears into pruning hooks" (Mic. 4: 3-4). This is indicative of the day of total liberation for South Africans where people will have equal access to land, where they will find it more meaningful to till and care for the land rather than to kill and destroy each other on the same land. Farming, cultivating, equal sharing of the country's resources will become a blessed undertaking and above all peace and unity is assured and there never needs to be the arena of senseless wars again.



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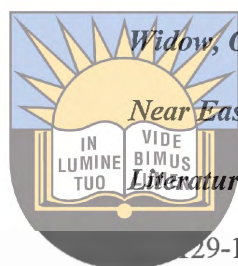


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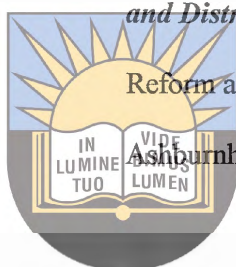


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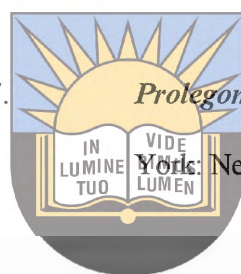
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