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Indigenous land rights of the Khoi in South Africa

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Indigenous Land Rights of the Khoi in South Africa

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An Honors Program Project Presented to

the Faculty of the Undergraduate

College of Arts and Letters

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by Chelsea Helene Wilkins

May 2015

Accepted by the faculty of the Department of Justice Studies, James Madison University, in partial fulfillment of the requirements for the Honors Program.

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Abstract

Upon discussions in classes at James Madison University, I became aware of the Khoi people. I became interested in their way of life, as well as the implications of globalization and industrialization worldwide. After researching the topic, I decided I wanted to not only write my thesis on this topic, but I wanted to travel to South Africa to learn more. I wanted to know how a refreshment station at the Cape for the Dutch East India Company transformed into a fight for land that ultimately led to the extreme disenfranchisement of the Khoi people and their way of life. By looking at the historical context surrounding the Khoi, it is possible to see this transformation over time by looking at this as a case study with supplemental archival research.

Acknowledgements

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Introduction

In the context of post-apartheid South Africa, the term 'indigenous rights' raises a number of questions. Does the term 'indigenous' have the same meaning in South Africa as it does in other parts of the world? Does using the term 'indigenous' further alienate groups of people? Although apartheid laws are no longer present in South Africa, structural oppression still exists, and it further marginalizes indigenous groups and minorities. How did a simple refreshment station at the Cape for the Dutch East India Company transform into this fight for land that ultimately led to the extreme disenfranchisement of the Khoi? By looking at historical events and current government affairs, I set out to examine this question further. Whether cultural or biological, there will be countless implications to land loss in the future. Not only are people affected, but other species are also dealing with the consequences

A Theory of Oppression

Much of what is discussed in this paper, and much of what I have found in my research relates directly to a theory of justice. The Khoi, being a disenfranchised group, have fallen victim to oppression on a large scale. Oppression and privilege areoften a matrix, with different forms relating to and reinforcing each other.

Iris Marion Young, professor of Political Science and researcher on political and feminist social theory, wrote *Justice and the Politics of Difference* (1990) in which she describes what she calls the "five faces of oppression." Under Young's concept of justice, injustice primarily takes two forms of disabling constraints: oppression and domination. Unlike other distributive patterns or theories, this idea also included culture. Oppression, in its traditional usage, has almost always been associated with societies other than our own, and the definition of oppression has changed over the past 50 years (Young, 1990, p. 40). Oppression, as Young states,

> "also refers to systematic constraints on groups that are not necessarily the result of intentions of a tyrant. Oppression in this sense is structural, rather than the result of a few people's choices or policies. Its causes are embedded in unquestioned norms, habits, symbols, in the assumptions underlying institutional rules and collective consequences of following those rules" (p. 41).

Iris Marion Young simply transformed the ideas of oppression in dominance, in that oppression can be the result of normal processes of everyday life. Another fact is that oppression is structural and systematic. Iris Marion Young's Five Faces of Oppression include: exploitation, marginalization, powerlessness, cultural imperialism, and violence (Young, 1990, p. 48).

Exploitation establishes a structural relation between social groups. Marx's theory of class structures involved exploitation, where the dominant group exploits the non-dominant group. This concept of exploitation and the central insight into how it works involves the steady process of the labor of one social group to benefit another. Karl Marx's idea on class is important because it helps show the structure of exploitation: some people have their power and wealth because they profit from the labor of others (Young, 1990, p. 56). Race is a structure of oppression and can be linked to specific forms of exploitation. Where racism exists, there is an assumption by the dominant racial group that the oppressed racial group should be subservient to those in a privileged group. Establishing justice where exploitation occurs "requires reorganization of institutions and practices of decision-making, alteration of the division of labor, and similar measures of institutional, structural, and cultural change" (p. 53).

Marginalization, Young believes, is the most dangerous form of oppression. With marginalization, those that are exploited are now left out of labor completely because they are no longer needed. Marginalization is usually linked to racial oppression, and it involves severe material deprivation. In some extreme cases, it involves extermination (p. 52-53). Much of the time, when thinking about marginalized or exploited groups of people, most tend to think about past examples of when this might have happened during history. However, many groups today are still dealing with marginalization and exploitation. Marginalizing a group of people involves relegating them to the outer edges of a society. It is basically a process of exclusion, expelling a whole category of people of useful participation in social life. Marginalization works

hand in hand with exploitation to create a strong sense of powerlessness for disenfranchised groups.

As Iris Marion Young states, the powerless are "those over whom power is exercised without their exercising it; the powerless are situated so that they must take orders and rarely have the right to give them" (Young, 1990, p. 56). They have little work autonomy and do not (or cannot) command respect. Powerlessness is often mentioned in respect to how workers are divided into jobs that have autonomy and authority (or a lack thereof). Lower status workers have less power than their superiors. Powerlessness seems to be a by-product of both exploitation and marginalization, which is one way the Five Faces of Oppression are intertwined. By exploiting a group and marginalizing them, they lose their power as a result. Since this process is a slow one, it is not something than can easily be regained because the damage has been done. Powerlessness keeps a group in its lower status so that dominant groups can continue to control them. Pushing a group down like this can have several implications. One of them is violent backlash, or it can create violence by the dominant group to a subordinate group.

Violence is the last of the Five Faces of Oppression that applies to this case. Violence is the most obvious and most visible form of oppression that exists. It is overt, deliberate, meant to instill fear, and it is used to keep a non-dominant group in their place of low status. Violence is systemic because it is aimed at members of a group because they are in fact members of that group (Young, 1990, p. 62). As a social practice, those in that society know it will happen again and again without fail. Even the fear of violence itself (without overt acts) could function to keep oppressed groups at a

subordinate level. Iris Marion Young included in this category less severe episodes that do not necessarily include physical attacks, such as harassment, intimidation, and ridicule; these are included in the violence category because they are meant to degrade, humiliate, and stigmatize group members.

Methodology

In order to gain a better understanding of the current situation in South Africa dealing with the Khoi, I took a three-week trip to Port Elizabeth, South Africa, in order to work with Dr. Nico Jooste of Nelson Mandela Metropolitan University. As the director of Study Abroad for the university and an Historian, Dr. Jooste is an expert on South African history, specifically on the Khoi and San people of South Africa. I stayed on campus, traveled the surrounding area, and got to speak with locals on the topic of my research. I interviewed other historians, spoke to people of Khoi decent, and I got to see the countless surrounding effects of land loss on a broader level. This trip took place from June 27 to July 18 of 2014.

I followed Robert Yin (2013) in doing case study analysis with archival research. This method does well at covering conceptual conditions surrounding the issue that are highly pertinent to the topic being discussed. Using a case study as a purpose of research can also be more comprehensive and all encompassing, allowing many topics to be brought into the discussion.

My research while in South Africa includedface-to-face interviews and speaking with locals on the subject. This included asking loosely-framed questions (and follow-up questions). I recorded notes for responses, as well as taking some video (with oral permission by participants) in order to make further notes later. Participation lasted no longer than 30-45 minutes per interview. I explained to all participants beforehand the purpose of my interviews as gaining understanding for my Honors Thesis, and only those who consented verbally are used in this paper. I spoke with two historians, an expert of Khoi descent, as well as many locals. Through the process of talking with

these individuals, I was able to see the Khoi struggle in a specific context. By using a qualitative approach, I was able to gain context and personal anecdotes. By using a level of criterion sampling, I was able to select participants who closely matched the criteria of the study and who knew much about the topic I was looking into.

My archival data revolved around the books and other sources I found while in South Africa as well as in the United States. I found books in South Africa that I was able to purchase online from the United States in order to keep referring to them, and there were several invaluable online sources (that could be accessed both in South Africa and the U.S.) that provided great detail on the history of my topic. I utilized the on-campus library at Nelson Mandela Metropolitan University to initially locate some of these books, as well as the libraries at James Madison University. I used archival research to expand new questions that the original data might not have answered. I also drew together evidence from disparate sources to provide a bigger picture for the reader.

Table 1: List of Interviews in South Africa

Interviewee	Date	Time	Place
Dr. Nico Jooste	06/29/2014	12:30pm	NMMU
Bradley Levack	07/03/2014	2:00pm	NMMU
Dr. Savo Heleta	07/03/2014	3:45pm	NMMU
Pat Gibbs	07/15/2014	2:45pm	NMMU

There were some limitations that I encountered along the way. While in South Africa, I had the intention of meeting with 5-6 local Khoi chiefs. Unfortunately, due to the politics between chiefs and with the government, they are hesitant towards outsiders and were unwilling to be a part of this paper. Every chief I could get into contact with

was unwilling to meet or was not available during that time. One female chief told me that she was hesitant of speaking with an international student because she did not know how I would actually use the information. Despite my explanations, she was too hesitant and unwilling to meet with me. After studying the history of the Khoi and seeing what Khoi people have had to go through at the hands of foreigners, I was not completely surprised. I was still able to get a great deal of information from historians and locals on the subject. However, it goes to show just how much the Khoi are still struggling today, and how the past still currently affects them.My interviews with historians were able to fill many of these gaps created, without sacrificing the research. I gained much of my data and information by examining written texts on the subject, as well as sources online. Studies of indigenous land rights of the Khoi have been largely left out of academic rhetoric.

I began this project with a strong curiosity towards the Khoi way of life. Through Justice Studies and Anthropology, I have seen the importance of preserving cultures and ways of life that have been marginalized over time. I am seeking to answer the question of how an innocuous refreshment station by the Dutch East India Company led to the disenfranchisement of indigenous South Africans that still has present effects today. Based on the history, my findings through interviews, and current governmental influence, I will seek to provide a map that leads us through answering this complex question.

Map 1: Distribution of Groups in Southern Africa

Historical Literature Review

Khoi vs. San

  The Khoi, although usually grouped with the San to be known as "Khoisan," are a group of people distinct from the San. Unlike the San, who are hunter-gatherers with unique languages and social systems, the Khoi (or KhoiKhoi as they referred to themselves) are pastoralists who throughout their history only occasionally hunted and gathered in times of drought (SAHO: the KhoiKhoi, n.p.). Previously labeled by settlers with the derogatory term of 'Hottentots,' they are now generally referred to as the Khoi (N. Jooste, personal communication, July 5, 2014: *Table 1*). Archaeological associations of both the Khoi and San have been connected to Late Stone Age hunting and gathering cultures (Lee, 2003, p. 82). In the centuries predating the Christian era, it is believed that the Khoi lived in what is now modern day Botswana, where they
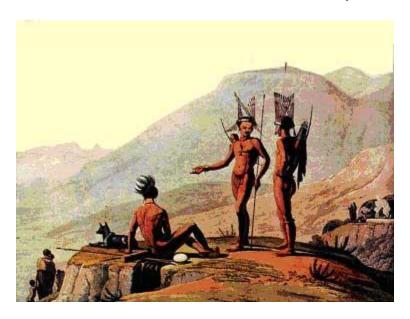
gradually began changing their hunting existence to a pastoral way of life (Aswegen, 1990, p. 21). It is still a point of dispute, however, as to when the Khoi came into possession of livestock and what route they traveled to reach South Africa (p. 21). The population of the Khoi grew and later spread throughout the Western region of South Africa (see *Map 1*), becoming the first pastoralists of South Africa and calling themselves "KhoiKhoi" or "Khoe" (SAHO). The differing mode of livelihood is where the distinction was created between the foraging San and the pastoral Khoi, whom will be the focus of this paper.

The social organization of the San groups was comprised of small groups with no specific authority, group leader, or internal structure (Aswegen, 1990, p. 17). The different groups of the San operated independently of one another, and they did not form a linguistic unit. The Khoi were not one homogeneous group when they migrated in, but the large communities that spread over a wide area had more political and social organization than San groups (p. 22). At the heart of the Khoi social structure was the family, and the fusion of family units was important to the Khoi in order to form clans. Dutch sources from both the 17th and 18th centuries stress the importance that the Khoi placed on these clans, and each family unit or clan lived together in a village or kraal. Within each clan was a captain who gave direction to the community, but his powers were limited (p. 22). There was a tendency for clans to join together in order to form larger tribes under the rule of a chief, but these tribes were also loose units. It is believed that the lack of centralized power in the Khoi tribes contributed to the clashes between groups and even full-scale war in some cases. The geographical dispersion of the Khoi groups, the emphasis placed on familial division into separate communities,

and herding, all contributed to the lack of unity seen in the Khoi. The tendency of

fragmentation made the Khoi more vulnerable to pressures both within and outside the

group (p. 23). Despite the weaknesses of social structure of the Khoi, it was still

stronger than that of the San.This shows the differences and distinctions between the

Khoi and the San.

The economic basis of the Khoi was comprised of the control of cattle, hunting,

and the gathering of veld (term applied to the grassy undulating plateaus of South

Africa) foods (Aswegen, 1990, p. 23).   The Khoi had already had possession of sheep

before they migrated to South Africa, and it is believed that they obtained their larger

stock through interaction with Bantu-speaking people (B. Levack, personal

communication, July 13, 2014: *Table 1*). With herding being the main mode of

livelihood for the Khoi, the large cattle offered a source of meat and milk. The cattle

were usually only killed for ritual purposes, but it did guarantee a fixed food supply for

the Khoi (p. 23). Since the Khoi relied on herding, good grazing areas with water were

of great importance. The Khoi movements followed a somewhat fixed pattern, but their

movement made them more predictable to new groups arriving in the area. From 1st

century BC until 1652, the San, the Khoi, and the Bantu-speaking people, were the

three groups that inhabited South Africa. These three groups had continuous

interaction with each other, and this contact had an economic base. Trade also played

a role in the economic history of the Khoi. Trade of cattle, skins, food, and weapons,

occurred between the groups, but the nature and extent of this trade is unknown (p. 25).

Illustration 1: Artist's Rendition of Khoi People

Early Settlers of "The Cape"

The first Europeans to make contact with the indigenous groups in South Africa were the Portuguese (FTG, 2014). Portuguese sailors were attempting to locate routes to the spice islands in China, and they only occasionally stopped for fresh supplies at the Cape. In early February of 1488, the Portuguese seafarer Bartholomeu Dias cast anchor in what is presently Mossel Bay. The sailors went to shore to obtain fresh water, where they came into contact with a group of people whose language they could not understand. Based on their descriptions in their writings, it is assumed by scholars that it was the Khoi they were dealing with (P. Gibbs, personal communication, July 16, 2014: *Table 1*). The locals pelted the Portuguese with stones, and Dias shot one of the Khoi with a crossbow (Aswegen, 1990, p. 26). This was the first encounter the Khoi had with Europeans. The Portuguese kept their route secret for quite some time, but they were not permanent settlers of the Cape.

The first permanent European settlers at the Cape were not there as a government. Rather, it was the Dutch East India Company, who established a refreshment station at the Cape on April 6, 1652 (Aswegen, 1990, p. 23). It was Jan van Riebeeck and approximately 90 servants who set up this station in order to receive fresh food and water for their voyages. This event, although seemingly innocuous, proved to be a turning point in the history of South Africa, and their occupation lasted until 1795. It was the start of permanent, white presence in South Africa. A new society was added to the Khoi, the San, and the Bantu-speaking people (p. 68). The Dutch East India Company decided that it would agree to let a group of servants who had finished their contracts to inhabit close by as independent farmers (FTG, 2014). This would allow them to supply the post with fresh produce from the area, instead of the items being delivered by sea or supplied by the Khoi. The independent farmers/settlers were referred to as burghers, and as more servants worked out their contracts, the number of burghers at the Cape grew.

It is certainly plausible that the Khoi were not opposed to initial cooperation with the intruders, with the colonists providing better economic terms than the Xhosa. The Khoi were especially keen on the iron and copper trade, because these products were hard to come by (Aswegen, 1990, p. 26). Many academics believe that the Khoi viewed the trekboers as the lesser of two evils, with the colonists defending the pastoral way of life that the Khoi wanted to preserve (Newton-King, 1999, p. 39). Hermann Giliomee argues that even though there were trekboers who committed violent acts against Khoi, the coercion and violence were sporadic rather than systematic (p. 39). He contends that, "the dislocation and violence normally associated with slavery or forced labour

were a relatively minor theme in frontier relationships during the initial phase between *veeboer* and KhoeKhoe" (Newton-King, 1999, p. 39). Giliomee states that there was an initial period of flexibility and fluidity in the social organization of the Cape, where economic and social divisions did not always overlap with racial ones. However, there was a long-term propensity towards growing opposition between European settlers and indigenous Africans, as conflicts started to gradually correspond with differences in color and culture (p. 40). The settlers progressively gained the upper hand, first over the Khoi.

The relative freedom of the open frontier eventually gave way to the strict and stark hostilities of the closing frontier. It is significant to note that the shift from the open to the closing frontier involved a slow, rather than a dramatic transformation in status. Susan Newton-King writes that towards the end of the 18th century, the relations between the Dutch stock-farmers and the Khoi "ranged from clientage to serfdom" (Newton-King, 1999, p. 40). There were extreme cases of Dutch colonists kidnapping indigenous children or selling them like slaves, but overall, relations between trekboers and Khoi on the 18th century frontier were characterized by relative freedom and mutual advantage (p. 41). When the British returned to the Cape, the 1806 Proclamation of the British was created, which abolished the slave trade but allowed settlers to obtain, sell, or buy, human property (O'Malley, n.d.). The unfree status of the Khoi was ratified and established in the Hottentot Proclamation of 1809 (Newton-King, 1999, p. 40). This proclamation, however, was later repealed because it made it harder for the British to find free-moving wage labor. The Dutch stock-farmers were at this time heavily dependent on the pastoral and military skills of the Khoi. One can see how this slow

transformation came about through the use of resources and the fight for power. By

adding another group to the mix at the Cape, tensions eventually rose in the fight for

land and resources.

Robert Ross states that, "It seems incredible that men and women who at one

moment were treated with a certain measure of respect and trust on whom the boers

were dependent to a considerable degree for the daily functioning of their farms, could

the next moment be flogged to death at the slightest provocation" (Newton-King, 1999,

p. 42). This paradox might be understood if there was a distinction between the social

and economic statuses of Khoi. The Boers treated some Khoi less than others, but it is

clear through their interactions with the Khoi that the Boers considered them less than

human, or at least less than the Dutch. Some Khoi, who were in a position of economic

freedom, might have become trusted servants who benefited from this position. Others,

who were put into service by poverty or taken into captivity, might have become objects

of malice and hostility. This contributed to the slow shift in how Khoi were viewed by

settlers and systematically oppressed over time. If control of land had been the only

objective of the Dutch stock-farmers, a milder approach to the indigenous populations

might have been more effective in the long run. It is only when the broader dimensions

of colonial development are taken into account (both economic and social) that we can

start to see the creation and emergence of slavery, or a form thereof, on the margins of

the Cape.

In 1795, the period of the Dutch East India Company at the Cape ended

(Aswegen, 1990, p. 156). This happened as a direct result of the war between France

and Britain. Britain decided to take control of the Cape in order to protect the colonies

in the East against French aggression. Under the command of Admiral G.K.

Elphinstone, a British fleet carrying an invasion force arrived at the Cape in June of

1795. They had a letter from Prince William of Orange that implored the DEIC to

receive the British as protectors against a possible attack from the French.

Commissioner General A.J. Sluysken refused this request and decided to defend the

Cape. The Cape's defense was weak and after a short clash with the British, Britain

formally took control of the Cape on September 16, 1795 (Aswegen, 1990, p. 156-158).

This began a transitional period for the Cape, which would now be considered a colony,

having terminated a nearly 150-year period of DEIC control. This transitional period

lasted until 1806. H.J. van Aswegen notes that a key feature of this transitional period

was that the government changed hands twice during this time. The British controlled

the Cape from 1795-1803, but the Netherlands took control once again for a short

amount of time. The Netherlands, during this time, was known as the Batavian

Republic. One thing did not change, however. The Khoi and other indigenous groups

were still subjected to groups that they had not dealt with since they had been there for

almost 2,000 years (SAHO, n.d.).

The Batavian government adopted an entirely different outlook towards the

Cape than the British had. The Cape was now regarded (by the Dutch) as property of

the Netherlands government, rather than being part of a trading company. The Asiatic

Council was created by the Batavian government to control all colonial affairs, and one

of its members, J.A. de Mist, was chosen to devise an administrative system for the

Cape. I see this shift from being controlled by a trading company to governmental

control as being an important and detrimental shift for the Khoi. By having a

government control over the Cape instead of a trading company, the Khoi could be subjected to a new set of rules and laws that were not previously in place. From the Khoi perspective, the Cape now being controlled by a government rather than a trading company gave them even less power. The Dutch government could now control the Khoi using its own laws and punishment, establishing an even more strict form of control that could not have been implemented by the Dutch East India Company. This is where customs and norms transitioned into enforceable laws. Not only that, but when a government controls an area, everything there is thought of as being owned by them. The Khoi certainly did not see it this way, but with the amount of power that the Dutch government now had, the Khoi were pushed to the political and economic margins even further. The Batavian administration lasted only from 1803 to 1806. The European population at the Cape increased considerably from 1795 to 1806. This was the result of natural population growth as well as an influx of immigrants.

All of this history is significant in that every action that was taken on the Cape affected the Khoi and other indigenous groups. In less than 200 years, the Khoi went from controlling every aspect of their lives and land to "largely a landless proletariat" (Aswegen, 1990, p. 164). By 1795, most were employed as laborers by white farmers. There were still smaller groups on the northeastern and eastern frontier that could operate relatively independently of the whites. However, many of these Khoi that still held their independence would sell their labour to whites from time to time (p. 164-165).

During the same period where the white population increased at the Cape, the position of the Khoi changed as well. The Khoi that lived within the colonial boundaries were increasingly subjected to the colonial laws and increasing white control. Khoi

freedom was restricted more and more by the Dutch from this period of 1795 to 1806 (p. 165). The Dutch did this by restricting Khoi movement and carrying papers that stated what area they came from. The Khoi could receive punishment if they did not have these forms with them, while the Dutch did not have any kind of papers stating this. It was a way in which the Dutch could keep the Khoi where they wanted and under their control. Gradually being incorporated into the colonial economy as laborers, the result was that the systemic nature of the oppression began to increase. By being controlled by a government and its economy, the whites on the Cape gained increased power to disenfranchise the Khoi. This shows how powerful the gradual change was on the Cape. From a refreshment station to what has just been described happened over a span of less than two centuries.

During this period from 1795-1806, the Dutch authorities at the Cape maintained the idea and policy that the Khoi were independent and free people, whose rights and claims to land should be protected by law (Aswegen, 1990, p. 165). However, this view did not always keep in practice. A large portion of the tension that occurred between the European settlers and the Khoi occurred from the labour situation at the Cape.

The protection of Khoi rights also came with a restriction of their movement. In 1797 and 1798, instructions were given that all Khoi in certain districts were required to carry a pass when moving from one place to another. This contributed to the increasing pressure the white colonists were putting on the small number of Khoi settlements left. It led to several skirmishes, of which the San often joined forces with the Khoi in order to fight back. Along the eastern frontier, conflict was even more intense because not only did the Khoi have to worry about whites, but they also had to deal with Xhosa. With

restricted movement and their living areas increasingly becoming occupied, pressures

began to rise. War broke out, flaring up in 1799 as well as 1802-1803. The increasing

levels of fear, hatred, distrust, and bitter military conflict that ensued signaled the start of

the final subjugation of the Khoi people. By losing their land, the Khoi peoples' lives

were changed drastically over the period of two to three hundred years. Small changes

that took effect over time made big impacts that in turn contributed to the rising tension

that ultimately turned into the Frontier Wars.

The Frontier Wars

The Cape Frontier Wars, also known as "The Hundred Years War" lasted from

1779 to 1878 (SAHO). The hundred-year period involved intermittent warfare between

the European settlers (Dutch and British) who had become colonists and the Xhosa,

Khoi, and San people (Britannica, 2014). The clash was largely due to the colonial

expansion that had occurred since the arrival of the first settlers. The trek boers, or

migrant Dutch farmers, moved deeper into the interior of the Cape in order to gain

sufficient space for stock farming (SAHO). Over time, tensions rose as indigenous

groups were becoming dispossessed of their land, cattle, and traditional ways of life.

Although not all of the nine Frontier Wars heavily involved the Khoi, each played a role

in disenfranchising indigenous peoples of southern Africa, shaping the history and

reinforcing the marginalization of the Khoi.

The First Frontier War lasted from 1779 until 1781, and it is widely believed that

this war was really a series of clashes between the Xhosa and Boers, or Dutch farmers

(SAHO). Around this time, there were countless allegations of Xhosa theft of Dutch

cattle. This forced the Boers to abandon their farms that were located near the

Bushman's River. It is said that the Dutch government appointed Adriaan van Jaarsveld to lead a commando in order to capture a large number of cattle back from the Xhosa.The Xhosa were driven out of the Zuurveld (the area between the Great Fish River and the Bushman's River) by the Boers by July of 1781 (SAHO). During the first three frontier wars at the Cape (1779-1781, 1793, 1799-1801), it was minor Xhosa chiefdoms that were fighting against the Boers. These wars were sparked by disagreement of cattle trade and land use. During the Third Frontier War, the Xhosa were joined by the Khoi in fighting the Boers.They were led by Klaas Stuurman, Hans Trompetter, and Boesak (SAHO). This event was more serious in that Khoi servants left their white masters and took up arms (Britannica, 2014).

It was not until 1850-1853 when the Khoi seriously got involved with the fighting during the Frontier Wars. The Xhosa bitterly resented the British annexation of their land, and they had been secretly preparing to rise up ever since the last war (SAHO). Meanwhile, about 900 of the Khoi that had been relocated to the Kat River valley in 1829 were beginning to form alliances with their former enemies, the Xhosa. Teaming up again, other groups of Khoi followed suit and took up arms. However, not all Khoi rebelled, with many remaining loyal to the Cape government. By 1853, the Xhosa-Khoi joint power had been defeated, and Xhosa territories were added to the Cape Colony. In 1857, the Xhosa planned to slaughter their cattle in a mass sacrifice that was supposed to be followed by a complete overthrow of the British government. Instead, this act produced sweeping starvation of Xhosa people. It put an end to Xhosa military resistance for a number of years. Twenty years later, groups of Xhosa again took up arms against colonists in order to regain lands that had been taken. After the wars

finally ended, the remaining Xhosa territories were slowly incorporated into the colony (Britannica, 2014).

Although most of the Frontier Wars were dominated by Xhosa involvement, the Khoi teaming up with their former enemies showed just how desperate they were in order to keep their freedom, their land, and their way of life.Spanning one-hundred years of battles and skirmishes, the Frontier Wars show the slow process of disenfranchisement started by the Dutch and British. Starting from a seemingly innocent refreshment station that later acquired an air of permanence, it is possible to understand how the marginalization of the Khoi happened. Contrasting worldviews between the Dutch and British settlers and the Khoi contributed to the rise in tensions. The Europeans thought in terms of domination and land-ownership, whereas the Khoi thought in terms of family and clan organization. The more powerful and government-backed Dutch and British eventually were able to completely control the Khoi and decimate their population, slowly and deliberately. The history of the Khoi's entanglementwith Europeans is not a pretty one, but it is important in answering the question of how something so innocuous as a refreshment station turned into what it did for the Khoi and other indigenous groups. Not only is there little research on this topic, but also from my time in South Africa, most people do not know the history of the Khoi and how it still affects certain cultural ideas today.

Under apartheid, the Khoi were politically and socially invisible, being forced into the racial category of "Coloured" by the minority White government. The government enforced a policy whereby all Khoi and San people (who had not already been assimilated into other populations) were forcibly registered as

Coloured.Registering was unavoidable, and failure ot registerwas illegal (Fleur and

Jansen, 2013). Most Khoi people describe this period as extraordinarily humiliating.

Official statistics in South Africa to this day still reflect the apartheid typology and

disdain (by the government) towards other races and languages. Country data and

documents do not reflect the presence of Khoi people in South Africa, even though they

were there before anyone else was. According to South Africa's 2011 Census, the

country's 51 million people are comprised of 79.2% Black Africans; 8.9% Whites; 8.9%

Coloureds; 2.5% Indians; and 0.5% Other (Fleur and Jansen, 2013). This recent

census shows just how many people get thrown into the arbitrary racial categories that

the apartheid government had created.

Former South African President Nelson Mandela created the National Khoi-San

Council while in office (Fleur and Jansen, 2013). The NKC was used to negotiate and

address accommodation of Khoi and San leadership within the traditional constitutional

structure. Although this was a positive step, many efforts were thwarted, and the NKC

still finds itself in endless negotiation with the government. As of yet, no meaningful

progress has been made by the council.

The South African constitution refers to the word "indigenous" in reference to

several African languages that were recognized under apartheid. The Khoi indigenous

languages are not included in this list. While languages such as Afrikaans, Xhosa, Zulu,

and English, enjoy prominence in South Africa, none of the Khoisan indigenous

languages such as Khoekhoegowab, Khwedam, !Xu, or N/u, are recognized as official

languages in South Africa (Fleur and Jansen, 2013). By leaving the Khoi out of the

constitution, the present South African government does not have to acknowledge them

or give them any rights. The power to label is the power to define; When dominant

groups are able to label a disenfranchised or marginalized group, that dominant group

holds all of the power. What I have found through my research is that rather than fixing

the wrongdoings of the past, the present South African government would much rather

completely ignore the Khoi, acting as if they do not exist. In doing so, the government

can keep denying them of their rights, especially to land. As seen in the discussion of

the history of the Khoi, land is at the center of the Khoi way of life. Despite all attempted

efforts, the Khoi are presently terribly disempowered.

To my surprise, most locals did not know how much the Khoi have been

disenfranchised in the past, which further pushes the Khoi to the margins of political and

economic power. By not being aware of the Khoi struggle over time, it is easier for the

Khoi to be ignored. In terms of social justice, this is exactly what a dominant group

would want for those they are pushing towards the bottom of the distribution hierarchy.

If a group is not officially acknowledged, it is like they do not even exist to others.

Unfortunately, the present government (which is rampant with corruption) has nothing to

gain from acknowledging the Khoi history. Just as the American government did not for

the longest time want to admit wrongdoings with Native American communities, the

South African government would rather just continue ignoring the Khoi.

The Natives Land Act of 1913

The Natives Land Act of 1913, which became a law in June 9, 1913, is an

example of how the government used legislation to further disenfranchise minorities in

a more systematic manner. By the time the act was passed into law, South Africa had

already been moving towards segregation through land dispossession (SAHO). This

act limited African land ownership to just 7%. This amount later increased to 13% (SA Government, 2014). This piece of legislation restricted non-white people from buying or occupying land unless they were doing so as employees of a white master. By giving 87% of land ownership being held by the white minority, it left everyone else scrambling for whatever land was left.

For the Khoi, who had already been marginalized for centuries, this made things even harder. The apartheid government used this law to begin a mass relocation of Black people to poor homelands and poorly serviced townships. Those townships, which I had the opportunity to witness during my research, are still poorly serviced today and prove as a reminder of the vast inequalities that still exist in South Africa. This law, which was not repealed until 1991, marked the beginning of socioeconomic challenges the country is still faced with today. However, for the Khoi, their struggle started far sooner, and laws such as these only exacerbated their situation.

The Natives Land Act of 1913 was replaced by The Land Restitution Act of 1994, which was signed into law by President Nelson Mandela, helped restore the rights of those dispossessed by the Natives Land Act in 1913 (SAHO). The problem with this is that it ignores claims from before then. As has been estimated by genetic studies, it is widely believed that the Khoi have been occupying parts of Southern Africa for over 2,000 years. The Land Restitution Act of 1994 does not make provision for land which communities lost before the cut-off date, which was in 1913. The process of land restitution in the post-apartheid era has no doubt helped certain people, but it has not benefited the Khoi. In a sense, it was most likely not meant to benefit the Khoi because

it would create more problems for the current government. Just as they have been largely ignored by the government, this act furthers that agenda.

Apartheid and its Effects on the Khoi

Indigenous groups in South Africa have had to deal with challenges starting with recognition. The Apartheid in South Africa, which began in 1948 and officially ended in the early 1990s, served as a way for the government to legally separate by race (Le Fleur and Jansen, 2013). The legacy that apartheid left is still visible today, and much of the damage that it did cannot be undone. Under the apartheid government, the Khoi and many other indigenous groups were classified as "Coloureds" (SAHO). In a sense, putting Khoi people into the category of Coloured allowed the government to deny them of rights that were denied of other Coloured and Black people. The current government and legal institutions in South Africa continue to classify Khoi people as Coloured, just as the apartheid government did. This seems shocking that at this point in time this has not yet changed, but in terms of political oppression, doing so keeps the government from having to address the situation. The forced categorization of the Khoi made them politically and socially invisible, and these effects continue to this day. Although the present constitution mentions the term "indigenous" in relation to certain languages, it does not recognize the Khoi as an indigenous group, and it also did not declare any of the Khoi languages part of the eleven official languages of the country (Le Fleur and Jansen, 2013).

In 2005, the UN Special Rapporteur made the following statement in his report, mentioning the current developmental and land problem that the Khoi (and San) are facing:

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"The root cause hindering economic development and intergenerational cultural survival, has been the forced dispossession of traditional land that once formed the basis of hunter-gatherer and pastoralist economies and identities. This historic dispossession of land and natural resources has caused indigenous people to plunge from a situation of self-reliance into poverty and a dependency on external resources. The most pressing concern of all the Khoi and San communities is securing their land base, and where possible, re-establishing access to natural resources necessary for pastoralism, hunting and gathering or new land-based ventures such as farming" (Le Fleur and Jansen, 2013).

Initially, it may be difficult to see the implications of not being recognized by the South African government. The UN Special Rapporteur summed up the problems, but still the big question of how the Khoi move forward has yet to be answered. By being marginalized in the way that has been done to the Khoi systematically and slowly over time, the Khoi are denied access from many opportunities. If they technically do not exist, they do not have many claims they can make in terms of regaining the land that was rightfully theirs for thousands of years. They cannot gain certain access to employment opportunities because there is no formal record of their existence. Facts such as these go to show just how difficult the situation is for the Khoi in today's society. The effects that are still lingering today began in 1652, and the apartheid regime just added more problems for the Khoi.

Analysis and Future Implications

To my surprise, the Khoi people are discussed very little in South Africa, and when locals discuss them, they are almost always referred to as the Khoisan. This marginalizes the Khoi even further by blurring the lines of their history and heritage as a distinct group of people.

Something I noticed very early on during my visit to South Africa was race relations in the country and how those differ from what is the norm in the United States. Having eleven official languages, there is a large mix of cultures in South Africa. While walking through the supermarket, I could hear English, Afrikaans, and Xhosa, all in a matter of minutes. To my surprise, I also heard some people referring to each other as "Coloured." In the United States, that would be insulting to say to someone, but South Africans take pride in the term, differentiating themselves from both "Whites" and "Blacks." From discussion with historians while there, I learned that the origin of the Coloured community today stems from sexual unions between European males and Khoi and San females in the Cape Colony from the 17th century onwards. "Coloured" was a term that was created during apartheid to marginalize and restrict those who were not White but were not seen as Black either. The Khoi were socially and politically invisible during apartheid and also forced into the racial category of "Coloured." This action resulted in the Khoi not being able to retain their identity as an indigenous community.

When reading Iris Marion Young's book *Justice and the Politics of Difference* (1990), one cannot help but to think of the Khoi, and it becomes easier to see how oppression can occur from something that initially seemed so innocent. Thinking back to the refreshment station at the Cape in 1652 and reflecting on the chain of events that

lead to where we are now, the Khoi have fallen victim to everyday processes that ultimately became the systematic oppression against them as a group. The process has been slow through time, but the effects are clear. By the 19th Century, the Khoi were left in a poor socioeconomic status with little autonomy. In seeing these views of the Khoi and how they reached these arbitrary classifications over time, it is possible to see just how they became so disenfranchised. By not being labeled as a group, the Khoi do not have the same rights afforded to them as do other citizens. By being labeled "Coloured" by the apartheid regime (which carries over to today), the Khoi were seen as being less than and not deserving of their own unique identity. These two facts, compounded by taking away their land over time, led to the problems the Khoi face today.

Exploitation, the first face of oppression, relates to how the Khoi and the Dutch came into contact. The Dutch East India Company needed the Khoi to provide cheap help (not labor, at first) for providing food and water for the men at the Cape. Gradually, the Khoi became more exploited. It is important to note that extreme exploitation by a dominant group does not happen overnight. It is a slow, systematic process, as seen with the Khoi over centuries of time. The Dutch began asking more and more of the Khoi, moving in and encroaching on their land, which then led to violence and other issues that have been discussed. The exploitation that occurred towards the Khoi was often justified by racial ideologies, seeing the Khoi as lower in status than the new white settlers at the Cape. As Young states, wherever there is racism, there is the assumption that members of the oppressed group ought to serve those in a dominant group (p. 52). Is that not exactly what happened to the Khoi? Through the process of

exchanging goods, the Dutch eventually realized that they could control the Khoi by force. This created a sort of class difference between the wealthier Dutch and less affluent Khoi. The exploitation of the Khoi is interconnected to the marginalization, powerlessness, and violence that they experienced as a group over time.

Exploitation and marginalization are linked directly to the situation of the Khoi. Land is fundamental to pastoralists, and since over time the Khoi land was overtaken through exploitation and violence, they were and have been a marginalized group since. Labeling the Khoi "Coloured" only further marginalized them as a group, because it stripped away their identity. From that point on, they were simply "Coloured" like anyone else arbitrarily thrown into that category. From a dominant group's perspective, that is exactly what they want for a group they are marginalizing. Without identity, they did not even exist for the South African government. Without Khoi languages being official languages, and without them being labeled as a unique indigenous group in the constitution, the Khoi can continue to be nameless.The effects of marginalization are long lasting, and by ignoring the plight of the Khoi, they are marginalized even further.

Due to the status that was afforded to the Khoi over centuries of time by the dominant Dutch and British, they lost the ability to make decisions in respect to work. This diminished their autonomy in almost every aspect of life. With losing the ability to keep their land, which was central to their way of life, they became powerless and unable to fight back over time. The Khoi were often seen as owned, lacking any sort of autonomy.The Khoi were already exploited and marginalized hundreds of years prior to being officially labeled as "Coloured," but in doing so in the constitution, the act of labeling them as so legitimized their loss of power in a sense. The powerlessness that

exists today for the Khoi is rooted in politics and a post-apartheid government that has

so far been unwilling to fully address the problem. The first step in the Khoi gaining

power is to have their existence noted by the South African government, giving them

back some form of identity that has been taken away through hundreds of years of

oppression, exploitation, and marginalization. This is also what many Khoi people have

been fighting for in South Africa. It is by looking back at history that one can see how

the Khoi became so disenfranchised; what is difficult is figuring out how they move

forward from here, regaining the power that was taken from them over centuries of time.

Violence, as well as the threat of violence, has been used by oppressors to

keep subordinate groups in their place of low status. Violence towards the Khoi was at

first sporadic and not systematic in nature. It was at first only a minor theme in the

frontier relationship between the trekboers and the Khoi. There was at first an

increasing level of violence towards those Khoi that were put into service by poverty or

taken into captivity in order to work. This created a slow shift over time affecting how

the Dutch and British viewed the Khoi. By viewing them as lesser, the Dutch and later

the British justified their exploitation and marginalization of the Khoi, and they used

violence to reinforce it. The emergence of systematic violence can be seen when the

broader dimensions of colonial development are taken into account, especially the shift

from the Dutch East India Company to the Dutch government having control at the

Cape. Young stated that what makes violence a face of oppression is not so much the

acts of violence themselves, but the social context surrounding them (Young, 1990, p.

61). The social context makes it possible but can go so far as making it acceptable,

which could be seen at the Cape. The Khoi were in many cases seen as objects or

slaves, which made it acceptable for the Khoi to receive this kind of treatment. Once

power and autonomy were stripped away, violence as a social practice was used to

keep the Khoi in their place of lower status. By using Iris Marion Young's explanation of

the Five Faces of Oppression and applying it, one can examine the different forms

oppression takes on in different groups. A group only needs the presence of one of the

faces of oppression in order to be considered oppressed; four out of the five apply

directly to the Khoi. Iris Marion Young did not use her discussion to examine why a

particular group is oppressed, because the unique history of each group must be traced.

By examining the history of the Khoi first, it is possible to see just how the Khoi became

so oppressed over time, and how ideology and violence both justified it and reinforced

it.

The acquisition of new land can be seen throughout history. Whether it was

citizens themselves or a government acting to gain territory, the desire to have more

land and more resources is not a new phenomenon. For thousands of years, humans

have been using, taking, or modifying land, in order to gain resources and commodities

(Ellis, 2010). Oppression has often been tied to groups losing territory, and this concept

is not new with the Khoi. However, the current rates of human modification of land are

higher than they have ever been. Losing land or modifying the purpose of it is having

detrimental effects on ecosystems and environmental processes on local, regional, and

global scales. The Encyclopedia of Earth uses the term land-use and land-cover

change (or LULCC) to discuss human modification of land. "Land Use" itself includes

human activities such as forestry, construction, and agriculture, which alter land surface

processes and affect the biodiversity of areas (Ellis, 2010). In many instances, when

land is altered, it is usually done by a non-native group. Whether it has been nation-states taking over areas, or corporations looking to acquire a new resource, locals do not always have a say in what type of development occurs. Plants and animals also do not have the ability to defend themselves against human activities that continue to threaten them.

Habitat loss is the single biggest threat to species today, posing a threat to 85% of all species on the IUCN Red List (species classified as threatened or endangered) (WWF, 2015). Currently, our planet is in its sixth mass extinction to ever exist in history, and scientists blame humans for facilitating it. In the 1990s, the net loss of global forest areas was about 2.4% of total forests. During that same period, 70% of deforested areas were converted to agricultural land (WWF, 2015). Species that depend on forested environments are often faced with changes before they can adapt, causing them to become more and more endangered. The World Wildlife Fund also estimates that approximately half of the world's original forests are now gone (2015). There are even more still being removed at a rate ten times higher than any possible level of regrowth. This same rate shows how animal species are affected as a result. With human actions to secure more resources, they affect other people as well as the entire environment. On a small scale, this may not seem detrimental, but it is happening on a large scale.

The Stanford Woods Institute for the Environment found that altering the natural land scape (which often happens after land has been taken) and its surrounding biodiversity can amplify disease risk (SWIE, 2015). Not only does this show the gravity of land loss and biodiversity loss, but it also could motivate people to act to help

preserve cultures and species. In this instance, promoting public health and conserving the environment would go hand in hand. Because land loss and land use change affects the ecosystem, it affects the environmental processes that are meant to occur in their natural state. The example here deals with the threat of large vertebrates, which might allow disease-carrying animals such as rats to flourish. Although this study is in its preliminary stages, it shows how, when an action is taken, more than one group is affected. Whether they are biological or cultural, land loss and land use change on a broad scale affects entire processes, which create future challenges for conservation.

Land loss affects species, but as seen in the case of the Khoi, it affects groups of people and their way of life. It calls into question whether everyone has a right to land. Do people who have been in an area for thousands of years have a claim to that land? How are the Khoi supposed to combat a government that only addresses claims where wrongdoing occurred after those that the Khoi endured? Land loss, on the broader level, disrupts people's lives, especially those who have direct ties to the land and depend on it. Loss of land can occur swiftly, by one group using force and taking over in a relatively short period of time. Other times, like in the case of the Khoi, it can happen slowly over time in a systematic manner, while they are being oppressed and disenfranchised by a dominant group.

In an anthropological sense, when land is bought and sold, people are buying and selling certain rights of use to the land, rather than the land itself. This is because land is not something that was created by man. It is not a commodity, although it is treated as one. Land is something people from around the world take pride in owning and taking care of. When land is stripped away from an individual or a group of people,

a form of autonomy is taken away. This has happened in many areas and instances in the world, including during Reconstruction in the United States.For the pastoralist Khoi, this meant an inability to rely on movement and access to land for their well-being. This topic brings to light many questions about global politics and ethical issues of justice. Are there universal values; if so, what are they? Would the right to land be one of those universal values, especially if it is at the center of your culture? Perhaps there are more questions than answers, but by examining the countless future implications of land loss, whether biological or cultural, it may cause people to think first and address these problems.

Conclusion

As is evident from the situation with the Khoi, this is not an easy problem to fix. What the Khoi have endured for centuries cannot be fixed overnight, nor can I provide an answer to ameliorate their struggle. My main goal in writing this paper was to create a level of awareness, while showing the underlying causes of an issue over time. When I first heard about the plight of the Khoi, what shocked me the most was that I had never heard of these people, their situation, or their history. This is why I chose to address the question of how the Khoi got into the position they are currently in, by providing a road-map. By examining social justice theories that apply to the Khoi, by understanding the history of what is now South Africa, as well as learning how politics and government shaped their struggle over time, it is possible to see how the Khoi were affected on many levels through hundreds of years.

Although oppression is not a new concept, each culture or group of people is unique, and their experience needs to be addressed as being so. My hope for this paper is that it will not only make more people aware of the Khoi people, but that people will be motivated to learn about other issues that are not shown in mainstream media. What began as a seemingly innocuous refreshment at the Cape led to the oppression and almost extermination of an entire group of people. Land loss affects not only people, but species, conservation efforts, and entire environmental and ecological processes; It is through gaining an understanding of them that change can be achieved.

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