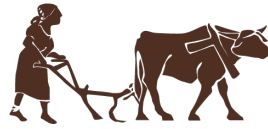


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Whose Land Question?

Policy deliberation and populist
reason in the South African land
debate

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WORKING PAPER 60

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Abstract

On 4 and 5 February 2019, the Institute for Poverty, Land and Agrarian Studies (PLAAS), along with colleagues from the Universities of Fort Hare and of Rhodes, hosted a national conference entitled **Resolving the Land Question: Land redistribution for equitable access to land in South Africa**. This paper considers this conference as a case study of ‘policy sense-making’—an attempt to frame contentious issues in a way that renders them amenable to governmental resolution. It explores the contrasting conceptions of the political rationality of land reform put forward at the conference, and the different conceptions of the nature of democracy and government that informed competing policy visions. The paper also considers the disjuncture between the world of technical land reform policy deliberation on the one hand, the way the notion of land is used in contentious and popular politics in the public sphere on the other. In the end, the paper argues, much more is at stake in South African land debates than land itself. Beyond the question of who should own the land, how it should be used, and how it could be shared are deep and intractable questions about the nature of South African democracy and of the political community on which it depends.

1. Introduction¹

On 4 and 5 February 2019, at the University of the Western Cape, the Institute for Poverty, Land and Agrarian Studies (PLAAS), along with colleagues from the Universities of Fort Hare and of Rhodes, hosted a national conference entitled *Resolving the Land Question: Land redistribution for equitable access to land in South Africa*. At this event (henceforth, ‘the RLQ conference’) we brought together some 140 activists, parliamentarians, NGO workers and academics involved in the South African ‘land sector’ to deliberate on policy options for the redistribution of agricultural land.

The event was, it must be said right at the outset, somewhat inconclusive: it did not lead to any significant breakthroughs in the land reform debate (in fairness, this was not our intention in any case). At the same time, the views shared at the conference offer a useful window into the current state of policy debates about land reform – and the underlying assumptions, unaddressed questions, and implicit political visions that animate them. Partly through the mere fact of its happening, and partly via its design and substantive content, the conference also raises important and intriguing questions about what we do when we talk about policy in South Africa, the

¹ I thank my colleagues at PLAAS, particularly Ruth Hall and Ben Cousins, for their enormous investments in making policy sense out of land reform. Without their hard work, and without their intellectual comradeship, this think piece would be impossible. I am also indebted to Michael Aliber, Mazibuko Jara, Nick Vink and Johann Kirsten for the seriousness and generosity with which they have engaged in the policy debates I analyse in this piece. I hope that they find my analysis fair minded, and that this intervention helps take forward our ongoing discussions.

relationship between policy debate and broader processes of political contestation, and the meaning and nature of South African democracy.

In this paper, I treat the RLQ conference as a case study of ‘policy sense-making’ – an attempt to frame contentious issues in a way that renders them amenable to governmental resolution. I explore the contrasting forms of political reason deployed by speakers and the underlying political assumptions that seem to inform the competing policy visions they put forward. By doing this, I hope to get a better understanding of some of the underlying dynamics of these debates and their strategic significance. The thoughts I offer here are provisional and inconclusive: they are not the representation of an established or entrenched ‘position,’ but rather part of a process of thinking aloud.

I begin by briefly sketching some aspects of the political context in which the conference was held, and by pointing out the features of the conference content and design that raise the questions that I am interested in. Thereafter, the paper is divided into two parts: firstly, I consider each of the three position papers presented at the conference in turn, trying to identify the different ways in which they seek to make political sense out of land reform. Secondly, I take a step back and consider some of the broader features of the politics of the South African land debate – in particular the tension between, on the one hand, the forms of techno-political deliberation that are typically attempts to frame land reform as a policy challenge, and on the other, the kinds of ‘populist reason’ commonly deployed in contentious politics. In the conclusion I explore what this means for how we understand and approach the land debate in South Africa, and I raise some broader questions about the way we think about political belonging and democratic deliberation in present day South Africa, and the challenges involved in fulfilling the political promise of South African democracy.

2. Making policy sense of the land debate

2.1 Breaking the policy logjam?

The RLQ conference took place at a significant historical moment. A year before, during the 2018 State of the Nation address, President Cyril Ramaphosa had electrified the nation by announcing that, in line with the resolutions of its 54th National Conference, the African National Congress (ANC)’s approach to land reform would include expropriation without compensation (EWC) (RSA 2018). This announcement initiated an intense period of political contention that unfolded in the ensuing months, in which public debate, parliamentary procedure, and party-political manoeuvring all played key and intersecting roles. On 27 February (via a motion initially proposed by the Economic Freedom Fighters (EFF) and subsequently amended by the ANC), the National Assembly mandated Parliament’s Joint Constitutional Review Committee to investigate mechanisms through which land could be expropriated without compensation, and to propose amendments to Section 25 of the South African Constitution (Gerber 2018; PMG 2018). Between

26 July and 4 August, in addition to inviting written submissions on the review of Section 25, the Constitutional Review Commission also organised public hearings in all nine provinces of the country. These processes were accompanied by intensely contested public debates in the print and electronic media, in which political parties, activists, public intellectuals and representatives of the South African business community all took prominent part. At the end of July, the ANC's national executive committee confirmed that it would finalise an amendment to the Constitution that would 'clarify' the conditions under which expropriation without compensation could be effected (Mail & Guardian 2018). Subsequently, the Presidency convened an inter-ministerial committee (IMC) on Land Reform to provide political oversight and oversee the implementation of Cabinet decisions on land reform (Presidency 2018a). The Presidency also appointed an Advisory Panel on Land Reform and Agriculture, composed of academics and representatives of organised agriculture and other interest groups, to advise the IMC on a range of matters associated with land reform, including restitution, redistribution, tenure security and agricultural support (Presidency 2018b).

At the time of the conference, these processes seemed to be coming to a head. Most importantly, the political scene was dominated by the looming 2019 general election, within which the different political parties' positions on land were a central issue of contention (Ngcukaitobi, 2019). In addition, the conference was timed to take place only a few weeks before 30 March, the deadline by which the advisory panel (of which our colleague Ruth Hall was a member) was to wrap up its deliberations and produce its final report and recommendations. Thus, there were high hopes on the part of the organisers that the conference could play a role in educating and informing public opinion on the policy issues facing land reform, and that the advisory panel could take up insights emanating from the conference as it finalised its deliberations.

This contested and charged political terrain created both opportunities and challenges for the participants in the conference. The projection of EWC (and therefore land reform) to the centre of the national debate during 2018 had been a mixed blessing for land reform policy professionals. On the one hand, the significant levels of political and economic anxiety elicited within the South African 'business community' by the prospect of the governing party putting up for discussion the hitherto sacrosanct Constitutional protection of property rights had meant that land reform, which had until then been mismanaged and neglected by government and for the most part ignored by the media, had been catapulted to the forefront of public attention. After many years of marginality, it had in 2018 once again attained 'time bomb' status, and was widely regarded as an urgent matter that had to be resolved once and for all if political stability was to be assured.

As we at PLAAS knew very well, EWC itself was a side issue. Contrary to public perception, the cost of compensating current landowners is not a significant obstacle in the way of South Africa's land reform programme, and amending the Constitution to facilitate reduced compensation (or do away with it altogether) will not help speed it up – in fact, the opposite is arguably the case. If truth be told, EWC was a red herring, useful in staging a form of highly effective but ultimately misleading political theatre. In the context of post-Apartheid South Africa's disappointing realities and the ANC government failing to deliver anything approaching economic justice, calling for EWC was a performative act, a way of signalling one's freedom from the taint of compromise with 'white monopoly capital' and communicating one's support for the cause of 'radical economic transformation', the rallying cry of the EFF and African nationalist tendency within the ANC. As such, the demand for it was a symptom. It fulfilled a significant symbolic and expressive function

in South African politics, channelling the deep disaffection and anger of black South Africans who felt politically and economically disenfranchised within the post-Apartheid order. But from a land reform policy perspective, it muddied the waters. It burdened land reform with a wide range of frankly unattainable expectations, directed attention away from the real reasons for the programme's lacklustre performance, and failed to provide any clear vision of how a practical programme of land reform could support poor people's livelihoods or facilitate emancipatory, inclusive or democratic forms of political practice. (In fact, we soon started to suspect that President Ramaphosa's dramatic announcement was mostly a move *within* that political theatre: a way of outmanoeuvring the EFF, forestalling its ability to criticise the governing party from the 'left', and 'kicking the issue into touch' locking it up in political processes until the election was safely over.)

The EWC debate thus created a tricky situation for rural development policy makers and researchers. On the one hand, it had clearly unleashed significant political energies, and as such offered hope that the failures of South Africa's land reform policy, long side-lined and starved of attention and funds, could be placed centre stage and addressed. On the other and, the terms of the debate were decidedly unhelpful. A debate about whether or not white landowners should be compensated could cast little useful light on the real questions that actually needed to be confronted to get land reform working—questions that concerned the ultimate social and economic aims of land reform, its role in inclusive and pro-poor forms of economic development, and the implicit (and deeply problematic) models of rural and agricultural development which had informed its design thus far. Indeed, there was a significant risk that 'populist' discourse could serve to provide ideological cover for processes of elite capture, turning land reform into a largely symbolic process in which the needs of poor and marginalised rural people were not addressed. The question for land reform policy professionals was therefore whether it was possible to change the terms of the debate. Could land reform be 'recaptured' from the grasp of the politicians?

This, then, was the primary 'meta-level' purpose of the conference: To utilise the political opportunity afforded by the significant levels of public concern with land reform—but at the same time to reframe the question and shift the terms of the public debate. For the researchers, experts and policy makers who conceptualised the debate, it was also an attempt to seize the power to speak; to insert themselves into a discursive space hitherto dominated by parliamentary politicians, the mainstream media, and a wide range of extra-parliamentary political entrepreneurs.

2.2 The rhetoric of an event

The conference programme and its organisational flow were designed to frame the debate in a way that reflected and supported this agenda. It was not a conventional academic 'talk shop', where a large number of conference participants present a plethora of papers on diverse subjects, and where there would be little chance of any larger, more coherent conversation emerging. Neither was it a consultative workshop of the kind that is often deployed in intensely contested spaces, where a range of stakeholders come together to hammer out a consensus position or working relationship around on issues of joint concern.

Instead, it was framed as a carefully staged *pedagogical* engagement designed to clarify similarities and differences between competing policy paradigms. Participants were invited to engage with the content of three pre-commissioned ‘position papers’ that were prepared for discussion at the conference. Each of these papers had been chosen to reflect and represent one of three different stylised ‘policy positions’ on the resolution of the land question: Nick Vink and Johann Kirsten, ‘neoliberal’ economists who played a prominent role in shaping the National Development Plan’s proposals on land reform, presented a paper on ‘market oriented’ approaches (Vink and Kirsten 2019). Mazibuko Jara, a prominent rural activist and organiser based in the Eastern Cape, presented a paper that came from an explicitly socialist position, proposing a land reform programme based on a ‘solidarity economy model’ that would support the transformation of South Africa’s agrarian structure (Jara 2019). Michael Aliber, an agricultural economist (and, incidentally, a long-time PLAAS associate) presented a paper exploring the possibilities for land reform oriented towards supporting the livelihoods of poor and marginalised black people in the context of present-day South African capitalism (Aliber 2019) – a paper, in other words, apparently situated in the ‘middle ground’ of the ideological terrain: going beyond the relatively conservative assumptions of the ‘market based’ model, but stopping short of Jara’s sweeping vision of radical agrarian transformation. In order to focus discussion, the terms of reference provided to these authors furthermore specifically instructed them to address a small number of clearly defined practical questions: Who should be the beneficiaries of land reform? Through what mechanisms should land be redistributed? What rights should land reform beneficiaries hold? How would they be supported? And what are the desired outcomes of the land redistribution process?

Another interesting and noteworthy feature of the conference design was that it was not conceptualised as an opportunity to stimulate debate between these policy positions or to identify common ground. In fact, the conference literature specifically stressed that the purpose of the conference was not to find consensus, but rather to ‘stimulate informed discussion and debate on different policy options and models for land redistribution in rural South Africa,’ and to clarify the ‘trade-offs’ involved in policy making and the costs and benefits of various choices (PLAAS 2019). This was reflected in the conference process: After the initial plenary presentations, conference participants would be invited to attend one of three parallel working groups, each convened around one of the ‘position papers.’ (It was specifically suggested that participants should attend the position paper to which they were most attracted). In these working groups, discussion would be aimed at elaborating, consolidating, clarifying and refining the policy positions set out by the original author. In order to ensure that this happened, discussion was guided by appointed facilitators, who in turn had been provided with detailed instructions stipulating the importance of concentrating on the ‘five key questions’ (‘allowing around 15 minutes per question’) (PLAAS 2019). The results, recommendations and proposals of these working groups would then be reported back to plenary for further discussion.

Clearly, much can be said at the technical and process level about the merits or disadvantages of this rather controlling approach to facilitating conference discussion. This, however, is not my concern in this paper. My purpose is not to judge whether or not the conference ‘worked’ as a space to promote useful or probing discussions about land reform. Rather, what is interesting for me here is how these aspects of the conference organisation speak to the underlying challenges I have set out above. How did the conference work as an attempt to turn ‘land’ into a policy matter? How did it go about framing this issue—one of the most explosive, emotionally charged and

polarising in present day South African politics—in a way that rendered it amenable to rational and technical arbitration? And how can we understand the relationship between our own policy discourse at the conference and the contentious political debate unfolding on the national stage?

My interest, in other words, is in the discursive politics of the conference. In staging the debate as we did, we were not merely seeking to contribute to the national debate, but also to shape it in a specific way: to frame the issues in ways that allowed particular sorts of discussions and deliberations to emerge and get traction, and thus also to insert ourselves within it in a particular and perhaps even notionally privileged position. These intentions shaped both the design of the conference and the content of the presentations and discussions that took place during it. In its focus and in its organisation, the conference suggested an implicit view of the nature of the South African land reform debate, of how the terrain of this debate should be understood, where different policy points of view were to be located on this terrain, and how they should be compared.

One aspect of this process of framing, for example, was the choice of keynote papers and presenters themselves. This was not neutral. Clearly, they were selected to represent the most important of the stylised policy stances and ideological projects that have characterised the land reform debate as it unfolded in professional and institutional circles since the 1990s. In addition, it also seems possible that the way these papers were presented—‘neoliberals’ at the one extreme, ‘radicals’ at the other, and a more moderate ‘third way’ in the middle—imply an implicit rhetorical positioning: one that subtly privileges the last point of view, and suggests that sensible, realistic land reform policy-making requires abandoning the ideological blinkers of both the doctrinaire free-market right and the revolutionary left, and finding a less ideological terrain somewhere in the middle.

Similarly, many aspects of the conference orchestration—the detailed instructions to the authors, as well as the structured and directed nature of the facilitated discussions—appear to be part of an attempt to impose a higher level ‘matrix of legibility’ on the policy debate by specifying a series of cross-cutting key questions (beneficiary selection, delivery mechanisms, tenure rights, forms of support, etc) that would permit the different policy frameworks to be rationally compared and contrasted.

My purpose in this paper, then, is to explore and reflect in more detail on this meta-discursive politics. My interest is in understanding how the conference functioned as an attempt to ‘turn politics into policy.’ How do people go about the task of making available a matter for rational and reflective discussion as affectively charged and politically explosive as the confrontation around land ownership in South Africa? What were the implicit assumptions of the conference participants (and its designers), not only about land and agriculture, but also about the nature of South African society, the risks and possibilities of its politics, the prospects for resolving political disagreement, and the forms of reasoning and argument that can be used in doing so? And how can we think about the relationship between these kinds of political reasoning and the much more contentious debates about land taking place elsewhere in the South African political system? By looking at these questions, I hope to learn more about the nature and state, not only of the land debate but of policy and political discourse in South Africa more generally.

3. The political rationality of land reform

I begin by looking in more detail at the three position papers that were presented for discussion at the conference. These papers can function as exemplars of three significant and interestingly different ways of making ‘policy sense’ out of land reform. Here, however, I want to subject them to a more searching and probing investigation, and to ask different questions about them, than those we proposed at the conference.

My aim is to consider them as case studies of ‘reasoning politically’ about land reform. Rather than focus on the mechanisms of land reform (one of the key issues at stake in the EWC debate), or the different economic models that should inform project design (an often-disregarded issue centrally important to us as PLAAS researchers) I am interested in their assumptions about how land reform fits into South African politics:

1. What is the political rationality of land reform, according to the authors? How and why, in other words, does it make political sense? What is their implicit understanding of the nature of South African society, the challenges facing it, and the role of land reform in resolving or addressing those challenges?
2. What is their understanding of the politics of land reform and the nature of political deliberation within it? What are the key challenges, trade-offs, conflicts of interest or antagonisms that they understand to be at stake; and what are the processes by which these can be resolved or addressed?
3. How do the papers themselves function as instances of political reasoning? What is their own implicit or explicit agenda or aim? How do they go about persuading their audience? What kinds of evidence do they present, and how do they reason about these kinds of evidence? What are their strengths and limitations as interventions? What insights do they enable, and what issues do they seem to be blind to, or pass over?

These were not matters that were part of our brief to the presenters. Yet by looking at their stances on these issues (even if these are only implicitly or tangentially addressed), interesting and important differences emerge.

3.1 Vink and Kirsten: land reform outside the state

I begin with Vink and Kirsten’s paper, entitled ‘Principles and Practice for Successful Farmland Redistribution in South Africa’ (Vink and Kirsten 2019). This paper is interesting in that, at first glance, it appears to pay little attention to the question of why land reform is necessary at all. Other than some very general references to ‘the injustices of the past’ and a bromide right at the start to the effect that land reform ‘is a broad social challenge that requires the commitment of every South African to ensure the sustainability and prosperity of an inclusive South African economy’ (p.5) the paper offers no explicit or sustained account of the political rationality (or even

the economic rationality!) of land reform. The few justifications that are offered are couched in oddly sentimental and even clichéd language. The proposal that white farmers, businesses and members of the urban elite should contribute to land reform, for example, is announced as ‘the Thuma Mina call for land and property owners’ (p.22)—a reference to President Cyril Ramaphosa’s famous invocation of the eponymous Hugh Masekela song as part of a call for general participation in a process of national renewal. Land reform, in other words, is the ‘right’ thing to do, the *patriotic* thing to do, because it is part of a broad process of nation building and national reconciliation. While it seems to be broadly assumed that land reform is necessary for (or at least compatible with) the aims of broad-based economic growth, poverty reduction, job creation and so on, the paper offers no argument of why land reform specifically is needed to achieve these aims.

There is, of course, an implicit theory: the paper is clearly based on the assumptions (1) that land reform is primarily about de-racialising land ownership in South Africa’s rural areas, (2) that ‘land redistribution is mainly to be about farming’ (p.6), and (3) that the specific form of commercial agriculture that characterises mainstream, white commercial farming—capital and skills intensive, highly financialised, and tightly integrated into retail and export value chains—is the most desirable, efficient and rational model to be followed. But these are not discussed in detail. Instead, the paper is entirely focused on the mechanisms required for the efficient and sustainable transfer of agricultural land to prospective farmers.

Not unsurprisingly, the paper essentially doubles down on the controversial ‘willing buyer, willing seller’ (WBWS) policy: the notion that the acquisition of land, even when effected by the state, should rely on arm’s length market transactions (Lahiff 2007). For the proponents of EWC, of course, the failure of land reform is often laid at the door of WBWS (see e.g. Eyewitness News 2017). In contrast, Vink and Kirsten argue that the failure of land reform since 1994, far from vindicating the critics of WBWS, is due to the fact that ‘market assisted’ land reform *has not really been tried yet* – supposedly because the programme suffered from an excess of state control (p.7). As a corrective, Vink and Kirsten propose a model for ‘state incentivised but private sector delivered’ land reform that promises to sidestep state involvement almost entirely. This proposal, which essentially reprises and elaborates on the ideas put forward by the authors in their work for the National Planning Commission’s National Development Plan (NPC 2011: 206ff) involve a radically localised, or at least regionalised approach, in which the management and implementation of the programme is to be the prerogative of District or Local Land Management Committees (LMCs). These are to be composed of representatives of relevant stakeholders from the private sector and civil society. Interestingly enough, while the LMCs are to be invested with statutory powers, government will have no say in how they are actually run: government officials are only to have secretarial powers, and while an oversight role is to be given to the Department of Monitoring and Evaluation, the authors appear to envisage that these bodies will ultimately be accountable only to the local constituencies they represent. The LMCs are thus to be highly autonomous institutions, charged with crafting locally appropriate ‘visions’ for agriculture and rural development in their area of jurisdiction, and then identifying ‘opportunities’ for projects aligned with this vision, for which ‘beneficiaries’ can then be invited to apply.

A distinctive feature of Vink and Kirsten’s paper is the significant emphasis they place on voluntary contributions from current landowners and indeed from members of the elite more generally:

while the state is still expected to contribute towards the financing of land reform, and for covering the risks faced by investors, the financial and institutional vehicles proposed are oriented as much towards facilitating donations of land, money, resources and other skills from existing commercial farmers and their partners. This is an interesting inversion of the terms in which expropriation is usually debated: far from EWC being a necessary coercive measure through which land reform has to be forced on a recalcitrant white farming class, they suggest that the real problem is that government has been putting obstacles in the way of voluntary donations of land! Much attention is also paid to the mechanisms by which such contributions can be incentivised, e.g. through providing guarantees of future tenure security for contributing farmers, or by according ‘empowerment’ recognition to farming properties.

These different aspects of Vink and Kirsten’s proposal are closely interconnected. Indeed, their lack of interest in providing any overarching justification of the political or economic rationality of land reform is completely consistent with the general design of their proposal, because in a very real sense that question, as they approach it, can only be answered at local or district level. The whole point of their proposal, they say, is precisely not to ‘impose a single vision of land reform across the entire country,’ but rather to propose a decentralised platform that provides the ‘opportunity to experiment’. In a sense, their proposal is that there should not be one but (at least) 44 agricultural land reform programmes (one for each of South Africa’s rural district municipalities), with the direction, focus and rationale for each being locally determined.

A central design feature of the approach they propose is thus that it renders political deliberation about the content and design of land reform on the part of the state unnecessary—and indeed impossible. Theirs is a proposal for land reform that happens outside, and, indeed, in spite of the state: funded by it, to be sure; legitimised by its constitution and given legal force by its laws but, in terms of its content and design, beyond the reach of the control and direction of institutions of government. (It is this, and not any faith in the superior efficiency or rationality of markets, that make Vink and Kirsten’s paper ‘neoliberal’ in the technical sense of the word. As Nikolas Rose pointed out many years ago, one distinctive feature of neoliberalism as a philosophy of government is the denial of the possibility of government in the name of ‘society as a whole’; this is accomplished not only through the marketisation and privatisation of the ‘social’ state, but also a new emphasis on ‘government of and through community’ (Rose 1996).)

Interestingly, very little argument is provided in support of this approach. When the issue comes up, Vink and Kirsten refer in sweeping terms to the inefficiency of the state and the danger of bureaucratic delays, and to the notion that the involvement of the state ‘inevitably’ means that the land reform process will become corrupted. As support for this conclusion, they point to the deplorable track record of the South African land reform programme, in which, they aver, viable and well-intentioned attempts on the part of private citizens to transfer land to beneficiaries have been undermined by government inefficiency—and, indeed, by active sabotage by state officials (p.16). They have rather irritable words for anyone who is naïve and unrealistic enough to expect government officials to have the ability to deliver land reform efficiently:

'It is precisely because of this bureaucratic reality, inherent corrupt practices and elite capture by officials and the party faithful that led to our proposal of a process outside the systems of the State. This has been our argument since 1994 and it took 25 years to have enough evidence to prove that we were right from the beginning (see Van Zyl, Kirsten and Binswanger 1996).' (p.16)

As arguments go, this is not very convincing. It is of course true that at present the South African state has a terrible track record, not only in relation to land reform but in relation to almost everything government is supposed to do for its citizens. But that is an argument for *fixing* the state and *stamping out* corruption, not for seeking to act outside the state entirely.² And, despite what Vink and Van Zyl have to say, broader international experience does not bear out their broad generalisations about the supposedly inherently unsuitable nature of government as an institution in delivering land reform. Indeed, the volume they cite in the passage quoted above, a collection of essays entitled *Agricultural Land Reform in South Africa: policies, markets and mechanisms*, does not offer much support for their proposal at all. While the volume does contain a detailed review of the historical experience of land reform programmes (Kinsey and Binswanger 1996), and while that chapter does contain important lessons about the dangers of excessively centralised state control, there is nothing in those arguments that supports the notion that the state should be entirely sidestepped. The most important danger Kinsey and Binswanger identify in land reform programmes with a high degree of 'official administration' is not corruption but excessive *paternalism* (p.115), and the adjustment they propose in response to this risk is not that the state should be side-lined altogether, but rather to make more space for local community participation and to ensure a stronger role for local government.

These elements are conspicuously absent from Vink and Kirsten's proposal. In fact, quite a few of their proposals around supporting smallholders and emergent farmers into commercial production (e.g. the tightly specified conditions to that have to be met before 'new farmers' can qualify for ownership, and the significant role accorded to 'mentors' and 'strategic partners') seem to replicate the 'paternalism' criticised by Kinsey and Binswanger. Vink and Kirsten's proposal, with its strong emphasis on facilitating the intentions of local 'benefactors,' the wide discretion accorded to LMCs, and the limited participation of 'beneficiaries', seems to be informed not by a willingness to learn from the lessons of the past, but rather to create local development vehicles that put the existing holders of land and allied members of local elites in the driver's seat, and to create a process within which political intervention on the part of government is almost entirely impossible.

Clearly a lot more can be said about Vink and Kirsten's proposal. Indeed, some discussion is probably merited as to whether it is a proposal for land reform at all, or whether it can't be more accurately characterised as a proposal aimed at making land reform impossible in any but the most pro forma and tokenistic way. For the purposes of my argument, the most relevant and remarkable aspect of the proposal is in a sense what can be called its *anti-political* character: it is a proposal

² Indeed, one might argue that the framework Vink and Kirsten propose (a highly localised system with minimal provision for government oversight and strong emphasis on the local transfer of resources and skills) seems almost tailor made for ensuring *more* corruption and elite capture.

that seeks to place the process of land reform outside any formal state-wide process of social or political deliberation whatsoever.

3.2 Jara: solidarity and political redemption

Mazibuko Jara's keynote (Jara 2019) was entitled 'Land redistribution in South Africa: pondering the solidarity economy alternative'. It should be said that at the time of writing, no final version of this paper exists: my comments here are based on the draft circulated to participants on the eve of the event. Many of the sections of the paper are not entirely complete, and it needs to be acknowledged that its formulations are provisional and exploratory.

At the same time, within those limitations, Jara presents an interesting counterpoint to Vink and Kirsten's paper: although it is not final, it is, within its own terms, clear and coherent, and it presents a view of the politics of land reform that is strikingly different from theirs—while also displaying some significant continuities.

At a first reading, Jara's paper is almost the mirror opposite of Vink and Kirsten's. While Vink and Kirsten pay very little attention to the economic and political rationale for land reform, it is front and centre for him. While their vision of land reform is incremental, even minimalist, Jara's paper—presented in language that is notable for its ebullient and energetic tone—is strikingly ambitious in its scope. And while their discussion of the mechanisms and institutional arrangements required for land reform is specific and detailed, Jara's is rather vaguer.

For Jara, the economic and political rationale of land reform is found in the economic and social dysfunction of South Africa's present agrarian structure: a structure that not only perpetuates the deep inequality and injustice inherited from apartheid, but which is also biophysically unsustainable and ecologically destructive (p.7). The purpose of land reform is to help resolve these contradictions and areas of dysfunction via a fundamental process of transformation that will not only encompass agriculture and the food system, but (eventually) South African capitalism itself.

The eventual aims of land reform are thus almost dauntingly ambitious: rather than promote a somewhat more inclusive, deracialised productive sector, land reform should be done in a way that resolves all the contradictions experienced in South Africa's agrarian structure, in order to enable 'equity, redress, universal food sovereignty, decommodification and ecological sustainability' (p. 7). Even to succeed in the most minimal terms, this intervention will have to go far beyond the limited restructuring in agricultural ownership imagined by Vink and Kirsten; it will require a radical reconstruction of almost every single aspect of the institutional, legal and political organisation of South Africa's agro-food sector: 'land ownership and water resources, infrastructure, financing, input supply, support services, distribution, processing and marketing as well as other transformative interventions that go beyond the agricultural economy' (p.8). In the urban areas, redistribution interventions will need to be accompanied by 'access to services,

opportunities for meaningful work given chronic and structural unemployment, a social wage, public goods, a measure of local food sovereignty through scaling up urban agriculture, and addressing shacklordism through support for social movement organising among poor urban dwellers' (p.11).

How are these changes to be effected? Here, Jara's proposals seem to be characterised by a degree of ambivalence. On the one hand, he unequivocally gives the state a central, even decisive role: the state should be the main institution for acquiring land (p.3), should play a key role in guaranteeing and protecting tenure security (p.4), is a crucial institution in local and district level economic planning (p.2), and should create an enabling context for the 'solidarity economy' on which agrarian reform depends (p.8). At the same time, the state is clearly a problematic agency for change: not only are its institutions fragile and dysfunctional (p. 10); neoliberal interests have captured its agenda, and its institutions and officials are often indifferent or hostile to the needs and perspectives of poor and marginalised people, tending to underestimate their economic or productive potential (pp.5,10). In order to fulfil its role, a thoroughgoing transformation of the state itself is therefore required: not only is there a need to build new institutional capacities within it; there also needs to be a programme of 'reskilling and awareness building' that reaches state and municipal officials, the landless, social movements, NGOs, estate agents, the courts and other relevant stakeholders. Ultimately, Jara's argument is that the real driver of agrarian reform cannot be the state, but has to be the 'agency and power of the landless', exercised 'from below' (p.2).

This conceptualisation of the nature of 'power from below' (and of the political subject that exercises it) is the crucial issue in Jara's paper. This popular revolutionary subject has two interesting features. On the one hand, it is remarkably broad and diverse in its composition: it includes 'unemployed people, farm workers, farm dwellers including labour tenants, small farmers, those who suffered evictions since 1994, as well as the urban landless, in particular dwellers in urban informal settlements and inner-cities' (pp.9-10). But despite this diversity, their interests and concerns are assumed to be ultimately harmonious. There is no consideration in Jara's argument of the possibility that there could be any essential tension between, for instance the need of farm workers and small farmers of decent wages and good farm-gate prices, and the need of the urban proletariat for cheap food. Instead, it seems that their shared situation as members of the subaltern and excluded classes is assumed to guarantee that their interests and concerns will and can ultimately be harmonised.

Here, the notion of the 'solidarity economy' plays an pivotal role in Jara's argument. Although he does not specify this concept in much detail, he appears to be referring to the notion of an alternative, 'interstitial' form of social and economic organisation existing within capitalism, in which economic relations are not governed by the profit motive but rather by an ethos of mutual support and co-operation (e.g Satgar 2014). In Jara's argument, the notion of the solidarity economy does two things. Firstly, it offers a way to bridge the daunting gap between the enormous revolutionary task he defines as essential for meaningful change and the dispiriting reality of fragmented organisations, limited capacity, dysfunctional state organisation and alienation that

constitutes the reality of life for poor and marginalised landless people under present day capitalism. In this context a solidarity economy developing in the interstices of the capitalist economy can be a space in which the seeds of an alternative and socialist reality are nurtured, ‘building tomorrow today’.

Secondly, solidarity functions here as a source and vector of political virtue. The systemic or structural disruption of capitalism can, Jara says, offer ‘new conditions and possibilities for human development’ including the space to collectively construct ‘new values’ and social relations (p. 18). Participation in the solidarity economy is the means by which the alienation and the fragmentation produced by capitalist society can be transcended. One of the most interesting features of Jara’s rhetoric, in fact, is the tendency to dichotomise political space: to conceive of political struggle in terms of the tension between, on the one hand, the heartless calculations that characterise formal structures (such as when land reform policy is described as “a stale process concerned with technicalities around [the] meaning of legal words, and [the] technical possibilities such words grant to society” (p.2)) versus the living, generative and redemptive energies of ‘living customary law’, informal associational life and popular solidarity. It is hard to resist the notion that Jara’s argument essentially sees the struggle for an agrarian revolution as a spiritual practice. Ultimately, what he offers is a deeply voluntarist conception of social change as something possible only through the purifying capacity of revolutionary intention: it is the redemptive power of solidarity (allied with the capacity for critical reflection) that will allow the dispossessed to overcome, not only the adversity and obstacles that face them, but also their internal fragmentation.

Gemeinschaft, then, not *Gesellschaft*: the ultimate guarantor of the integrity and coherence of land reform lies not in the ability of the state to mediate between and reconcile the divergent interests that emerge within society; but rather from the ability to be sensitive to the demands and priorities of authentic local communities as these emerge ‘from below’. Jara’s is a conception of popular subjectivity that does not admit any possibility of significant internal differentiation or conflicts of interest; rather such conflicts are assumed to be automatically (or eventually) transcended by the organic unifying dynamics of the popular will.

3.3 Aliber: land reform as an art of government

Aliber’s paper, entitled ‘How can we promote a range of livelihood opportunities through land redistribution?’ (Aliber 2019) has interesting points of both difference and similarity with the other papers. On the one hand, like Jara’s and unlike Vink and Kirsten’s, Aliber’s argument for the political rationality of land reform is strongly connected to a clear (if implicit) argument that it can and should play a key role in a coherent *national* economic programme that can help to address deeply entrenched economic inequality and poverty. The aim is ‘to use land reform to create a range of livelihood opportunities, in meaningful numbers, in proportion to the understood need’ (p.4). This approach to land reform finds its *raison d’être* not in romantic ‘*Thuma Mina*’ rhetoric but in an understanding of the specific role that access to land plays: not only in smallholder and subsistence farming, but also as a social resource for livelihoods and informal welfare production

in South Africa's rural areas and on the peri-urban periphery (p.5). On the other hand, like Vink and Kirsten, and in contrast to Jara, Aliber proposes a relatively modest land reform programme: the approach proposed by him does not constitute 'dramatic agrarian reform' and does not propose to overturn the prevailing agro-food system—partly, he says, because we do not know how to do it, and partly because 'there is little taste for it' (p.17).

Most importantly, Aliber's paper differs from both the other keynote papers in the attention it pays to the lessons that can be learned from the land reform programme's track record as it has been implemented in South Africa to date. Both Vink and Kirsten and Jara simply dismiss actually-existing land reform in its entirety: the former because it is overly bureaucratic and compromised by corruption, and the latter because it has been captured by 'neoliberal interests'. Aliber's approach, in contrast, is to consider carefully both the achievements and the shortfalls of the programme and to use these lessons to inform programme design that can achieve his proposed livelihood creation aims within the context of the fiscal, institutional, bureaucratic and political limitations encountered in South Africa.

Two key features distinguish the design of the land reform programme proposed by Aliber. Firstly, in relation to the 'state versus market' debate it proposes a mixed model that considers the 'respective strengths and limitations of government and other role-players' and 'market-based versus other mechanisms,' seeking to deploy each optimally (p.2). Secondly, it is highly differentiated. In fact, Aliber proposes not one but *three* land reform programmes: firstly, a settlement-oriented programme of land reform, aimed at making small plots of land available for pluri-active households that have some interest in pursuing agriculture as part of a portfolio of livelihood activities; secondly, a smallholder programme aimed at making much bigger (but still, in South African terms, quite modest) parcels of land available for commercially oriented family farmers; and lastly, a state-subsidised but market-led programme for medium to large scale capitalist farmers requiring much larger pieces of land. For each of these programmes, the mechanisms, pathways, conditionalities, forms of assistance proposed and mix of state-market mechanisms are quite different.

One of the most interesting features of Aliber's proposal is the central role played within it of technical deliberation and biopolitical calculation. This is where the difference from the other two keynotes is most marked. While the other two papers in their different ways refuse to acknowledge the legitimacy or even the possibility of the exercise of 'governmental reason', the careful deployment of technical governmental deliberation to manage competing interests and prioritise rival demands is a central feature of Aliber's paper. This contrasts with Vink and Kirsten's rather cavalier disregard for the class content of land reform, and also with Jara's propensity to lump a wide range of different beneficiary groups together as if their interests are intrinsically aligned. Repeatedly in the discussion, the paper returns to the need to think carefully about how limited resources can be optimally distributed between a range of competing stakeholders (p.4), and how these diverse needs can be addressed 'in a balanced manner' (p.2). This concern animates, for instance, the discussion of the allocation of resources between the three different programmes,

and the problem created by the fact that the most expensive programme—land reform for medium to large scale black capitalists—is also the one with the least social benefit, both in terms of number of prospective beneficiaries and in respect of its pro-poor content (p.16). Land reform, Aliber argues, needs to be informed by the need ‘to focus the state’s limited administrative capacity where it is most needed—i.e. for the benefit of smallholders—and reduce it where it can be, which is where large-scale farming opportunities are concerned... the main thing is to use whatever capacity exists more intelligently’ (p.9) Similar concerns inform his recommendation against an overhasty intervention in the agro-food sector, and the need to ensure that change is ‘gradual enough to not cause significant chaos in the established commercial farming sector, which would be to the detriment of the poor’ (p.17).

This calculative deployment of governmental reason does not only arise in relation to the competition between different beneficiary groups and constituencies, but also with respect to the capacity limitations and orientations of government institutions and officials themselves. Again, the difference with the other two papers is striking: for the other authors the notion that government might be limited or dysfunctional, or that officials might have their own agendas, is the reason for being suspicious of the state as an implementing agency as such. In Aliber’s paper the capacity and ‘public choice’ considerations are considered as real but legitimate limitations, and inform the calculative rationality of his approach. Here, too, the recommendations are usually about making the best of a compromised and difficult reality, as when he recommends that municipalities are probably the only institutions that can manage land acquired for commonage projects, in spite of their obvious disinclination to do so (p.13) or where he concedes that one of the attractions of land reform for medium- to large-scale black farmers is that it would help state officials meet their (actually rather arbitrary) hectare targets (p.7). The bias of officials within the existing department of Rural Development and Land Reform (as it was then) against subsistence and smallholder farming is explicitly acknowledged (e.g. p.9), but rather than simply being seen as an obstacle it functions as a design consideration: ensuring that land is allocated to smallholders in the plot sizes they require ‘will require a deliberate strategy that takes into account both the ‘pro-commercial’ proclivities of officials, and the obstacles (e.g. transaction costs) that make it difficult for those wanting small amounts of land to get their need addressed through the existing land redistribution programme.’

This careful strategic deployment of calculative rationality is also at work in the way Aliber conceives of the relationship between the state and its clients. Rather than seeing the institutions of the state simply as the instrument of local beneficiaries and actors (as both Vink and Kirsten, and Jara do in their various ways), attention is given to a micro-economic analysis of the incentives and disincentives that shape the behaviour of both state officials and citizens: the design of land reform should be informed by the tendency of prospective beneficiaries to game the grant formula (p.7) and the ability of well-heeled applicants to get to the front of the queue (p.8); while land reform settlement planning as a whole should be informed by the need ‘to counter the tendency of people to “vote with their feet”’ by ‘demonstrating positive alternatives to unplanned, unsupported, extra-legal peri-urban alternatives’.

The most notable aspect of Aliber's paper, in other words, is the extent to which it consistently deploys the resources of a *technocratic art of government*, seeking to find the most effective ways of deploying limited material and institutional resources within and outside the state to achieve, if not the best, then the 'least bad' option available for land reform policy.

3.4 Policy and politics

As mentioned before, the RLQ conference was not designed to lead to any major breakthrough in South Africa's endlessly rehearsed and ideologically polarised land reform policy debates. Rather, it was meant to showcase the most important positions that have structured this debate – partly in order to sharpen and clarify the areas of disagreement, and also in order to identify possible areas of convergence. In this way its organisers attempted to send a message to policy makers (and the South African public) about which aspects of policy were relatively uncontroversial, and where political decisions had to be taken.

Above all, the conference was an attempt to change the way in which the South African land reform debate is most often framed. Since Ramaphosa's announcement in February 2018, debate had focused almost exclusively on the mechanisms that were to be used to effect land reform, and in particular on the extent to which it should rely on the coercive mechanisms at the disposal of the state. Both in the organisation of the conference and in its messaging afterward, PLAAS tried to focus attention instead on a relatively neglected, but arguably much more important question: what is the underlying vision of *agrarian structure* that should inform land reform policy? What were the models of agricultural and economic development (large-scale agriculture versus smallholder development, export oriented value chain integration versus subsistence agriculture, input-intensive 'industrial' farming versus agro-ecological alternatives) that that should inform planning and programme design?

After the conference, PLAAS published a policy brief summarising its own take on the conference deliberations, arguing (perhaps a little optimistically) that the conference had indicated that 'everyone agrees that land redistribution should be pro-poor'³, but that less agreement existed on just what this meant in practice (De Satgé and Cousins 2019:6). Most importantly, this policy brief pointed out that there was no consensus on what should be the *class agenda* of land redistribution. This was both an urgent and a soluble question: while there was substantial commitment, across ideological divisions, to 'making land reform work', important decisions had to be taken about who should benefit, and how.

In this paper, I have focused on a different issue – one that was ignored or passed over during the RLQ conference: the very different ways in which proponents of land reform understood the *politics* of land reform, the role of the state and the place of governmental deliberation within its processes. From this perspective, the agreements and differences between the three papers

³ I must confess cannot find anything in Vink and Kirsten that suggests agreement with this point of view.

arrange themselves differently. Both in the debate about EWC, and in the debate about agrarian structure, Aliber's paper appears to occupy the middle ground between the more 'extreme' positions taken by the other papers – advocating an approach that relies the involvement of both state and market; arguing for a differentiated approach that provides for 'settlement' and 'smallholder' oriented projects as well as support for medium- or larger scale farmers. But if one considers the presenters' assumptions about the politics of land reform, it looks quite different. Instead of Jara, and Vink and Kirsten being at opposite extremes, they seem surprisingly similar. Both the 'radical' and 'neoliberal' accounts are (in quite different ways) anti-political; tending to play down the extent of real conflicts of interest between the local beneficiaries of land reform, and suspicious of the state as an institution of political mediation and decision making. And both try (albeit in very different ways) to locate the seat of social and transformative action within the structures and systems of local community. Vink and Kirsten see the notion that the institutions of the state can function as spaces for meaningful governmental deliberation a bureaucratic, statist fantasy; in its place they propose a strategy for 'governing through community' that puts the responsibility for social deliberation almost entirely into the hands of a supposedly magnanimous local elite. In Jara's version the state is alienated from the people, beholden to 'neoliberal' agendas; the task of reconciling or mediating competing and conflicting demands that emerge from society should not be entrusted to the state, but to the purifying force of solidarity and revolutionary practice, which ultimately is understood to abolish the very possibility of deep social division within the body of the people. In contrast, Aliber's paper makes a virtue of the recognition of social difference and the deployment, within and outside the state, of a calculative and strategic governmental calculus that is quite absent from the other two papers.

At the same time, Aliber's paper appears to be, in a different sense, blind, or at the very least, uncomfortable with *politics*. Here, the commitment to 'technocratic reason' is at the same time its key source of strength and its greatest weakness. As a credible exercise in how land reform policy can be used to support pro-poor economic growth in achievable ways, it comes across (to this reader at least) as completely plausible. But for it to become real at all presupposes a state that is willing and able to engage in this kind of technocratic deliberation: a state, in other words, that is immune to (or at least willing to resist) the pressures of the kind of affectively charged political theatre that constitutes the central current of the land debate as it is actually conducted in South African public life. While Jara and Vink and Kirsten's papers are marked by a suspicion of technical governmental reason, Aliber's appears to be characterised by a desire to insulate land reform from the affective intensity and racialised charge of contentious politics. Note the inconsistency here: while Aliber's account of the role of the state as an *implementing* agency takes pains to be realistic about both the capacity limitations and the micro-political pressures that inform decision making and the allocation of resources, the paper seems to be written in the hope that, *as a policy maker*, it is possible for the state to ignore all those pressures and to let the design of land reform be informed by pure biopolitical calculation.

South Africa's racial politics, in fact, are more or less absent from Aliber's account. While a detailed and careful form of technocratic calculation is central to his paper, there is little consideration of

the broader popular and political impetus for land reform that causes the land question to arise in the first place. Here, the contrast with Jara and Vink & Kirsten's papers is again clear. The latter two papers are informed by a lively awareness of the risks and opportunities posed for government by the public demand for historical redress and racial justice in relation to 'the land question' as it is understood in the South African media. Aliber's paper on the other hand, is framed almost entirely in technocratic terms: while his paper is abundantly sensitive to the extent and importance of class differentiation, race hardly comes up at all. In Jara's paper, for instance, the word 'black' occurs 10 times; in Vink and Kirsten, 13 times. In Aliber's, 'black' is used only five times – and three of those instances are with reference to quotations from other authors.

This informs how the papers are written, and also to whom they seem to be addressed. For Vink and Kirsten, the affectively charged and racially loaded public pressure for land reform is a danger to be considered and, if possible, outwitted: perhaps this is a cynical reading, but their proposal seems to make sense mostly as a proposal to business-friendly elements within government about how land reform can be 'seen to be done' without actually unsettling the existing relations of agrarian power to any great extent. For Jara, popular disaffection is a resource to be channelled, not a threat to be avoided: the aim is precisely to prevent the 'postponement of social instability' and to enlist popular pressure for fundamental change in a more overtly revolutionary project. His argument is not addressed to policy makers, but to activists and community organisers; the paper is a rallying cry for them to put their shoulders to the 'wheel of struggle' (Jara 2019: p.20). Aliber, in contrast, seems to see these political pressures as something that draws attention away from the 'real' technical tasks at hand. Consider his final paragraph:

In the short term, however, the most significant advantage of the above that it would hopefully generate new lessons as to what works and what does not, including how to subdivide, how to identify suitable land for rural and peri-urban settlement, and how to undertake 'managed land settlement' at scale. The fact that we don't know how to do these things more than two decades since the beginning of land reform is lamentable; the fact that it's not too late to start trying, is reason for hope (Aliber 2019, 17).

Note the almost wistful tone struck at this crucial moment in the history of land reform: the sense of belatedness and marginalisation articulated by someone who has great ideas about how to make land reform work... if only the politicians would listen.

4. Techno-politics and populist reason

So, what about the politicians? Thus far I have been arguing that one of the issues at stake between competing policy narratives about land redistribution in South Africa is the way in which they rely on very different underlying notions of the politics of land reform and the nature of governmental deliberation within it. It seems that there is a choice between visions of land reform that seek to sidestep or dismiss the question of how to deal with complex conundrums about the optimal use

of resources to meet discrete, competing, and yet legitimate social needs, and those that accept it as a defining and central task of government.

This brings us to an interesting juncture: If we accept the second alternative—if land reform is, among other things, to be approached as a problem of techno-political deliberation, this raises a new question. It presupposes a state *capable* of such techno-political deliberation; capable of making high level political decisions (about the direction and purpose of land reform) and responding appropriately to local level demands.

There are two problems with this. The first is that at present we do not have such a state—we have an incapable, dysfunctional, crisis-ridden state, a state that cannot even govern itself, never mind the country as a whole. The second is that in the wider context of South African politics, the very legitimacy of this kind of political reason is being challenged. In fact, one of the most daunting challenges involved in thinking through the present-day politics of land reform (and South African politics more general) is that the value and place of technocratic deliberation and specialised policy making in South Africa’s democracy is crucially in question. It is to this problem that I now turn.⁴

4.1 #OurLand and political belonging

Let me begin by considering again the political conjuncture within which the RLQ conference was held. An interesting feature of the way the public ‘land debate’ in South Africa is conducted is that, while the policy questions considered at the conference are central to the *technical* task of creating an economically viable land reform policy, they are in some ways almost entirely irrelevant to its political *salience*. Policymakers or academic commentators might get excited about how to make the redistribution of agricultural land ‘work’ or how to ensure that it is an economically sustainable, ‘smart’ policy (e.g. May and Carter 2019). But these questions are largely absent from public discussion and, indeed, often seem to be regarded as frustrating or even obfuscating when they emerge.

One reason for this is that the most important source of pressure for land reform is not the demands of the rural poor, the marginalised smallholder farmers or even the medium sized capitalist farmers who might arguably be its central beneficiaries. In fact, one of the most remarkable features of the ‘land sector’ in South Africa is the absence of any powerful mass-based rural social movement, and the relative weakness of the civil society networks that (claim to) speak on behalf of the landless rural poor. The failure of agricultural land reform in present day South Africa has become an explosive political issue, not because of mounting pressure from these quarters, but because it attained such symbolic significance in its *urban* politics. The most important distal cause of the centrality of the land issue in South Africa today is, paradoxically, the failure of the South African economy to create jobs (or indeed any sense of meaningful economic inclusion) within the *non-farm* economy. What is driving the radicalisation of land politics in South Africa is the sense of growing anger and despair over the persistence of poverty and structural inequality in the country *as a whole*; a problem that is due to much, much more than simply the failure to redistribute land.

⁴ This is not to say that the first problem—the ‘crisis of governability within government’ and the failure of the present government to build a capable state—is not equally important. But that is a matter for another paper.

Land, in other words, matters here—not simply as a factor of production or even as a social resource, but as a symbol. In the context of the generalised crisis of legitimacy of the post-apartheid order the notion of the ‘theft of the land’ acts as a powerful, viscerally felt metaphor for the general social and economic marginalisation and disenfranchisement of South Africa’s marginalised and impoverished black majority. The fact that the lion’s share of farmland is owned by white farmers and large corporates is politically contentious, not because of what it means for rural livelihoods, but because it is a political shorthand for the perpetuation of ‘white privilege’ (and black abjection) as such.

Very often, these ‘emotive’ and ‘symbolic’ aspects of the land debate are treated as spurious; as examples of overly racialised, affectively charged, and misleading forms of populist discourse that need to be avoided if workable solutions are to be found. This, I would argue, is mistaken. Engaging with the politics of the land question requires a serious confrontation with its symbolic and affective dimensions, an appreciation of its salience and significance, and an understanding of its role in the discursive construction of political frontiers in South Africa.

Here, the question to ask is: why is it that *land*, rather than any other arguably equally important issue (e.g. education or jobs) has come to be such a rallying cry? Why is land so powerful, so resonant? Why, for example is the cry for the return of the land on the lips of so many black *university* students who appear have no actual desire to return to farming themselves? Part of the answer seems to be that discourse around land functions to construct a specifically *nationalist* subjectivity. To talk about land is to talk about *belonging*; it is to talk about what President Ramaphosa terms South Africa’s ‘original sin’; colonial dispossession. It is, in other words, to invoke, without saying it in so many words, the *national* question—and to challenge the terms upon which the post-colonial democratic order has been shaped. It is to insist, above all, on the central salience of ‘*race*’, and to fasten attention on the perpetuation of white privilege in a black republic (see e.g. Ntsholo 2016). The stolen land symbolises the violated black body of a thwarted African nation, and the demand for its return is central to a discourse that allows the articulation of a whole range of arguments which are otherwise silenced or marginalised within ‘non-racial’ political discourse.

This is the real significance, I have argued elsewhere, of popular demands for expropriation without compensation: it proceeds, not in the first place from a concern with the fiscal implications of land reform, but from a call for *moral* vindication. The land, as Andile Mngxitama of Black First, Land First (BLF) never tires of pointing out, belonged to black people to begin with. Black people should just take it back, by force if need be, and damn the policy niceties. The call for EWC, Stephen Grootes suggests, is not only a demand that marginalised black South Africans should *get* something, but also a demand that those who have improperly benefited from apartheid injustice (and who continue to live high on the hog even now, 25 years after ‘liberation’) should *lose* something (Grootes 2018). The demand for expropriation without compensation is above all a call for the symbolic and performative vindication of the prior moral right of those who can claim their ancestors were here first. Hence my argument that the key question at stake in the EWC debate is not so much who the ‘land’ should belong to but whose *country* this is (Du Toit 2018).

In other words, the land debate as it is articulated in the public realm in present day South Africa, is not about land as a factor of economic production at all. Rather, land functions as a central concept in a critique of South Africa’s non-racial postcolonial constitutional dispensation. , and

allows for the indirect articulation of otherwise occluded and politically repressed questions about national and postcolonial identity. Like the similarly intractable debate unchained by Democratic Alliance (DA) leader Helen Zille around the value and significance of South Africa's colonial heritage, it is a way of implicitly asking who really belongs here? ... and who does not?

4.2 Varieties of political reason

I will return to these difficult questions in due course. First, however, it is time for a short theoretical interlude. The arguments above all point to one of the most interesting and perplexing features of the RLQ conference – the enormous political and institutional gap between the discussions taking place at the conference and the cut and thrust of contentious politics in the 'real world' outside the conference venue. Clearly there are many ways of thinking about this gap (and how to bridge it). For now, I want to look at one specific aspect: The disconnection between different ways of framing the land question—on the one hand, as a question of economic policy and rural development; on the other, as a question of national identity and political belonging—is only one aspect of a much deeper disjuncture between two very different kinds of political reason, each with its own distinctive discursive character and ground rules.

4.2.1 Techno-political deliberation

On the one hand there is the realm of technical policy deliberation; the kind of discursive practice of which both the RLQ conference and the Advisory Panel process that it was seeking to influence are good examples. The central feature of this form of political reason is that it is designed to frame politically contentious issues in ways that make them available for forms of decision making that are not directly overdetermined by ideological priors *or* by political or institutional interests. This is not to say that this form of discourse is ideologically neutral or disinterested (in fact, the opposite is true). It is just that both the need for and the possibility of this kind of deliberation arises in response to (and requires an acceptance of) a certain degree of indeterminacy. This is a point to which I will return later: for now, it is enough to observe that the word 'technical' can be misleading. Much more is involved here than the simple operationalisation of an already defined plan of action (after all, if mere operationalisation is all that is required, there would be no need for discussion or debate). Rather, the need for technical policy deliberation arises from a situation in which there is some measure of unclarity and disagreement; where the means to be employed to reach an agreed upon goal are not immediately evident, and in which it is therefore desirable that agreement or consensus can emerge from some form of ordered, rule governed, and reflexive process of *reasoning*.

As should be clear from this, one of the interesting and somewhat paradoxical features of this kind of deliberation is that it is characterised at one and the same time by openness *and* closure. Openness, because for discussion to work, there has to be agreement among the participants to 'trust the process' of deliberation itself; not to enforce some kind of consensus unilaterally, but to allow conclusions and direction to emerge from the process of structured and rule-bound enquiry. Closure, because it *is* structured and rule-bound and can only work through the enforcement of high degrees of regulation and control.

This closure has many different aspects. Firstly, policy deliberation happens, not in the open spaces of public political contestation but in closed forums, removed from public surveillance and protected from direct political interference. Secondly, the investment of these forums with political power means they are dependent on the institutions of what Foucault called power-knowledge (Foucault 1980, Foucault 2002): For social problems to be approached as objects of policy deliberation they need to be situated within specialised domains of knowledge and discourse that are understood to be politically neutral. The highly politicised, often ideologically overdetermined discourses that are typical of the politics of mass mobilisation and hegemonic struggle in the public realm are replaced by much more carefully specified policy problematics ('Food Security'; 'Public Health'; Social Protection') which are, in turn, usually linked to clearly defined disciplinary boundaries. Within these disciplinary and policy domains, the ways in which social and political problems are understood, the kinds of evidence that count, and the ways in which evidence can be interpreted are all tightly defined and conceptually specified. And thirdly, this investment of disciplinary knowledge with social power entails exclusionary processes of certification, empowerment and professionalisation that define who can speak and who cannot. Key areas of knowledge and judgement are policed as the prerogative of narrow groups of appointed officials and certified experts.

Importantly, it should be noted that there is nothing inherently undemocratic about these processes of closure, filtering and differentiation. Rather, it means that much depends on the mechanisms that allow social demands that originate in the political sphere to be taken up for discussion and mediation in the rather more carefully regulated spaces of policy and political debate. One very interesting exploration of this is provided by Callon, Lascoumes and Barthe in their discussion of what they call 'hybrid forums:' spaces where groups of interested and affected 'lay' people and citizens join scientists and experts to participate in collaborative processes of technical deliberation and research enquiry (Callon, Lascoumes and Barthe 2011). Their work is based on Bruno Latour's exploration of the scientific laboratory as a 'secluded space' in which it is possible for scientists to 'work on' a simplified and stylised representation of the world rather than the almost ungovernable messiness of reality (Latour 1993). The key insight of Callon and his colleagues is that *both* the spaces of scientific investigation *and* those of political deliberation require similar processes of abstraction and seclusion. This allows them to look in great detail at the complex processes of translation and representation that allow 'demands' and 'questions' to be taken up within secluded spaces – and for outcomes and solutions to be 'transported back' into the real world. What emerges is a vision of 'technical democracy', not as a mechanism for the definitive or final resolution of tensions or differences, but rather as an approach that allows respectful, democratic, rational deliberation to become socially generalised; and in which the needs of citizens and the research expertise of scientists are treated as equally valid. But even in this account, what is central is the ability of the those participating in these discussions to frame divisive social questions in a way that renders them amenable to rational deliberation.

4.2.2 Populist reason

Very different from this kind of techno-political deliberation is the discourse of hegemonic or counter-hegemonic contestation in the political realm. While this is often seen as the space of

‘mere’ rhetoric, passion and irrationality, it too, has distinct ground rules and a discursive logic of its own. One of the most interesting and useful discussions of this form of political contestation is provided by Ernesto Laclau and Chantal Mouffe⁵ in their work on ‘populist reason’—a term Laclau specifically coined to rescue the notion of populist discourse from patronising representations that see it as mere rabble rousing.

Laclau argued that populist discourse is significant because it embodies a distinctive way of articulating and mobilising around political demands. While in the normal run of things (at least in social democracies!), political deliberation is concerned with the ways by which social demands can be accommodated and differentially incorporated within a given social framework (Laclau 2005:73), populist politics arises when this process of ‘absorption’ and depoliticisation fails. Sometimes, of course, this can merely result in fragmented forms of disquiet and dissatisfaction. But it is also possible that a situation arises in which social actors succeed in articulating relationships of equivalence between a series of unmet demands, linking them up in such a way that it permits the formation of broader alliances, and demarcation of a widening chasm between the institutional system of government and ‘the people’ (p.74).

Laclau was particularly interested in the moments at which, in the elaboration of such connections, certain demands start accruing symbolic significance beyond their literal content. In his formulation, when this happens such a demand starts functioning as an ‘empty signifier,’ drawing its power from its ability to ‘stand for more than itself’; acting as a screen on which can be projected a whole range of other desires and issues, and thereby functioning to structure and organise a much wider field of meaning. To focus on the literal content of such demands—‘land’ in South Africa; Trump’s ‘wall’ in the USA; ‘taking back control’ in Brexit Britain—is to miss the point. In a sense the disruptive power of these demands is precisely that they *can’t* be met under the current institutional and political conditions. Populist politics, for Laclau, involves the articulation of such demands in a way that *resists* their co-optation by the technical apparatuses of governmental power and promotes the mobilisation *against* that institutional apparatus. This allows the construction of a ‘popular subject’ through the constitution of a political frontier that divides society into two camps: ‘the people’ and its enemies (Laclau 2005: 164ff, see also Laclau 2015).

A central feature of populist discourse, when it successfully engages on this terrain, is its ability to pull the rug out from under the mechanisms of techno-political deliberation, using the dichotomisation of political space to question their legitimacy. In the public sphere, participation in this debate functions, most of the time, not to build consensus or seek mutual understanding, but rather to mark divisions and to enforce political frontiers. The power and effectiveness of this strategy can be seen in the ideological and political battles taking place in recent years in the around insurgent forms of right-wing populism in the USA and Britain. Here populist politicians have proved themselves adept at turning liberal outrage into a right-wing asset, using the very attempt to enforce basic rules of deliberative discourse (e.g. through ‘fact checking’, or fruitless insistence on the need for ‘evidence’) as evidence of metropolitan elitism. Part of the power of

⁵ My account here draws heavily on Laclau’s later work, but the intellectual underpinnings for this was obviously provided by his earlier collaboration with Mouffe in *Hegemony and Socialist Strategy* (Laclau and Mouffe 2001)

present-day populist discourse, in other words, lies in its ability to muster what I have elsewhere called a kind of ‘hyper-political anti-politics’, in which popular resentment is mobilised to question the legitimacy of the forums and institutions of policy making themselves –without the need to put any coherent alternative in its place (Du Toit 2017).

These remarks throw into much starker relief the challenges faced by the participants in the RLQ conference. The different views about expropriation and land reform involve much more than differences about the desirability of EWC, or even competing proposals for South Africa’s agrarian structure. They also draw on very different visions of politics, and operate within deeply divergent—indeed perhaps even irreconcilable—assumptions about the boundaries of South Africa as a political community. The discursive contest about land reform in present day South Africa can, in other words, be conceptualised as a battle about (among other things) who ‘owns’ the land question in the first place. Those who seek to ‘capture’ it for land reform policy, either within a liberal programme of ‘governing through community’ or for an art of social democratic, technocratic, pro-poor government? Those who hope to make it the vehicle through which it would be possible to construct a broad alliance of the marginalised, working in the interstices of capitalism to transform it? Or those within the EFF and the ANC who are trying to use land as a signifier in the articulation of a nationalist critique of the underpinnings of the post-apartheid constitutional settlement?

5. Agrarian Stalemate?

It is not clear to what extent the conference managed to change the terms of the public debate about land reform, or even to what extent they managed to impact on the formal policy making process. In the months after the conference, formal attempts to resolve the EWC question continued to be plagued by internal divisions and political grandstanding. The Presidential Advisory Panel was beset by problems that undermined its ability to act as effective structure of political deliberation, partly because of its composition (its members were heavily slanted towards representatives of established interests in the agricultural sector) and partly because of the huge political pressures under which it was operating. On 19 April two members of the panel, Dan Kriek (president of Agri-SA) and Nic Serfontein (a commercial farmer) declared their dissatisfaction with the deliberations of the body and noisily distanced themselves from its findings (Singh 2019), opting instead to release their own self-styled ‘minority report’ (Kriek and Serfontein 2019). The panel finalised its own report in early May 2019. On 8 May, South Africa went to the polls, returning the ANC to government with a diminished majority; while the EFF significantly increased its seats in parliament it failed to dislodge the Democratic Alliance (DA) as official opposition. The final report of the advisory panel, released on 28 July, finessed the question of whether the Constitution should be amended, recommending instead that the detail and content of the circumstances warranting the payment of zero compensation should be set out in a new Expropriation Act.⁶ While the report contains many important recommendations around the need to reform land administration, the urgency of tenure reform, the importance of protecting women’s rights in land, and the necessity to reform the Ingonyama Trust and many other complex

⁶ The report floated the *possibility* of changing the Constitution—suggesting that Parliament must enact clarificatory legislation that determines the instances that warrant EWC—but this is only mentioned in the report’s ‘Summary of Views Regarding Expropriation without Compensation’ (p.72). The Report’s actual *recommendations* on Land Expropriation (p. 80ff) however do not actually propose this.

issues, it stopped short of saying anything about the class character of agrarian reform or of the desired impact of land reform on the agrarian structure of South Africa, noting simply that ‘the panel is not agreed on what the vision should be for transformative Agrarian Reform,’ and suggesting that this matter should be dealt with in a proposed new White Paper on South African Land Policy (Advisory Panel on Land Reform and Agriculture 2019). A decision on this issue has thus been postponed – and responsibility for implementing these suggestions rests with Thoko Didiza, the very Minister who in the early 2000’s oversaw the beginning of the drift of land reform policy away from its original pro-poor intentions.

Where does this leave the ‘Land Debate’ in South Africa? Thus far my account has focused mostly on the arguments presented at the RLQ conference and the underlying rules of the different, competing discourses that are seeking to define political and policy agendas. It may now be useful to take a step back and offer some comments on the strategic location of these different discursive projects and what this means for the ways in which the debate may play out. Crystal ball gazing of this kind is of course a risky move: only time will tell how South Africa’s land reform debate will eventually unfold. At the same time, there are some important underlying political realities that cannot be ignored.

Firstly, any serious discussion of the contours and political import of the land issue in South Africa has to consider the reality and the implications of continuing urbanisation. It will be remembered that apartheid’s attempts to contain large numbers of poor and effectively landless black South Africans in the former homelands ended in failure. At the time of writing, two-thirds of South Africa’s populations live in its urban areas, and every indication is that this proportion will increase. It is true that this process of urbanisation is not linear—many urban people maintain rural footholds, and most urban migrants have not succeeded in finding sustaining forms of urban employment either in the formal or the informal economy. But the reality is that, partly as a result of these processes, the movements of the rural land-hungry poor are marginalised, weak and isolated. This marginalisation is exacerbated by the fact that the economic and development policies of the ruling ANC are still thoroughly contained within the terms of urban-centric (and even Eurocentric) narratives of modernising nationalism and global economic integration.

This is likely to have significant consequences for the prospects of the different policy visions articulated at the RLQ conference. In particular, it seems that *neither* Aliber’s vision of a technocratic state, judiciously using limited resources in a pro-poor programme, *nor* Jara’s vision of popular rural mobilisation is likely to get much traction. Given the current lack of vocal, well-organised, well-resourced movements of the landless rural poor, the scope for vibrant and effective ‘hybrid forums’ where demands for land can be linked to processes of policy innovation seems to be limited. And appealing as Jara’s ebullient vision of a rural uprising energised by the resources of the ‘solidarity’ economy might be, it is hard to ignore the mismatch between the huge reach and ambition of his proposed movement and the fragmented and beleaguered reality of ‘agrarian populist’ forces on the ground.

Nor, despite all the scary music continually being struck up in the popular media whenever the spectre of EWC is invoked, does it seem that the forces to the ‘left’ of the ANC have (thus far, at least) succeeded in using land as a symbolic tool capable of dislodging ANC hegemony. President Ramaphosa’s use of parliamentary procedure as a diversionary tool around the demand for EWC

seems at the time of writing to have been immaculate. The fever pitch of interest in the prospect of land expropriation appears to have abated, and Malema and his allies within the ANC's Africanist wing have moved on to other, more pressing concerns. That political storm having blown over, there is every indication that the ANC will continue dealing with land as it has until now: ineffectually, with poorly funded and (economically) misconceived programmes focusing not on the needs of the marginalised rural poor, but on the task of 'rekindling the class of commercial farmers destroyed by the 1913 land Act'.

At the time of writing, every indication is therefore that the tide is running out for hopes that the heightened attention being given to the land issue as a result of the EWC imbroglio would lead to any fundamental break in the logjam that characterised land reform policy since the mid-1990s. The terms in which the land question is framed in the public domain remain disconnected from the real choices and trade-offs faced by any really existing and implementable land reform programme; and the current administration, caught up in dreams about cities of the future and bullet trains, seems to have little interest in thinking through the difficult choices and compromises involved in a genuinely pro-poor reform. Land reform, in other words, seems destined to remain in the discursive and policy limbo in which it has been caught in the last twenty years; looming constantly over the landscape as a potent political signifier, but resisting any attempt to address it.

Does that mean that there is no future for land reform policy making? In my view, the answer is no; but it may be that for creative solutions to be found, we need to turn away the spotlight from the commercial farming areas and agrarian politics that form the privileged staging ground for debates about land reform, and look instead the contexts where tenure insecurity and landlessness form a pressing reality that can function as the space for effective political mobilisation: the informal settlements and shantytowns where South African's displaced migrants live, and the communal areas where, as I write, 'traditional leaders' and transnational mining companies are getting ready to divide the spoils. It is in these contexts, not on South Africa's commercial farmlands, solidly in the grip of transnational capital and governed by supermarket power, that the policy questions around landlessness, tenure insecurity and land administration can be given real political teeth.

6. Deliberative democracy and political belonging

But, as my argument thus far should make clear, the issues at stake in the South African land debate go well beyond those canvassed at the RLQ conference. It is also necessary to consider broader questions about the place of governmental deliberation in the context of South African democracy. Not only did the keynote papers present very different views of the nature, value and legitimacy of technocratic political deliberation in the land reform process; it also seems that one recurring theme in the land debate more broadly is the tendency of many interlocutors – on the right as well as on the left – to put into question the very legitimacy of the state as an institution and site of governmental deliberation. And these questions are deeply tangled up with unresolved questions about the boundaries about South Africa's political community, the implications of political belonging, and how to deal with the racially charged legacy of our colonial past.

6.1 Splitting politics in two

Firstly, it is worth making some general remarks about techno-political deliberation and its location in democratic politics. This is a central problem for many on the scholarly left trying to come to grips with the place of populist and anti-liberal politics in the present-day global order. Consider, for example, Ernesto Laclau's aforementioned attempt to theorise (and celebrate) 'populist reason' within the context of democratic theory. While Laclau's analysis of the role of 'empty signifiers' in populist discourse can provide compelling insights into aspects of contentious politics that are often passed over or ignored, it also contains some rather more problematic elements. Ultimately, Laclau was concerned with much more than merely adding analytical or theoretical nuance to the empirical analysis of historical examples of populist politics. He was also trying to say something about democratic politics *as such*, and about the place and value of both populist reason and technical deliberation within democratic politics. As Clive Barnett has observed in a recent and searching analysis of competing traditions of radical political theory (Barnett 2017), Laclau's work is part of a broader tradition that understands the possibility for emancipatory or democratic politics to lie in the ability to achieve a kind of radical 'rupture' with institutional politics-as-usual. An example is Laclau's distinction between the mere 'management of community' (as he rather dismissively terms it) and the moments when the articulation of unfulfillable demands allows the construction of popular identities that disrupt the normal functioning of political institutions.

Barnett points out that this style of analysis depends on an ontological turn: a desire to 'split politics into two' (p.3), distinguishing between the settled world of 'mere politics'—the banal world of the adjudication and give and take between already constituted sectional interests—and a more foundational dimension (designated in Laclau and Mouffe's work by the abstract noun, '*the political*') which is understood as being at one and the same time *constitutive* of politics-as-usual (being the underlying source of its compelling power), and *disruptive* of it. In this tradition, the possibility of authentic democratic and emancipatory politics is perceived as being dependent on these 'fugitive' or 'insurgent' moments when the mystifications and compromised arrangements of everyday routine politics are upset and displaced by the intrusion of radical demands that emanate from outside this realm of discourse, calling into question the ordering of society as such (Laclau 2005:14). It is this disruptive element — 'the punctual eruption of insurgent energy', as Barnett puts it (Barnett 2017:125)—that provides the 'radical' in Laclau and Mouffe's notion of 'radical democracy, and which is the basis for their hopes for the emancipatory potential of a 'left populism'.

But this is a rather problematic way of thinking about democratic politics. Attractive as Laclau's kind of analysis might be to those who are concerned with the oppressive or limiting frameworks of 'conventional' political process, Barnett argues that ultimately it is misleading. Firstly, it is theoretically incoherent, in that it ultimately depends on a metaphysical reading that approaches all real political arrangements (everything that's 'assembled, constructed, contingent, historical, or made') as somehow obscuring a 'Real' or more foundational order that lie somehow beyond them (Barnett 2017 p.3, see also 141), and which can only be grasped through the revelatory force of theoretical analysis.⁷ Secondly, the tendency to posit a fundamental difference between 'mere

⁷ Here, I'm massively simplifying Barnett's nuanced and careful account, of course.

technical fixes' and these moments of more 'authentic' disruption is closely linked to the continuing tendency towards authoritarianism that haunts certain strands of left-wing and radical thought. Thirdly, this approach, in its impatience with the 'mere administration of community, directs attention away from the considerable creative potential bound up in the complexity and plural rationalities of 'ordinary', day-to-day political action and leads to a systematic devaluation of the possibilities of deliberative democracy (Weber's 'strong and slow boring of hard boards').

This is a question with significance well beyond South Africa's land debate. If, by emancipatory politics, we mean a politics adequate to the needs of just and sustainable human co-existence on this planet, we need more than a politics of 'the demand'. We need, as James Ferguson suggested ten years ago, to think much more carefully about the issue of government as a distinctive political and theoretical problem in its own right (Ferguson 2009). It is all very well for scholarship on the left to valorise politics 'from below', and to focus on the moments when popular energies are mobilised and rise up at moments of resistance – but what happens beyond those moments? Can 'the people govern?' As Ivor Chipkin pointed out, putting in power the party that happens to have articulated the demands of 'the people' at a particular historical moment does not mean that 'the people' is thereby in power (Chipkin 2014:8). In fact, the history of vanguardism and left-wing authoritarianism in the twentieth century suggests the opposite. Government can never be reduced to the pure and direct satisfaction of a particular set of demands, no matter how authentic or justified; not, at any rate in any large-scale, complex, multicultural and multi-class mass society such as ours. Rather, any coherent approach to government requires confronting the complexity of governmental deliberation in a context where any decision is subject to numerous countervailing and contradictory imperatives. How does one adjudicate between competing demands for scarce resources? How does one make decisions and ensure their legitimacy in a context characterised by competing, or even incompatible ideological visions of the social good – or indeed the boundaries and nature of 'society' itself? As Clive Barnett has pointed out, this requires that scholarship goes beyond a "romantic preference for performative models of assembly and demonstration and protest":

“...The geographies of justice emerge through the combination of spaces of mobilization and agitation, deliberation and compromise, bargaining and deal making, decision and delivery, accountability and revision; that is, across all of the spaces through which the “full ritualization of conflicts” is enacted.” (Barnett 2017:8-9)

This seems to me to be a productive direction for debate and further discussion. What is the nature of an 'emancipatory' politics that can respond to the crises and blind spots of present-day neoliberal governance? Is it possible to articulate alternatives on the 'left' that go beyond either nostalgia for north Atlantic post-war social-democracy – or various types of anarchist or populist anti-statism? What is the scope for developing a *deliberative* politics that can challenge inequality in the midst of escalating conflict and political fragmentation?

6.2 Confronting the national question

Firstly it is, however, not enough to be content with a deeper appreciation of the role of technocratic governmental deliberation within the democratic process. My discussion of South Africa's land debate also raises some rather more unsettling issues: in particular the notion that the contentious politics of land in South Africa function as a kind of proxy discourse for much more divisive and potentially destabilising issues. The political significance of the discourse on the theft of the land lies, not in the threat of land seizures by the state, nor in debates around the transformation of South Africa's agricultural sector. Rather it lies in the way in which land makes possible the articulation of an indirect but still powerful critique of non-racialism in the post-apartheid constitutional settlement.

This is not a critique that can be ignored or set aside. South Africa's post-apartheid political order is based on a radically inclusive, universalist promise of political and social inclusion: the assertion that, in the words of the Freedom Charter, 'South Africa belongs to all who live in it.' In terms of this promise the political community created by our constitution encompasses the entirety of our population, despite the barriers and divisions of language, 'ethnicity', gender, political orientation, class, or race. The political and social legitimacy of this arrangement in South Africa has depended (inter alia) on the question of whether this *formal*, juridical and civil equality could be *materially* linked to beneficial forms of economic inclusion and the eradication of material and social inequality. The failure of South Africa's economic growth path to provide millions of poor and marginalised people with workable pathways to survive and thrive is one of the reasons why it is becoming increasingly possible for politicians and activists on the left to portray that political settlement as a betrayal of the interests and needs of black South Africans. While it is true that these sentiments are often articulated in xenophobic and chauvinist ways, it would be foolish to dismiss these challenges, or to rule them as inadmissible. The unfinished and unresolved questions about what 'all who live in it' could *mean* cannot be avoided.

However, they need to be confronted squarely and head on, in their own terms and for what they are. From this perspective, the problem with the land debate is not so much that it is overly racialised; it is that approaching the 'national question' (or the 'colonial question') *primarily* through the lens of land distorts, displaces and confuses it; deflects attention away from issues that should be front and centre and transposes debate onto a complicated, messy terrain where pressing questions are almost impossible to resolve. While access to land (and questions about South Africa's 'agrarian structure') are undoubtedly part of the discussion, they are only a small part. The heart of the matter lies in our difficulties in thinking through the content and meaning of South African modernity, not only in the countryside, but also in the cities. This discussion can no longer be postponed. Time has clearly arrived for a searching interrogation of the grounds and nature of our joint project of creating a national community; of what it means to be a citizen of this country; of the nature of the solidarity, loyalty, truth and reparation that we owe each other; and of the ways in which we can agree to deal ('together') with the challenges of co-existence in a radically uncertain, ecologically fraying world.

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