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The Bulletin For Contextual Theology is a publication of the School of Theology at the University of Pietermaritzburg. It aims to publish essays and annotated bibliographies collected around major themes or areas of interest in theological and biblical disciplines, which are pertinent to the Southern African context, and to Africa as whole.

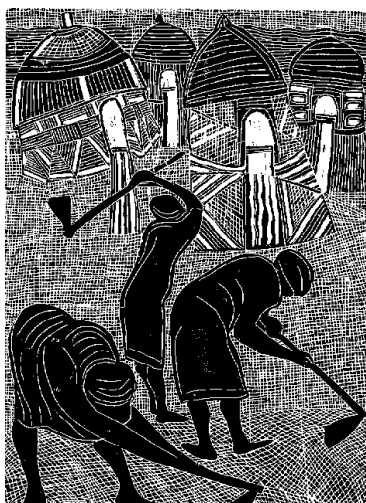
### **Contributions**

to the Bulletin are invited, including suggestions for important themes or areas of interest, and should meet the goals of the Bulletin as stated above. For further information please contact the Editor.

We welcome comments and suggestions from interested parties, in order to help us make the Bulletin of maximum value.

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**Cover picture:**  
**“Tilling the Hard Soil”**

**By William Zulu (*Used with permission*)**

William Zulu was born on Nsengeni Farm near Vryheid on 28.6.1956. He was educated at Khethelihle Lutheran Primary School and Rorkes Drift Art School. A spinal problem has left William confined to a wheelchair, but he has held six successful exhibitions of his artwork in Durban and Germany. This linocut expresses a continuity and strong interconnectedness between life, the home and the land in Africa, as well as celebrating the strength and endurance of women in tough conditions.

# “Land is storied space”: The Church and Land in Southern Africa

*Graham Philpott*  
*Church Land Project*  
 Guest Editor

“What does land mean to a black person? It is not just a commercial product. It is the place where my ancestors were buried and where I will be buried. Touch it and you touch me and my children and their children.” (Statement by Rev. J.J. Mbatha, as recorded in *Church: Landowner and Landless*, 1996: 3.)

Land has been described as “storied space”, a place full of meaning, of history, of dreams, of hope. In the debate on church and land that is recorded in this issue of the *Bulletin*, one participant described land as the “locus of life”, the place where life is lived and celebrated, the place that gives life and identity. And yet, it is also the place of death, it is the place where struggles for domination and control have been played out, it is the place where black people of this continent have been made landless in the land of their birth. For good reason, it is suggested that the ‘land question’ is the barometer of the transformation of our societies, an indicator of the extent to which justice and equity have been established.

Perhaps it is opportune then, that at this time, an issue of the *Bulletin for Contextual Theology in Africa* focuses on the complexities of the land, and provokes theological reflection on this ‘land question’. However, this issue does not deal with land in a general sense, but raises the particular issue of the land owned by the churches in this region – what is the status of the landholdings of the churches; how has land ownership impacted on the identity, mission and spirituality of the church; what are the challenges before the churches regarding their land? Being a significant landowner, the church does not stand outside of this debate, but acts as an interested party – and in many cases as an embarrassed party. To varying degrees, churches have benefited from the centuries of dispossession of black people of their land, and at the beginning of the new millennium, the church as an institution is a significant landowner whilst the majority of its members do not have access to land, and there remains gross inequality in the land ownership patterns in South Africa. During the debate on church and land that is recorded in this issue, a remark was made to the effect that “embarrassment is the beginning of theology” – maybe churches will be courageous enough to admit their embarrassment, and create the space for life-giving initiatives and reflection around the resource of the land.

The first contribution in this issue of the *Bulletin* is the result of research conducted by the Southern African Anglican Theological Commission (SAATC) in 1995. This

article provides a useful historical overview of the use and ownership of land within the Southern African region, and sets the context of dispossession within which the churches’ ownership of land needs to be considered. The linking of this history with the theological questions raised by the article is a valuable contribution from the SAATC. It is surprising that this particular article has never been published, and perhaps it being made public in this issue of the *Bulletin* will enable the church to acknowledge its place within the history of our region.

The research conducted by Philpott and Zondi into the extent and nature of ownership of land by various denominations in South Africa, is currently the only source of information available on what has previously been regarded as sensitive and preferably private information for churches. This research project by the Church Land Programme is ongoing, with more complete information on land ownership and use being collected and analysed. The framework proposed, of the land being used as a “strategic resource in the war against poverty”, with the church being called to collaborate in partnerships with various role-players (including communities) to “initiate and sustain agrarian reform”, will require significant shifts in the church’s self-understanding and its role in the transformation of society. The research was commissioned by the National Land Committee, and we are grateful for their permission to make the article available for this publication.

In preparing this issue of the *Bulletin* we were aware that there were several articles and publications in the 1980’s and early 1990’s that had raised the question of the church’s ownership of land, with similar prophetic challenges being raised to the church. It was clear that the *Bulletin* would need to take these debates further and provoke new directions and perspectives regarding church land. In order to do this, we experimented with a different process for the generation of articles for this issue. Rather than collect together independent articles on various aspects of church land, which an editor would then attempt to ‘theme’ together, we attempted in this issue to capture and present current dialogue on church land. To achieve this we used the following process. We requested Molefe Tsele of Ecumenical Services for Socio-Economic Transformation (ESSET) to write an article which sets out the significant themes and provides a provocative framework for the issue of church land. This article, written in co-operation with Mark Butler, is presented in this issue of the *Bulletin* entitled “Towards a theology of church land in South Africa”. This article was then distributed to a small number of key people to prepare their responses and additions to it. This group of people and Dr. Tsele were then brought together for

one day for a closely facilitated discussion of the topic, ensuring that the issues were debated thoroughly and that new directions for the issue of church land were identified. This interaction was recorded, transcribed and edited for publication within this issue.

This process allowed the 'writers' / discussants to prepare their particular contributions to the debate (as they would were they to write an article), as well as allowing for debate between the 'writers' to take place immediately and be recorded as part of the *Bulletin*. It is hoped that this process will enrich the debate and provide a sense of the nature of the current dialogue on church land. Within this *Bulletin* we then have the article by Tsele, together with a record of the debate which this article provoked. In addition, we have brief responses from Porthier and Nurnberger who were not present at the debate.

Chitando writes from the Zimbabwean context with its history of struggle over the land, both prior to political independence and subsequent to it. It is significant that similar themes emerge in Chitando's article, such as

the dangers of the commodification of land, and the need for the church to contribute "towards a just and equitable distribution of the land resource".

The final article is a response from Tinyiko Maluleke to all the contributions within this particular issue of the *Bulletin*. His insightful comments on the various options adopted to church land allow for new directions to emerge in the debate, and provoke all sectors of the church to confront their "violent missiologies". He hints at the depth of the theological challenge to the church that continues to be landowner, and highlights the necessity of a theological contribution and analysis to the question of the church and its land.

It is hoped that the debate that takes place within this issue of the *Bulletin* will provoke further reflection and dialogue on this complex question of the church and its land. However, the debate needs to lead to engagement and initiatives that allow the "storied space" to be remembered and provide life and hope for a society in transformation.

### **Previous Issues of the *Bulletin for Contextual Theology***

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| ► Volume 1     | September 1994    | <i>Black Theology</i>                                 |
| ► Volume 2/1   | April 1995        | <i>Indigenous Church History in Southern Africa</i>   |
| ► Volume 2/2   | August 1995       | <i>The Bible in Africa Part I</i>                     |
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| ► Volume 6/1   | March 1999        | <i>Religion and Public Policy</i>                     |

# **The Land and Its Use In Southern Africa**

## **Report of the Southern African Anglican Theological Commission, 26th January 1995**

### **1. Introduction: The Legacy of Apartheid**

As we look at the countryside around us, it is not difficult to see that there is a crisis in the land. Whenever it rains, the rivers become full of soil washed down from the barren hillsides. The dongas, the eroded valleys, become wider and deeper with each passing year. Trees are being cut for fuelwood faster than they are being replanted. In some areas the indiscriminate use of agricultural chemicals has poisoned the soil and polluted water supplies. Overgrazing by cattle, sheep, and goats has impoverished large areas of the veld. In many parts of South Africa arable land is in short supply and population pressures have led to overcrowding and environmental destruction. We have often had to import maize to supplement our own production.

In South Africa as a whole, soil erosion is a major problem. Annual soil loss is estimated at 300 to 400 million tons. This means that every year 10 tons of soil is lost for every man, woman, and child in the country. Once this soil is lost, it is irreplaceable. It might be said that we have not inherited the land from our parents, we are borrowing it from our children.

This crisis in the land is directly related to social and economic injustice. People have been forced to live in areas where there is not enough land to cultivate. This legacy of land dispossession has produced a cycle of poverty and powerlessness which has destroyed the environment: "People forced to subsist in rural areas without access to adequate resources and infrastructure have no choice but to strip the environment in an attempt to survive" (Cooper 1991).

The crisis in the land in Southern Africa is, in one sense, a part of a global crisis in values. The land and the earth are treated as commodities to be controlled, bought and sold like any other manufactured product. Projects for the exploitation of mineral and agricultural resources are undertaken without reference to long term sustainability or renewability. The exploitation of the Third World by the First World has resulted in widespread deforestation and deterioration of delicate ecosystems. Uncontrolled industrialization has resulted in global warming and depletion of the Ozone layer. Oppressive trade relationships between the First and Third World have also resulted in the lack of proper environmental controls in impoverished economies.

On the other hand, the crisis in Southern Africa has an intimate connection to the history of colonialism and domination in which the settlers dispossessed the indigenous peoples of the region. The struggle for justice and the struggle over the land are inextricably bound up

together (Ramphele & Wilson 1989). For many black South Africans, forced removals remain a living memory. For others it remains as a collective consciousness of loss and alienation. In the new South Africa the question of the land must be urgently addressed. The Church is called to be a part of the process, willingly or unwillingly, both as a landowner itself and in obedience to the imperative to proclaim the kingdom of God.

### **2. A Historical Overview: Land Usage in Southern Africa from Precolonial Times to the 1980's**

Southern Africa's first peoples were nomadic hunter-gatherers and pastoralists whose settlements, shifting with the seasons, depended on a water source, which in turn determined the availability of vegetation and game. In the course of the first millennium A.D., Iron Age people settled in the eastern regions of the subcontinent, where the rainfall made it possible to keep livestock and produce crops. Their semi-permanent villages and agricultural lands, and their need for fuel to fire clay storage pots and to smelt iron for weapons and ornaments, gradually transformed the environment, with forests giving way to savannah. The political and social organisation of these early communities was not static. Land, which supported hunting, livestock and agriculture, was the means to wealth and power: precolonial peoples who gained control of this key resource were able to consolidate, and to form larger and more sustainable political entities.

A major shift in the pattern of land occupation in Southern Africa was triggered by the arrival of Europeans in the mid-seventeenth century.

Among the Khoisan hunter-gatherers in the western Cape, land was occupied by customary right, and strangers could not hunt game or graze stock without permission. In the small Khoi polities, land was held by all on equal terms: central to each community was access to the waterhole, and no land could be alienated by an individual.

Among the larger polities of agriculturalists in the central and eastern region, patterns of land occupation were complex and varied. The chief held land on behalf of the people, and together with headmen, had a role in land allocation. In an economy based on shifting agricultural land and regular transhumance, this meant defining when and where land would be used for pastoral and agricultural production.

Europeans brought with them an assumption of individual land ownership: introduction of this into Southern Africa meant there were a variety of patterns of

land usage based on conflicting definitions of land tenure. Moreover, there was mutual ignorance of the basis on which other communities used land, and no uniform legal system to which all subscribed. This meant that when various groups came into contact, the system that would ultimately prevail would be determined by the ability of those who held that view to impose it on those who did not.

The first of the indigenous peoples to come under pressure from European attitudes to land tenure were the Khoi and San of the western Cape where the Dutch East India Company established a station in 1652, but as white settlement expanded, the pattern of conflict followed by territorial dispossession was experienced by all independent African polities in southern Africa before the end of the nineteenth century. The political subjugation of African chiefdoms was accompanied by drastic reduction of their traditional landholdings, often accompanied by the imposition of European tenure within these 'reserves'. However, for about fifty years, African farmers were also able to obtain access to white-owned land, but these opportunities were increasingly restricted from the start of the twentieth century.

## 2.1 The Cape

The Dutch East India Company assumed that its occupation of the Cape gave it the right to dispose of the land. At the same time, the Company's administrative resources were very thin, as its inability to control the expansion of white settlement reveals. The Company acquired land from Khoi pastoralists, who probably merely intended to grant usufruct. Once deprived of their original territories, the Khoi found it difficult to acquire other land in the Cape, although their right to own land was affirmed by Ordinance 50 of 1828, and by 1900, they constituted a permanent class of wage labourers or were restricted to mission station land and to scattered and isolated reserves. Land alienated from Khoi and San was granted to Europeans under several forms of individual tenure. When Britain assumed permanent control of the Cape in 1806, she attempted to improve the administration of land, which had been chaotic under the Dutch, by setting up a land board responsible for surveying and issuing title deeds, but there was always a backlog.

The result of decades of conflict with the Xhosa on the Cape eastern frontier was their incorporation into the colony by 1857: in the process, much of their land was confiscated and taken up by white farmers, while the dispossessed enlarged the pool of farm labourers and began to constitute a permanent working class living in locations outside the small towns of the eastern Cape. Others remained in reserves, on a remnant of their former land, under European administration. There was considerable debate among colonial authorities about whether traditional land tenure should continue in the reserves or whether individual tenure should be granted. In 1849, in the Smith-Calderwood location in Victoria East, individual title was granted to occupants who paid

an annual quitrent: the scheme was extended to mission station lands by governor Cathcart in 1854, and introduced in the Mfengu location in 1856.

The 1879 Native Locations Act empowered the Cape government to grant individual tenure in locations, but although this was regarded as desirable, uniformity was not imposed in the Cape. In 1885, Thembuland, Bomyanaland and Gcalekaland were incorporated into the Cape, and Pondoland was added in 1894. These territories remained largely occupied by Africans, partly because settlement schemes offered to whites were not taken up on a large scale, partly because the Transkei had already been used as a dumping ground for Africans dispossessed in the colony, partly because it was seen as a pool for migrant labour, and also because of the efforts of liberals to ensure that Africans retained some rights to land. Access to land had political implications, as in terms of the Cape constitution, occupation of property worth £25 (£75 after 1892) under individual tenure was the basis of participation in the Cape franchise. A form of individual tenure was extended to the Glen Grey district and to most of the Transkei by the Glen Grey Act of 1894. In terms of this act, title to plots limited to four morgen was granted on perpetual quitrent, but title holders were specifically excluded from the franchise, and occupants of Glen Grey who did not have title to land were subjected to a labour tax, thus confirming the status of the Transkei as a source of migrant labour.

Apart from the reserves, amounting in area to 21 000 square miles, there were other sources of land available to Africans in the Cape in the nineteenth century. From 1858, Africans could purchase crown land at a pound an acre: by 1864, 500 Africans had bought 16 200 acres. Africans were also able to use white-owned land in the Cape in exchange for payments of cash, produce or labour as rent. Access to land led to the development of a prosperous African peasantry at the Cape, who were able to respond to market demand by producing and selling cash crops. However, this class was on the decline by the end of the century, partly because of restrictions on their tenancy of white land, also because of outbreaks of rinderpest, and because of competition from white farmers who had larger farms, better access to markets, and more capital.

## 2.2 Natal

Many black farming communities in Natal were displaced by the wars in the first quarter of the nineteenth century often referred to as the "Mfecane", so that the first white settlers met little resistance to their occupation of the land. From about 1830, however, former inhabitants began to return. Official colonial documents at the time (which may be inaccurate) suggest that in 1838, there were only 10 000 Africans within the old Colony of Natal (which was much smaller than the current province), but five years later the number was put by these sources at between 80 000 and 100 000. These figures of 10 000 Africans in Natal in 1838, and 80 000 to 100 000 five

years later, have not been the subject of modern historical scholarship. The “statistics” for the African population of Natal in the 1820’s, 1830’s and 1840’s are derived basically from two Colonial sources: the 1853 Natal Native Affairs Commission and the 1881/1882 Native Affairs Commission. In both these cases, the figures arrived at were based on guesses or estimates, and they need to be critically revisited by historians. Important initiatives around researching the history of pre-colonial and colonial Natal are currently underway at the University of Natal.

In 1844, Britain annexed Natal, and a priority for the new administration was policy towards the African population, including the allocation of land. In 1849, seven reserves were set aside and in 1864, 42 locations consisting of two million acres of land were demarcated for African use, in addition to 21 smaller mission reserves. The colonial government was reluctant to grant individual title, and in 1864, the Natal Natives’ Trust was set up, with the governor and executive council as trustees of land reserved for African use. However, Africans were not eager to settle in the reserves, as there were other opportunities open to them. In 1874, there were five million acres of land in Natal owned by white colonists and private companies, and as they did not find it profitable to farm this land directly, it was available to African tenants.

As late as 1881, two thirds of Natal Africans were living outside reserves on crown and private land, for which they paid rent or provided labour service. In addition, by 1905, a quarter of a million acres was owned or being purchased by Africans. The availability of land meant the creation of an African peasantry able to participate in the colonial market economy: for example in the 1860s, African peasant farmers provided most of the vegetables and maize for Pietermaritzburg, and also produced much of the sugar and cotton in Natal.

However, changing circumstances undermined African economic prosperity at the turn of the century. Firstly, in the 1890s, mines on the Rand and coal mining in Natal increased the demand for cheap labour and created new markets which made farming more attractive to whites. This trend also affected Zululand: in 1897, one third of the territory was set aside for private occupation excluding the Zulu, thus increasing the land available for white commercial farmers and augmenting the labour force. A second significant development was the granting of responsible government to Natal in 1893. Control of the colony fell into the hands of white colonists who had resented competition from African farmers. The policies of the colonial state increasingly favoured white farmers, and greater settler participation in the agricultural economy meant that Africans had less access to land, while higher rents and taxes forced Africans on to the labour market.

### 2.3 The Orange Free State

Trekker government was based on the ideal that all bughers would receive land grants. In the 1840s and

1850s, as whites moved into the Free State, huge areas of land were claimed by individual speculators: although the limit prescribed by the state was 3000 morgen, farms were often ten to fifteen times that size. As white settlement expanded, and title deeds were granted to white claimants, Africans in the republic found themselves subjected to white patterns of land tenure. There were few reserves in the Free State (a total of 128 square miles), and no provision was made for individual ownership of land by Africans. However, the white land-holders lacked the capital needed to farm productively, and preferred occupations such as transport driving, so that Africans continued to farm, paying tax, tribute, rent or labour service for use of the land, while others were able to continue hunting in their former territory, paying half the skins as tribute to the land’s new owners.

The discovery of diamonds had a major impact on the southern African economy in and beyond the Free State. At first, the mines experienced a labour shortage because there was no organized and centralized recruitment, and because African communities still had access to land and therefore had no need to send out labourers in large numbers. The diamond fields also created a market for agricultural products, and the African peasantry of the southern highveld, with low labour costs and plentiful access to land, were able to respond to this opportunity: for example, in 1875, 2700 ploughs were in use by African farmers of Basutoland. The discovery of gold in the 1880s led to intensified grain production, and although white farmers were able to borrow money against their land and practise farming on a larger scale, the basis of the agricultural economy was still sharecropping, and dependent on African peasant production. Particularly from the 1890s, however, there was pressure from white farmers for state intervention to give them control of rural resources, and the domination of the rural economy.

### 2.4 The Transvaal

The aim of the state was to enable all bughers to own land. Bughers would select the site for a farm, and provide a description of the land to a landdrost, but the claim had to be formally inspected before deeds were issued. In practice, land distribution among the boers was not equitable. Many bughers were landless, because without capital and markets, land was not much use: hunting was a more profitable activity and needed mobility. Others failed to register their claims because of administrative costs. Government officials, however, with a knowledge of the market and of procedure, acquired huge landholdings at low prices.

These farms were often in areas of African settlement, which meant that the land was fertile, labour was available and revenue could be derived from rents. Possession of this land, however, often rested on extremely questionable foundations. In the first place, boers and chiefs from whom they obtained the land had no common understanding of land ownership, and chiefs usually only intended to cede usufruct, denying the interpretation of

permanent alienation placed by the boers on their agreement. Secondly, Transvaal burghers concluded treaties with African rulers who in fact had no sovereignty over the land they ceded. In spite of their slim claims to legality, these agreements made vast tracts of land available to white farmers.

At the turn of the century, as market opportunities and state aid increased, white farmers in the Transvaal began to exert political and economic pressure on the independent African peasantry, in order to remove their competitors by restricting their access to white-owned farms. Africans desperate for land began to form syndicates and to purchase farms, although it was only in 1905 that the right of Africans to own land under individual tenure was confirmed in the Transvaal.

## **2.5 1913 Land Act**

At the start of the twentieth century, most Africans lived and worked in reserves, or on white-owned farms, and a very few Africans held land under individual tenure. Africans on white-owned farms were wage labourers or tenants. There were various types of tenancy: cash or rent tenants; labour tenants who worked for the landowner for three to six months in exchange for land; and sharecroppers. Sharecropping became widespread after the nineteenth century mineral discoveries, when white landowners wished to take advantage of the expanding market, but lacked capital and expertise.

Sharecropping was also known as farming on the half or ploughing on shares: the landowner provided land and seed, while the sharecropper provided tools and labour. Sharecropping gave Africans access to land: they were efficient productive farmers who produced food for the mines and for export. But whites raised objections to sharecropping, as it freed Africans from wage labour, and increasingly, this opposition brought pressure to bear on government policy.

The impoverishment of the African rural economy intensified after the Anglo-Boer war. After the war, boers in the Transvaal and the Orange River Colony were given legal rights to land and white settler capitalism was stimulated by the payment of compensation for war losses, by subsidies on railways, and by the growing export market which made direct production profitable. The state also began to act directly against the independent African peasantry.

The South African Native Affairs (Lagden) Commission (1903-5) set the pattern for much subsequent thinking on land policy. The commission recommended territorial segregation between black and white, which in spite of hedges and frontier forts, had never really prevailed in southern Africa. The commission also envisaged that territorial separation would be accompanied by political separation. Although the commission preferred individual African land ownership to trust tenure, it made it clear that such tenure should be linked to political conformity.

The result of these recommendations, and of pressure from white farmers and the mining houses, was the 1913 Native Land Act, which divided the Union of South Africa into areas where Africans could own land and where this was not allowed. In terms of the act, 7,5 percent of the land in South Africa was set aside as reserves in which Africans could buy land. White farmers were resistant to the existence of reserves, as it was difficult to draw seasonal labour from them, but pressure for their retention came from the mining houses, as the existence of reserves was the basis of the justification of the low wages paid on the mines. No Africans were allowed to buy or rent land or to be sharecroppers outside the reserves. The Cape Supreme Court ruled that the 1913 Land Act could not apply in the Cape, because it would interfere with property, and therefore with the Cape franchise.

In all parts of South Africa, Africans who owned land outside the reserves retained ownership, and no whites could rent or purchase land in the reserves.

The 1913 Land Act recognized that additional land would have to be allocated to the reserves, and the Beaumont Commission was set up to assess African needs and to identify additional land. In 1916, the commission recommended the addition of seven million hectares of land, most of which was infertile, to the existing reserves. This would have meant that the reserves made up 14 percent of South African territory, but the South African government eventually accepted a revised and reduced recommendation and no actual steps were taken to secure the land for the reserves.

The 1913 Land Act was implemented at once in the Orange Free State: thousands of sharecroppers were turned off white-owned farms and forced to sell stock at low prices. Free State farmers also interpreted the act as prohibiting labour tenancy, and ejected Africans in this category from their farms. The cost in human suffering and misery was immense. In other areas, the impact was more limited, as white farmers found loopholes to enable sharecroppers to remain. In the long term, the 1913 Land Act transformed tenancies based on payment in cash or kind to tenancies based on labour service, thus stifling the African peasantry. There was a grave shortage of land in the reserves, which became increasingly impoverished, and landless Africans were forced into migrant labour. Although it curtailed sharecropping, the Land Act did not prevent the inflow of Africans on to white farms. Although there was no militant mass action at the time, lack of access to land for the majority of the population became a major and permanent grievance.

## **2.6 1936 Native Trust and Land Act**

Land policy in South Africa has usually reflected political developments. In 1936, at the end of a ten year campaign, the Union constitution was amended. African voters, who had been on the common voters' roll in the Cape, were placed on a separate roll and allowed to elect three white



representatives to the Union parliament. At the same time, the Native Trust and Land Bill was passed. These acts extended the principle of territorial and political segregation in South Africa, and meant that Africans in the Cape were deprived of their right to purchase land outside the reserved areas, and that policy towards Africans was now uniform throughout the union. The Native Trust and Land Act prohibited squatting, but there was no means of enforcing this. In 1936, there were approximately a million African labour tenants in white areas, but this was increasingly discouraged, and the labour exacted increased to 180 days *per annum*. However, the major provisions of the 1936 legislation related to the reserves.

In terms of the 1936 Native Trust and Land Act, a further 7,2 million morgen was to be added to the 10,4 million morgen reserved for Africans under the 1913 Land Act. This area made up 13 percent of land in South Africa, and was regarded as the only land to which Africans had any historical claim. Not all the land set aside in terms of the 1936 legislation had been purchased by 1990.

The land set aside for reserves in terms of the 1913 Land Act was left to private purchase. In spite of the shortage of land and the large areas which remained under traditional tenure in reserves, approximately one million morgen was bought by individual Africans between 1913 and 1936. From the early 1920s, official policy began to turn away from individual tenure for Africans in the reserves. In terms of the 1936 Act, the land to be added to the reserves would be purchased by the South African Natives' Trust, with an annual parliamentary grant.

Between 1936 and 1969, 3,781,064 morgen was bought by the Trust, and only approximately half a million was purchased by individuals. The act also provided for the administration of the reserves by government officials under trust tenure, which was more suited to the requirements of land conservation than to the needs of rural Africans. Trust tenure often meant insecurity for the occupants, being based on beneficial occupation, and was also restricted to one person, one lot, with communal grazing land.

## 2.7 Forced Removals, 1950s-1980s

The demands of the 1955 Freedom Charter were based on consultation with farm workers, peasants, and migrant labourers on the mines and in industry, and contains a vision of land usage which contrasts poignantly with the increasingly harsh South African reality:

- ▶ The Land shall be shared among those who work it!
- ▶ Restriction of land ownership on a racial basis shall be ended, and all the land redivided amongst those who work it, to banish famine and land hunger;
- ▶ The state shall help the peasants with implements, seeds, tractors and dams to save the soil and assist the tillers;

- ▶ Freedom of movement shall be guaranteed to all who work on the land;
- ▶ All shall have the right to occupy land wherever they choose;
- ▶ People shall not be robbed of their cattle, and forced labour and farm prisons shall be abolished.

This was clearly a reaction to a long history of dispossession, and particularly to the repressive legislation which followed the 1948 election and the appointment of Hendrik Verwoerd as Minister of Native Affairs in 1950. The 1950s legislation was based on an ideology of complete racial segregation in South Africa, in both urban and rural areas.

Limitation on the occupation of land by Africans in urban areas dates back to the nineteenth century, but measures were consolidated in the Natives (Urban Areas) Act of 1923, with major amendments in 1930, 1937, 1945, 1952, 1957 and 1964. This and other legislation dating back to the 1950s, which was enforced into the 1980s, aimed to control African settlement in urban areas. Africans were not allowed to own land in towns and were discouraged from trading or building there: towns were viewed as white reserves, where Africans were permitted to stay only if they could be employed as servants. In 1952, Section 10 of the Native Laws Amendment Act limited Africans with the right to live permanently in urban areas to those who had been born there, or lived there continuously for fifteen years, or worked for the same employer for ten years. Even this was contingent on access to accommodation, the availability of which declined in the 1970s.

In the same year, the Natives (Abolition of Passes and Co-ordination of Documents) Act compelled all Africans to carry reference books and was designed to increase control over African movement into towns, which increased with hardship in the reserves. Both laws contributed to the removal of hundreds of thousands of Africans from urban areas in the 1960s, 1970s and 1980s. Until the 1950s, in spite of the Natives (Urban Areas) Act, there were still some areas where Africans owned property in towns. In terms of the Natives Resettlement Act of 1954, the government removed this right and rezoned these areas for use by whites: in terms of this legislation, the African residents of Sophiatown were moved to Meadowlands in 1956.

When Verwoerd became Minister of Native Affairs, he aimed to reduce the number of Africans living outside the reserves. Together with a campaign to limit the number of Africans in urban areas went measures to remove African squatters and labour tenants from white farms, and to reduce those Africans who remained on farms outside the reserves to the status of wage labourers. In 1951, the Prevention of Illegal Squatting Act was passed to make the anti-squatting provisions of the 1936 Natives' Trust and Land Act enforceable. The Minister of Native Affairs could compel Africans to move off public or private land, and could authorise local authorities to establish camps where squatters could be settled.

In 1949, a commission under F.R. Tomlinson was appointed to investigate the social and economic problems of the reserves, with a view to increasing their ability to support a larger population. The 1956 Tomlinson report was based on the assumption that South African whites would not accept integration, and that therefore the reserves should as far as possible support the entire African population. In 1956, 3 million morgen of land set aside under the 1936 act remained to be bought. Tomlinson estimated that the reserves could support 51 percent of the reserve population, at the level of the 1951 census. The commission therefore recommended industrial development in, and on the borders of the reserves, and the encouragement of peasant farming on increased plots under individual tenure.

However, the government rejected both these key proposals. Firstly, no white investment was allowed in the reserves. Secondly, in spite of Tomlinson's finding that it would be necessary to enlarge individual landholdings in order to increase the economic viability of the reserves, the government decided, regardless of the implications for agricultural productivity, to retain one man, one lot land allocation, in order to push up the population of the reserves, so they would house the 'surplus' black population of white urban areas and white farms.

What ensued has been described as "one of the biggest human relocation projects ever attempted anywhere, in order to be able to simplify the political map" (Davenport 1987:545).

The Tomlinson Commission had made it clear that the reserved land could not support the existing population by agriculture, and it became apparent that the policy of industrial decentralisation was not viable: in the first decade, only 45 000 new jobs were created in or near the reserves, while the Tomlinson Commission had found that 50 000 new jobs a year would be needed, and even vastly increased government concessions in the 1960s did not improve the position significantly. In spite of this, between 1960 and 1982, three and a half million people were forcibly removed from their homes and settled in the reserves. In the Transvaal alone, 400 000 Africans were moved into reserves from white farms; 350 000 from urban areas; and 280 000 from 'black spots' or areas of black-owned land, while 120 000 were moved in the interests of 'territorial consolidation'. In Natal, three quarters of a million were moved between 1948 and 1982; nearly half had been living on white farms, while 100 000 came from 'black spots', where the land was legally owned by black farmers under individual tenure, so that by 1983, black freehold in northern Natal had been destroyed.

Two measures used to enforce this massive scheme were the 1964 Bantu Laws Amendment Act which allowed the government to prohibit labour tenancy, and the 1967 instructions to magistrates on the implementation of the 1951 Prevention of Illegal Squatting Act. This provided for the removal of 'surplus' 'Bantu' from white farms; of the elderly, unfit, widows, women with dependent children, and families without residential rights in

urban areas, as well as business and professional people. Four categories of settlement were created to receive these people: there was organised squatting; a settlement in which houses could be rented but not bought; villages where houses could be bought or rented, and towns such as Umlazi, Mdantsane and GaRankuwa, near the borders of the 'homelands', where Africans could buy land and build their own homes.

Between 1960 and 1980, the population of the reserves increased from four and a half million to eleven million people. This created an enormous population density: for example in the Orange Free State, the population is nine persons per square kilometre while in supposedly rural Qwa Qwa it is 298 per square kilometre. In the reserves, the population exceeds the agricultural capacity of the land often by up to ten times creating a spiral into deeper and deeper impoverishment.

In many ways, the vision of access to the land set out in the Freedom Charter probably still reflects the aspirations of South Africa's people: the task which faces a future government is to translate aspirations into political reality.

## **2.8 The Church and the Land in the History of Southern Africa**

The churches have been major landholders in Southern Africa, although the extent of its holdings has been significantly reduced in recent years. Much work awaits to be done on the use of the land by the Church of the Province of Southern Africa (C.P.S.A.), following the model of the report on the use of the land by the Catholic Church (the *Paul Daphne Report*). This should include an inventory of land holdings and a history of its usage.

Various models for the utilization of this land have been and still are adopted:

- ▶ To farm it commercially to create an income for the local church
- ▶ To lease out the land for the same purpose
- ▶ To sell the land to get rid of the burden and the embarrassment
- ▶ To grant or restore the title deeds to the present inhabitants or to its rightful owners
- ▶ To manage the land together with the local community for the benefit of the local community (for agricultural produce, for learning farming or managing skills, for building schools, clinics and community centres etc.
- ▶ To permit local clergy to use the land to supplement their income
- ▶ To redistribute the land to those in need of land, giving security of tenure
- ▶ To turn the land over to a community land trust which would manage the land for the benefit of the community (cf. Conradie 1992:12; Daphne 1986).

The land is an emotive issue and redistribution will be one of the key aspects of future government policy. In

the present transition in South Africa, the Church's use of the land is bound to come under the spotlight. This could be perceived as a threat or as a challenge to the Church to clarify its theology and its praxis in relation to the land. The message of the *Daphne Report* into the use of land by the Catholic Report is equally relevant to the C.P.S.A.:

The Church has a unique opportunity to be a part of this process of transformation and, in fact, to anticipate the changes in a post-apartheid society by the way in which it relates now to land ownership and utilization (Daphne 1986:25).

### 2.8.1 Historical Overview of the Church and Land in Southern Africa

The churches have been major landholders in Southern Africa, although the extent of its holdings has been significantly reduced in recent years. If the Anglican Church in Southern Africa is to make a meaningful contribution to the discussion about the land in the emerging new dispensation, it is imperative that the church face up to its own role in the alienation of the land from the people it converted to Christianity. This is not to deny that there were also good things the Church has done with regard to the land it has held and does hold.

In 1850, Robert Gray, first bishop of Cape Town remarked prophetically that if the colonial authorities "honestly desire to protect the natives (*sic*) in these parts", their land should "in some way be made over legally to them for ever." There is, however, no evidence of active advocacy of such measures by the church and, in practice, Anglican acquisition of land for missionary work forms part of the prevailing pattern of European expansion and dispossession of the indigenous peoples of Southern Africa.

### 2.8.2 The Nineteenth Century

The four earliest Anglican missions, those in the diocese of Grahamstown, received land grants from the colonial government (for St. Matthew's, Keiskammahoek), and from three stiffly-independent Xhosa chiefs, Sandile (St. John's), Mhala (St. Luke's), and most notably from Sarhili, the Xhosa paramount, who made a large grant of land east of the Kei "for Christian purposes and for the benefit of Christianized natives (*sic*). By the 1880s, this land, known as St. Mark's, was being leased to white farmers, and after the colonial annexation of the Transkei, Sarhili's land grant to the church was confirmed by the colonial authorities, a total of 12020 morgen being granted on payment of perpetual quitrent, fixed at the sum of one shilling sterling on taking receipt, and the payment of stamp duty.

In Natal, the acquisition of land by the church also reflected the colonial context: the colonial government granted 500 acres for Umlazi mission in 1855, and 3000

acres for Springvale in 1858. Highflats was also established on a government land grant, and Clydesdale on land bought from a farmer on very generous terms. In 1891, an African syndicate at Roosboom near Ladysmith made a grant of four acres to the church.

A major Anglican mission in the Orange Free State was Modderpoort, a farm purchased by the bishop in 1867, on land which had recently been ceded to the Boers by the Sotho.

By the time Anglican missionaries moved into the Transvaal, the discovery of diamonds and gold had already stimulated commercial farming and precipitated increased prices which made land too expensive for the church to purchase. However, in 1886, Charles Clulee, the priest at Potchefstroom, entered into an agreement with a syndicate of Africans, whose right to purchase land in the Transvaal had not yet been established. The Africans, Sotho from the Orange Free State, raised money to purchase an 1 000 acre farm which was situated on their former ancestral lands, from which they had been driven by Mzilikazi, who had subsequently been driven out by the Boers: the church was to hold the land in trust for chief and people. The Christian congregation of St. Michael's, Moloti was able to live on the farm in exchange for rent, and land for a church mission house, school, and gardens, was under missionary control. By 1891, the farm was thriving, and was in the process of being transferred as a government location, when Clulee died, and because of the complexities of Transvaal land law, the land was lost to the church.

### 2.8.3 The Twentieth Century

Very little significant research has been done on church land usage in either the nineteenth or twentieth centuries. There is however evidence that the church struggled, and often failed, to bring its own practice into line with its principles, let alone to persuade secular authorities to put church resolutions on land policy into practice.

For example, the 1923 Provincial Missionary Conference drew the attention of the government to the "very serious unsettlement and anxiety" caused by the 1913 Land Act, and especially by the failure of the government to make "adequate further provision of land", pointing out that "it is of the greatest importance that immediate steps should be taken to provide lands for Native purchase and occupation. "There is no evidence that this particular resolution had, or could have, any impact on state policy.

Anglicans, like other European missionaries, struggled to find an appropriate way of administering land they controlled. There were various alternatives, many less than desirable, but nevertheless adopted through force of circumstances or lack of vision. Among the options was to farm mission land commercially or to lease it out to create an income for the local church: local clergy sometimes used the land to supplement their own income.

Missionary policy often led to resentment: for example, twenty years of tension between the church and the black inhabitants of St. Mark's Transkei, led to an appeal from the people to be administered by the Union government and in 1929, the government purchased all the land of St Mark's mission, apart from the glebe, and administered it as a crown location, illustrating yet another option open to the church: the sale of land in order to dispose of what was perceived as a burden and an embarrassment.

At the end of the twentieth century and the threshold of a new political dispensation, the challenge facing the church is to proclaim a just land policy, and to act justly in the policy it applies with regard to the land it still holds.

### 3. The Importance of Land in African Religious and Cultural Identity

It is not just as an economic resource that land is important in Southern Africa. In African consciousness, God as creator is experienced especially through the natural world. Human beings share a kinship with the created environment, which is imbued with the divine. Land is more than the sustainer of life; it is the basis of people's identity and group consciousness (Dickson 1984).

In particular, the land is bound up with the continuity of the group and provides orientation for the individual's identity as a part of the group. The migratory labour system was certainly a deliberately engineered device for economic exploitation of the black people of Southern Africa and had a devastating effect on family life. However, the strong impulse to return to the land, to maintain links with the land as a part of maintaining identity, has also been a factor.

Forced removals were more than economic loss, they attacked the fundamental dignity and identity of those affected. It has been a common cry: "How are we to visit the graves of our ancestors?" Alienation from the land is experienced as disruption of the continuity between the living and the dead so central to many African people.

In the African world-view before the arrival of the settlers and missionaries, ethical behaviour was bound up with the understanding of the natural environment. Behaviour contrary to social norms was believed to result in natural disaster. Living according to the traditions and values of the community, celebrated in many rituals, was believed to produce blessing and abundance. The destruction of the stable relationship between people and the land in Southern Africa has thus also led to a disruption of community and social well-being.

In several respects, this African religious and cultural world-view is close to that of the people of Israel in the Old and New Testaments. For this reason an examination of the role of land in the Bible is particularly valuable. In the New Testament, in particular, we see a community marked by widespread colonial intrusion and loss of land.

In some rural communities in Southern Africa, migrant labour has resulted in women being left alone to till and care for the land, but they have been prevented by

custom and law from owning it. This situation needs also to be addressed urgently but sensitively.

## 4. Land in the Bible

Of course this is a vast subject and problematic, in as much as the Bible does not necessarily have only one view! Over the thousands of years in which the Bible was compiled, attitudes varied and modified themselves.

Nevertheless, land does seem to be a consistent theme running through both Old and New Testament in one form or another. Walter Brueggemann (1977) has described this theme as one of alternating promise and gift. The landless people of Israel in Egypt receive the promise of land: a promise of security and belonging in covenant with God. They receive land as conditional gift, but lose it because they seek to grasp and own the land as object to be bought and sold and accumulated. This dynamic alternation between promise and gift culminates in Jesus' promise of land: "The humble poor will inherit the land" (Matthew 5:5). The same alternation between promise and gift, landlessness and receiving of land, characterizes the history of the people of God in our modern world.

### 4.1 The Old Testament

Fundamental to the Old Testament view of land is the belief that "the earth is the Lord's and the fullness thereof" (Psalm 24: 1). Land cannot be owned in an ultimate sense by human beings, but only derivatively and conditionally. The earth is created by God and for God's glory. As God's creation the land is fundamentally good. The land and all that is in it belongs to him and is in his care (Psalm 50:9-11; 104:10-30).

While there is the theme in the creation story of God's command to human beings "fill the earth and subdue it", this is subordinated to the theme of sabbath rest, of blessing, in praise of God's work. There are limits placed on the dominion of humanity, as symbolized by the forbidden fruit. There are consequences to overstepping the limits, as symbolized by the expulsion from the garden. The same process is at work in the story of Noah: human sinfulness results in natural disaster and human loss. God makes a covenant with Noah, guaranteed by the sign of the rainbow. Blessing and fertility of the land are dependent on right relationships between God and human beings.

The theology of covenant underpins the understanding of land as promise and gift. Intertwined with the stories of the conquest of the land of promise, which have had very harmful consequences in Southern African history, as legitimization of white conquest of African land, is the underlying principle of the land as gift. It is God who apportions the land, and even then conditionally. This is the fundamental principle, and not expulsion or conquest or sacred war. Land is held in covenant with God, and ownership is conditional on the preservation of

right relationships between God and human beings.

Because the land is gift, it is held as a sacred trust. The land cannot simply be bought and sold, as if it is property like shoes and grain. As the story of Naboth's Vineyard shows, the links of family and blood to the land cannot be set aside by an act of the king, even by offers of "just compensation". Indeed, attempting to subvert the gift of land by changing the boundaries is an offence against God (Deuteronomy 27:17; Proverbs 23: 10). The ties between family and land are so important that special marriage laws (Levirite) exist to preserve the family's rights to continue on the land when someone dies without an heir.

The Old Testament laws recognize the propensity of the land to become alienated from its owners under the pressure of drought and debt. Provision is made for the restoration of the land to those families who had lost it, every seventy years in the Jubilee Year. Whether or not this law was ever successfully implemented is not the important question, but it upholds the principle that land cannot be permanently alienated from the poor and powerless, but must be periodically redistributed to prevent unjust accumulation of resources in the hands of a few.

The land is not unreservedly at the disposal of its human tenants, but has rights of its own. In this regard, the land must be left fallow on the seventh year, its own sabbath rest. During this period of recovery of the fruitfulness of the cultivated land, its fruit is available to the poor and to the wild animals and birds. The land is for sustenance and enjoyment not for the few but for all. The mark of blessing is that "every person shall sit under her/his own vine and fig tree" (Micah 4:4).

All of these basic principles with regard to the land seem to have originated in the period before the emergence of a strong central monarchy in Israel/Judah. The adoption of the Canaanite model of kingship legitimated by a central temple led to the emergence of an aristocracy and to the accumulation of land in the royal domain. On the one hand, the origin of the Davidic kingship is in the popular election of a king to deal with foreign invasions. On the other, the Davidic monarchy developed a theory of special election of the family of David in perpetuity. A conflict between the claims of the monarchy for land, labour and tribute and the older land traditions of the tribes was the background to the attacks of the prophets on injustice and exploitation and the impoverishment of the ordinary people by the monarchy and temple.

The history of the people of Israel in the Promised Land is a continuous story of disobedience and punishment, restoration and hope. God continues to honour his covenant with his people despite their failure to honour their side of the agreement.

It is this constancy and goodness of God which holds out the promise of restoration to the land, even in times of exile or catastrophe. The hope grew of a new covenant which would establish God's people in a renewed land in renewed blessing, peace and security (e.g. Isaiah 32:15-17; Micah 4:3-4).

## 4.2 The Teaching of Jesus and his First Followers

Jesus and his follows were largely rural peasants from Galilee. It is difficult, perhaps impossible, to distinguish the concerns of Jesus from the concerns of those who recorded his words and deeds. His teaching has been consistently "spiritualized" after the Resurrection. Nevertheless we can discern the shape of Jesus' message of good news. Issues of the land and its use bulk large in the imagery and concern of his teaching. His parables reflect a delight in the beauty of the environment (the flowers of the field in all their glory) and a concern for fruitful tilling of the earth (the Parable of the Sower, of the Wheat and the Tares etc.).

Jesus proclaimed that the time of promise had arrived, which he called the "Reign/Kingdom of God". God's reign was seen as God's direct intervention in the context of widespread land loss and debt slavery, in the context of increasing accumulation of land in the hands of a few absentee landlords, in the face of connivance in exploitation between local aristocrats and the Roman colonial rulers. As God had intervened in Egypt and in Babylon to set his people free from unjust rule and landlessness, so God was now intervening again to restore the land of promise to his people. This intervention was characterized by many of the concerns of the Old Testament prophets.

The theology of the Jubilee Year seems to underlie some of the teaching, as in Luke's account of the Sermon in Nazareth, where Jesus is portrayed as saying that the promises were fulfilled in himself (Luke 4:14-21). This implied the restoration of the land to those who had lost it through injustice, debt or misfortune. Jesus often called his disciples to leave land, houses and family behind them in the urgent business of preaching the Reign/Kingdom of God, but also promised that the end result would be reception of land, houses and family as gift (Mk 10:28-31).

Among other concerns revealed by Jesus' teaching was the plight of the dispossessed and unemployed day labourers. He criticizes those day labourers who forget the plight of their fellow workers in their scramble to get more for themselves (Mt 20:1-16). They should remember the goodness of God and preserve solidarity with each other in their need. He severely criticizes those who in their own need are willing to hand their fellows over to debt slavery (Mt 18:23-35). He also seems to be hostile to violent seizure of the land by local power groups without regard to land rights or due process (Mk 12:1-9). We cannot, of course, know the exact kind of circumstances underlying the act of land seizure in the parable, and we should beware of a simplistic reading.

A key concern in the teaching of the historical Jesus would seem to have been the renewal of local community, devastated by economic and political repression (see Horsley 1993; Draper 1994). He suggested ways in which local communities could begin to live under the Reign/

Kingdom of God now, even before the End arrived. Solidarity and co-operation in the face of exploitation, remission of debt, refusal to let a culture of revenge tear the community apart, righteousness, mercy, love and forgiveness. These were the values of community building he taught. Christians have long understood these things as merely individual ethics, but in the culture and context of Galilean peasant society, they are likely to have been a programme of community action to restore rural communities.

In this process of renewal of community, Jesus identifies greed as a major stumbling block. He was antagonistic to ruthless exploitation of the land for bigger and bigger yields by one person, which does not feed the common good but only the luxury of that one person (Luke 12:12-34). People should be satisfied with what is sufficient for themselves and be prepared to share the rest with those who need help.

#### **4.3 The Attitude to the Land in the Developing Church**

The movement begun by Jesus and his disciples seems to have moved early into the cities of the Roman Empire and became a predominantly urban movement. The missions of Paul, himself a cosmopolitan citizen of the Empire, added impetus to this. Only remnants of the old rural peasant ethos can be traced in such marginalized writings as the Epistle of James. Here the concern of economic justice and restoration of land rights to the poor remains.

As the Christian movement became increasingly remote from the vision of the renewal of local rural community and restoration of the land, so these themes were transmuted into more universal terms. Its vision was of cosmic restoration. The New Testament writings increasingly draw on the theme of New Creation, which may have been present in Jesus teaching, but now became more prominent. Its classic expression is in Romans 8, where Paul envisages the whole created order groaning in expectation of liberation. Revelation 22:1-5 also develops this theme of a renewed fruitful creation, taking up the prophecies of Ezekiel about the river of life flowing out from the Temple. But the vision is ultimately not that of restored life on the land of promise but of the eternal city of God.

### **5. Conclusion**

These observations are far from systematic and do not yield any easy answers for South Africa. We should, in any case, beware of trying to use the Bible as an ideological blueprint. However, there are important pointers for us if we explore our Christian roots.

5.1 Ownership of the land by individuals is not an inalienable, immutable right. In a very real sense, land cannot be ultimately owned. It is gift and promise. God is the Creator and Preserver of life. God sets

limits on the use of creation and there are consequences for transgressing these limits. Human stewardship of the land requires that it be utilized for the common good and in such a way that it is not itself destroyed. Even if we translate this theological language into secular terms, it holds true. Individuals should be free to utilize the land they own only within the general framework of the common good and the preservation of the environment.

5.2 Unlimited accumulation of land by individuals is not desirable or healthy for the common good. Periodic redistribution of the land to ensure access to the land by all is certainly in line with Biblical thinking. However, the means by which this should be attempted cannot be derived from the Bible, which is in any case not clear on the issue. The Bible would also seem to be against the seizure of land by force from those whose families have owned it for generations, whether by the state or anyone else. Even in times of cataclysmic upheaval, as in the Babylonian Exile, Jeremiah envisages that family land will be restored in the end. Human dignity and respect for human rights should be a hallmark of any process of redistribution. In the South African situation of a history of repeated land seizure and conquest, this will not be an easy principle to work through. Adjudication of competing land claims by a Land Court would seem to offer the best way forward.

5.3 The Old Testament envisages a form of tribal ownership of land, in which the land cannot be permanently alienated from the family to which it belongs. However, it is clear even within the Bible that this concept does not apply easily to Christians in the urban melting pot of the Graeco-Roman world. The Church increasingly tried to develop more general ethical principles. What this highlights is the need to beware of working with only one model of land ownership. Communal ownership, in which the tribe/family own the land rather than the individual, is not necessarily inferior to the Western idea of tenure.

5.4 Jesus' concern for the renewal of local rural community should be ours as well. Restoration of viable land to black rural communities, subsidized agricultural co-operatives, forms of communal ownership, education, training and development, should be priorities for the new South African government and an area in which the Church has a role to play. Redistribution of land should be accompanied by attention to training and intention to utilize it responsibly with appropriate oversight by a statutory body.

5.5 In the much needed development of urban housing and industry, care should be taken that prime agricultural land is not unnecessarily wasted.

5.6 The Church should explore its own occupation of mission land in the rural areas, in the light of its theology of the land and its theology of mission. As part of this, all dioceses should identify substantial tracts of church land and investigate how it was

acquired. Creative options for the utilization of the land should be explored in consultation with local communities, to provide the maximum benefit for such local communities. To help dioceses and parishes to do this, a Development Fund should be established to assist diocesan and parish development projects.

- 5.7 Ultimately, issues of the land and its ownership and exploitation cannot be divorced from the issue of justice, peace and the integrity of creation (the theme of the World Council of Churches' last conference). Just as issues of the right to land cannot ignore the question of the maintenance of the environment, issues of conservation cannot ignore the question of just access of the poor to the land. A Christian theology of the land needs to take into account the interrelatedness and interdependence of human beings and the soil, water, plants and animals. We need to rediscover a reverence for the land as God's creation. An attitude of domination and exploitation must give way to one of stewardship and sustainable development (SAATC 1995). God calls us to consider life in terms of quality and not just quantity: "I have come that they may have life, and may have it in all its fullness" (John 10:10).

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# Church Land: A Strategic Resource in the War against Poverty

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## 1. Introduction

During 1997 the National Land Committee (NLC) initiated a research programme in order to inform the development of alternative land reform policy and implementation mechanisms, and inform their ongoing lobbying and advocacy work. Six topics were identified within this research programme,<sup>1</sup> with Church Land being one of these. The Church Land Programme (CLP) was commissioned by the NLC to undertake a three-month research project into the topic of Church Land. The intention of this project was to ascertain the extent of land under the ownership of the churches in South Africa, to identify key issues relating to the transfer of this land, and develop proposals around church land reform. This report presents the initial findings of this research.

This introductory section deals with the following issues:

- ▶ What is the significance of church owned land in the present context?
- ▶ What are the objectives of this research?
- ▶ How was this research conducted?
- ▶ Clarification of terms.

### 1.1. Why this study?

At the outset of this study it is necessary to highlight the significance in the present context of the land owned by the churches in South Africa. Furthermore, it will be useful to locate this discussion within the broader debate of land reform and other processes of transformation being undertaken within South Africa. The reasons as to why church owned land, in comparison to other privately owned land, is of significance for the broader debate regarding land reform, are as follows:

- ▶ The starting point is that the *church is a landowner*. Dawood and Mayson state that “the church in South Africa owns substantial pieces of land and it is thus directly affected by this sensitive and relevant issue” (Dawood & Mayson 1993:1). The church acquired these pieces of land through its missionary activities, and now finds itself in the strange position of being a significant private landowner whilst the overwhelming majority of its members have been systematically dispossessed of their land. So we begin “from the embarrassing fact that the church is a landowner; that it never experienced the cruelty of being dispossessed

of its land; and that it in fact was a beneficiary of this injustice” (Tsele 1997:12).

- ▶ The second point to make is that there are *people living on church owned land* - communities who for generations have been tenants, or in other uncertain relations with the landowner, whilst also being members of the very same church who is the landowner. The fact that there have been and still are communities residing on church owned land raises the political imperative for the church and other agencies to respond to the needs and rights of these communities. This will have significant importance for a number of communities since one will be dealing with questions of identity, security and independence. One church minister who was born and grew up on church land commented: “What does land mean to a black person? It is not just a commercial property. It is the place where my forefathers were buried and where I will be buried. Touch it and you touch me and my children and their children” (Mbatha in Hornby & Philpott 1995:3).
- ▶ It is generally held that the *quality of church owned land* is of a sufficiently high standard that it could make a significant contribution to the livelihoods of rural communities. Whilst this still needs to be tested and demonstrated, there are sufficient reports to suggest that missionaries acquired land which would be able to provide for them and their congregations’ needs. How this land is presently used may not be of benefit to the surrounding communities, but the land is of sufficient quality to warrant more careful investigation.<sup>2</sup>
- ▶ It would appear that presently the church is playing a minimal role in responding to the development challenges of our present society. The church’s concerns over its land appear to be ones of management and investment, rather than contributing to the development of the region in which it finds itself. However, the very undertaking of this research indicates that the land owned by the church is potentially a significant resource base for the church to play a meaningful role in the development of the rural areas of our country. This role will include ensuring security of tenure for communities, but can also extend beyond the transfer of land.
- ▶ The extent and nature of church owned land allows for the possibility of *developing a range of models* for land reform in general. It has been suggested that some of the pressures which are present for other forms of land ownership, may not be present for land owned by the church, and that this allows space for innovative initiatives in dealing with the realities of land reform. Shabane holds that “there is a lot of pressure if you



go outside church land. There are squatters on some land. Other land, especially some of the state land, is a source of conflict because different groups of people believe they each have a claim to it. There are farmers who want to hold on to their land at all cost, and there are the people who work those farms and who have often lived there for many generations. These pressures don't exist on church land. And that is why it is the best place for land reform" (Shabane in Homby & Philpott 1995:2). The range of models developed could include joint ventures between communities, the church concerned, the state and other private sector agencies, and has the potential to inform land reform initiatives at a broader level.

- ▶ Given the history of land dispossession of black people in South Africa, there is the need to redress this injustice and to change the balance of white ownership of land. This needs to be done in the context of the *strengthening of black people's rights and access to land*, and the development of effective models of ownership, management and use of this important resource. This would seem to be an area in which the church could make a significant contribution given its concern for justice and equity, as well as its important resource of land.
- ▶ Unlike any other private land owner, the church has an *ethical obligation* to deal with its land in a morally responsible manner, seeking to do the "right thing" for the broader society but with a particular concern for the poor and marginalised. The church needs to ensure that its practices are in keeping with its own theology and ethical positions, and not merely determined by "market considerations" or "efficient management". At this theological level, Conradie comments that "God's work of salvation is concretely described as the promise and gracious gift of land to the landless....God's gifts to humankind also include a code of conduct for the management of the granted land so that the inhabited land can become a true home where the shalom between God, human beings, the other animals and the environment may prosper" (Conradie 1992:13). It is particularly pertinent that the question of church owned land is raised at this time so that it is with integrity that the church can play its role in the restructuring of our society.

The above are an overview at a general level of why the issue of church owned land is important to consider at this time. However, at a specific level, the NLC has commissioned this study for its own very practical reasons.

- ▶ Through the ongoing work of its affiliates in the various provinces, as well as initiatives from its national office, the NLC has been engaged with several communities who are attempting to claim their land back from various churches or who are seeking to engage churches regarding security of tenure on church owned land. Some of the issues arising out of this involvement have appeared to be common across provinces and denominations, suggesting that there

would be value in considering church owned land at a broader level. Furthermore, the lack of clarity regarding the position of the church in relation to land reform has hampered progress. It is this experience that has led to the NLC initiating this present study.

- ▶ The establishing of the Poverty Commission and the waging of the "war on poverty" create a particularly significant context in which the issue of church owned land needs to be dealt. It is not a theoretical notion of land reform which the church must debate, but rather the pressing practical reality of how best the church can make use of the land it owns as a resource in the war against poverty. The public hearings on poverty seek to ensure that "the fight against poverty and inequality is the priority of government, business, churches and every South African"<sup>23</sup>. Given the churches' public commitment to the campaign against poverty, this becomes an ideal opportunity for the church to deal with its land in a wise and responsible manner. It is hoped that this study will assist the churches and other role-players to move toward this aspiration.

## 1.2. Objectives of the study

Investigating church owned land in South Africa is a large undertaking given the depth of sensitivities around land, as well as the variety and extent of properties owned by the various church denominations. It is not possible to do justice to this issue in three months, but it was necessary to make a beginning and recognise that research into these questions will need to continue. In an attempt to limit the scope of this study the following aims and objectives were set for the research.

The overall aim of this research is:

- ▶ to ascertain the current position regarding church owned land, in relation to the churches' position and intentions, the experience and aspirations of the residents, and the government's policies and intentions;
- ▶ to make recommendations regarding the facilitation of land reform processes for church owned land. These aims will be covered with the following specific objectives:
- ▶ to collate and assess all information available from NLC affiliates, church denominations, and other appropriate organisations regarding ownership of land by the various churches;
- ▶ to provide an overview of the major land-holding denominations' present position regarding their land, their intentions for its use and ownership, the particular challenges they are encountering, and what support they require;
- ▶ to present the position of residents on church land, describing their present experiences and their aspirations regarding the land;
- ▶ to describe the particular challenges encountered by women living on church land, and the potential

obstacles women will encounter in land reform initiatives;

- to provide an overview of the Department of Land Affairs' policies and procedures impacting on church land, and identify current challenges for the department regarding church land;
- to identify possible appropriate actions for the NLC, residents' groupings, church leadership, and DLA, bearing in mind the resources and limitations of each group.

### 1.3. Methodology

As part of the agreement with the NLC in conducting this research, a reference group was established representing various role-players interested in church land issues. This reference group served to advise, support and strategise, ensuring that the direction of the research was maintained. The group "met" initially through a tele-conference, and then subsequently to discuss the mid-term report. The reference group will discuss this final report and assist in the strategising around actions to be taken after this research project.

The following methods of collecting information were used for this study:

#### *National Church Land Conference*

The South African Council of Churches (SACC) and the National Land Committee jointly hosted a national conference on church land in November 1997. The conference theme was "The effective utilisation of church land", with the objectives being:—a) to investigate the responsible utilisation of church land; b) to deal with land redistribution, restitution and tenure security on church land as aspects to be considered in the alleviation of poverty; c) to assist the churches in formulating a common policy on church land.<sup>4</sup> The conference drew together some church leadership, representatives of communities living on church land, and Non Governmental Organisations (NGO's) representatives to work towards the development of a policy framework for the utilisation of church owned land. This served a useful function for the research process, in that it helped to focus many of the issues concerning the ownership and use of church land. Valuable information was collected from various presentations, and contact made with role-players in different denominations.<sup>5</sup>

#### *Literature review*

This has included the collection and review of a broad range of material relating to church owned land. There has been material from various church denominations concerning descriptions of their land, policy statements in recent decades, debates concerning appropriate actions by the church, theological reflections on the challenges of land ownership for the church. There has also been literature from ecumenical bodies concerning conferences and their reports, as well as discussion papers and publications. Literature has also been reviewed from NGO's

(particularly NLC affiliates) involved with church land communities and engaged in research on these issues.

There has been a limited pool of information from academic writings, both theological and non-theological—indicating the lack of critical reflection and creative thought being given to church land issues. The study also reviewed documents and policy statements from the Department of Land Affairs, in order to locate the debate concerning church land within a broader context.

#### *Deeds Office search*

Initially the research did not intend to collect any primary data, but would rely on churches and other institutions for the necessary information. However, it became apparent that it would be useful to collect whatever public information was available concerning the extent of land ownership by the various churches. For this reason, a search was conducted of records within the eight Deeds Offices throughout the country. Printouts were requested from the Deeds Offices based on a list of denominations and diocese we compiled. These printouts were analysed and categorised, in order to make comparisons possible across denominations.

#### *Stakeholder interviews*

Interviews were conducted with leaders and decision-makers within each of the major land-holding denominations. The intention was to hear from the churches about their experiences and intentions concerning the land they owned. Attempts were made to speak with both the public senior leadership of the denomination, as well as those officials responsible for the management and decisions concerning the denomination's property. This was not always possible, given the churches' sensitivity regarding land issues. Given the short time period of the research many of the interviews were conducted telephonically. Interviews were also held with DLA staff and NGO staff members.

#### *Case Studies*

The study made use of two case studies in order to present the experiences and difficulties of those involved with initiatives concerning church owned land. The first case study was conducted by the Church Land Programme, based on the work of CLP with a particular community and its associated church leadership. The second case study was conducted under the auspices of the Transvaal Rural Action Committee (TRAC), an affiliate of the NLC, in order to present the experiences of an NLC affiliate around church land. These case studies inform all aspects of this report and are not subsumed into any one section of it.

#### *Limitations*

We use the term "church owned land" as though the church is one entity, with uniform decision making structures and policies. The reality is very far from this. There are numerous denominations owning land in South Africa, with no uniformity across denominations, and

even within denominations there are a range of practices and decision-making structures. It is perhaps necessary to talk of “the church” but it must be kept in mind that rather than being an organisation, the church is a sector within society consisting of a number of organisations. This has serious implications for any generalisations, both in description and analysis, as well as initiatives toward action.

Churches themselves have outdated or incomplete records and are not aware of all the property they own. Where this information is available, the churches are often hesitant to release details concerning their properties.

There are variations between denominations as to how they hold land. Some have a central legal entity that holds land for the whole denomination, while others hold land at a diocesan (regional) level. Attempts to gain information from these various levels were beyond the scope of this research. For example, the Catholic Church is regarded as a single denomination, yet it holds land at the diocesan level. There are 26 dioceses within the Catholic Church in South Africa, each of which holds land in their own right. In addition to this, there are a range of religious orders and societies that also hold land independently. Clearly, a compilation of the land owned by the Catholic Church alone would not have been possible within the three-month period of this research.

The search of the Deeds Offices was incomplete, and served to highlight the difficulties encountered in compiling an inventory of church owned land. In order to conduct the search, the name appearing on the title deed needed to be known. In many cases this was not possible, as the churches have held land under a variety of names through their history, in some cases in an attempt to bypass apartheid legislation.

#### 1.4. Parameters and Terms

It is useful at the outset to describe more carefully what is meant by “church land” in the context of this study. Which land is being considered? What church/churches are we talking about?

The type of land owned by the church ranges from small urban plots for a local church building to large rural farms for both residential and agricultural purposes. For the purposes of land reform it is presumed that it is the rural land-holdings of the churches which are of interest, and this study attempts to highlight these and will focus on the possibilities regarding the larger rural land-holdings. However, information is provided on local church plots to provide the context of church land in general.

Japha *et al* (1993) provide a useful group of definitions of the various types of church settlements in rural areas. They are presented here in order to show the range of size and use of church land, and the various terminologies that have been employed.

- *Mission* - “Small rural settlements or complexes of

buildings on defined pieces of land, which were developed by and are or were controlled by a church as centres for an existing or potential Christian community, and which cater for or are inhabited by the rural poor.”

- *Mission nucleus* : The centre of a mission which “contains various functions and buildings, such as a church, a school or hospital.”
- *Mission settlement*: “A mission which consisted and still consists, of houses grouped around” a mission nucleus.
- *Mission farm*: “Missions established in areas considered to be ‘white’. A mission farm was a farm bought or acquired in such an area by a mission society (which held the land under freehold title), and which was inhabited by black people.” A mission farm was likely to “have a mission nucleus surrounded by the much more informal dwellings of subsistence farmers.”
- *Mission station and outstation*: “The terms ‘station’ and ‘outstation’ were used to describe historical distinctions between missions. Stations were centres of missionary activities in particular regions. These served a number of smaller outstations which did not have a resident minister.”<sup>26</sup>

In the context of this study it is necessary to clarify which churches we will be investigating. We are aware of the range of denominations and churches within South Africa, from “main line” denominations to African Initiated Churches. However, the main interest of this study is to investigate the position of the major land holding denominations. These denominations usually acquired their land in the course of their mission work in the previous two centuries in South Africa. The churches we will be considering are the “mission” churches such as the Lutheran, Anglican and Catholic.

## 2. Establishing the Context

### 2.1. A history of the churches’ acquisition of land

In reviewing how the churches came to acquire their land, it becomes apparent that this acquisition cannot be seen in isolation from the colonial conquest of southern Africa and the wars of land dispossession. In fact, the history of South Africa is essentially a struggle for the control of the land and its associated economic resources, and the activities of the churches need to be seen in this broader context.

It is recognised that the “missionaries who began work in southern Africa did not arrive in a vacuum. They carried with them the mentality of their time and place of origin” (Cochrane 1987:16). Their worthwhile missionary activities (such as education, provision of health services) were perceived by African communities to be part of the colonialist’s endeavours, and in many cases served to further the alienation and subjugation of the African community. In Cochrane’s analysis, he identifies the

“double deprivation which marks the history of most (though not all) indigenous peoples at the height of the missionary period: the loss of land and the loss of political power. In actuality the two are inseparable, ... together describing the alienating impact of European settlement” (Cochrane 1987:24). Tsele states that in this deprivation, the desire of the settlers was “to turn the indigenous people into hirelings” (Tsele 1997:11), landless labourers on their own land.

Missionaries themselves considered it necessary to work closely with their European colleagues, as a means of ensuring the efficiency and effectiveness of their own religious enterprise. That it also supported the intentions of the colonial powers was regarded as an added benefit. This was not always a harmonious relationship as the white settlers resented the missionaries for persistently raising questions of conscience, and missionaries had to defend and justify their role to the colonial powers. In one such defense, the missionary John Philip provides a clear indication of the allegiances of the missionaries and the effects of their ministry: “Missionary stations are the most efficient agents which can be employed to promote the internal strength of our colonies, and the cheapest and best military posts a government can employ” (Cochrane 1987:22).

These comments on the close association between missionaries, the ministry of the church, and the colonial domination of African people, are not intended to denigrate the intentions and character of the missionaries. Rather, they are a comment on the structural nature of the relationship between the colonial and missionary enterprises. Given this relationship, missionaries acted as they did “not because they were scheming, half-witted or malicious, but because they were of their time, of their place, and in an advantaged position in an expanding political economy increasingly characterised by a capitalist hegemony” (Cochrane 1987:37).

Holding this advantaged position, missionaries soon acquired several large pieces of land in order to establish bases for their missionary activities and provide accommodation for themselves and their converts. The various mission societies established their own network of mission stations within the regions in which they operated, and by so doing had significant impact on the tenurial relationships of African communities to the land. Kistner does not see this as a neutral process and argues that “the land which was granted to churches by white political authorities or which they acquired by purchase was, as a rule, land of which African communities had been dispossessed in the process of colonial conquest” (Kistner 1997:6). Having come to Africa to witness to the gospel of Jesus Christ, the mission societies and churches had become landowners and beneficiaries of the systematic dispossession of black people’s land—what Mofokeng has called “collective land theft” (Mofokeng in Tsele 1997:12).

It is within this history of colonial conquest over the past three hundred years that the churches in South Africa have become landowners. It is clear that “they were not

the spearhead of such conquest, but they were drawn into it”, and must share in the “responsibility for the injustice which has caused so much suffering to the majority of South Africans” (Kistner 1997:12).

## 2.2. Forms of acquisition

Within this context of land dispossession, the churches acquired ownership of land in the following ways:

### ► *Permission of chief / king*

In this approach a chief gave permission to missionaries to establish a mission station within his area, allowing them to provide for themselves and their followers and conduct their affairs. A chief’s permission to occupy did not involve the granting of permanent tenure rights, and this permission could be revoked by him or his successor at any time. Nkosi / Advocate Holomisa expands on this understanding: “Any land granted to the missionaries by the traditional authorities was given on the basis that while the allocatee needed it for cultivation of crops, grazing of livestock and provision of accommodation, he could continue to retain possession of it. When the allocatee no longer needed the land it reverted to the community. Whilst they had *use of* it, its *ownership* remained with the community” (Holomisa 1997:3; emphasis mine). However, some mission societies took transfer of some of this land and registered the title deeds in their name. This was the case with the “Mpande’s Gift” in which the mission society asserted ownership rights over land given to them as a gift (to use) by the Zulu king Mpande.

### ► *Grant from the colonial administration*

In this form of acquisition, land was given by the colonial administration to accredited mission societies for their use. Part of the land was for the personal use of the missionary, whilst the remainder was to be used for the benefit of the congregation. “According to a decree by the British High Commissioner in the Cape, every missionary who settled in a location was to be given a piece of land for his own use, and 6000 to 7000 acres for his congregation. It is worth noting that, in later years, all this came to fall under the ownership of the Church” (Tsele 1997:12).

### ► *Purchase of land*

The church also purchased land directly through the market, paying market prices for the land. The land was purchased mainly from farmers and the colonial authorities.

### ► *Donation of land*

Churches also acquired land through donations, bequests or legacies from friends and supporters of the mission society.

## 2.3. Nature of ministry on the land

As a result of the church’s intentions to make use of the land they acquired as a resource for their ministry, the church often initiated and developed some kind of

service for the surrounding community. This was invariably viewed as a means of spreading their gospel message and was an important part of their ministry, having a significant impact on South African society. "The purpose of establishing settlements in rural areas was to provide a base for evangelical activities and to create expanding Christian communities by attracting potential converts through the development of agricultural activities and the provision of social services such as schools, clinics and hospitals" (Puttick 1995:9). The services developed by the churches included health, education, agriculture, and welfare programmes.

The *health* services included the building and running of hospitals and clinics, as well as the training of nurses and midwives. Some of these training facilities as well as the service delivery have been known as the best in their region. These services established by the various churches have provided the only health care in rural areas for several decades, and in some instances the infrastructure established by the church still provides the essential health service for rural areas (e.g. northern KwaZulu Natal).

The *education* programmes initiated by the churches have covered all levels of schooling from primary to secondary. In KwaZulu Natal it is estimated that schools have been built on 51% of church land—a significant amount given that there are approximately 400 properties belonging to the various churches in the province (Puttick 1995:12). The churches have also provided colleges for teacher training, as well as technical training, and specialised facilities for the physically impaired. Over the years there has been an attempt by the churches to ensure that those who cannot afford their services will be able to have access to them. This has been in the form of bursaries or the waiving of fees.

The *agricultural* activities conducted by some of the churches were mainly for the benefit of the missionaries themselves, but were also a valuable resource for the surrounding communities. This development of the land was accompanied by the institution of training programmes for the surrounding communities in the fields of agriculture, animal husbandry and masonry. The churches wished to see their larger settlements being "self contained in that they could supply the basic needs, including the need for social services, of the missionaries and the community living around the 'mission nucleus'" (Puttick 1995:9). However, the number of church personnel with the required skills has decreased over the years, to the extent that presently the churches lack the necessary skills and resources to manage their agricultural activities.

In a report on the use of church land in KwaZulu Natal and the investment of the churches in the provision of social services, M. Puttick observes that "this (investment in social infrastructure) is an invaluable resource which can play an important part in helping to truly empower rural communities through improved education and training" (Puttick 1995:23). However, it must be recognised that the provision of these services was usually

in a paternalistic manner that further reinforced the power of the "giver", and maintained relationships of allegiance between the community and the church.

What is apparent in considering the range of activities for which church owned land has been used, is that the church has viewed its land as a vehicle for ministry, a resource to be used in the execution of its particular work. This was the motive for acquiring the land initially, and in the initial decades resources and time were invested in the development of appropriate service activities on its land. This initial vision seems to have been lost in many cases, and the land is now underutilised and is largely seen as an investment for the church's own benefit.

### 3. The Extent of Church Land

It has proved to be an extremely difficult task to ascertain the extent of land owned by the various churches throughout South Africa. The majority of denominations are themselves not aware of the extent of land under their control, nor of its potential to improve the quality of lives of those living on the land. Those denominations which are aware of the extent of their landholdings are hesitant (and perhaps understandably so) to easily release what is perceived to be such sensitive information. Through the course of this study, we have made contact with the significant land-owning denominations in an attempt to collect information that they have available and are willing to share with other role-players. In addition, a search of the eight Deeds Offices in the country was conducted to compile a list, and ascertain the extent, of church owned land. The information collected is presented below in two sections. Firstly, an overview of the national position is presented, and secondly, the situation of each denomination is discussed.

#### 3.1. National Overview

In conducting the search of the eight Deeds Offices<sup>7</sup> we provided the Offices with the names of denominations and diocese under which it was assumed the churches held property. The information obtained from this search is presented below. It is important to make some cautionary remarks regarding the data presented, before any analysis or comparisons are made.

This data must not be assumed to be complete and presenting the total figures for all land held by the churches in South Africa. In reviewing the information received from the Deeds Offices it very quickly became apparent that there were large properties that had not been identified by the search, properties which we were aware of but were not included in the data received from the Deeds Offices. This being the case, we assume that there are many more properties that we are not aware of which have been passed over by the search. The reason for this is that the churches own land in many different names, and not simply in the name of the denomination or the diocese.

For example, the search was conducted to identify

land owned in the name of the Moravian Church. However, very few properties were identified although we knew that the Moravian Church has significant property in the Western Cape. After investigation, we discovered that the Moravian Church holds land in eleven different names that have been used during the course of its 200 year history in South Africa. Unless these specific names are known the property will not be identified in the search. In this case, the Moravian Church itself provided us with the additional information. For other denominations, Trusts have been set up to hold their property and the denominational name does not appear on the title deed. As a result these properties will not be identified in a search of the Deeds Office if only the denominational name is used.

A number of properties identified through the Deeds Office search did not have information concerning the extent of the particular property. The extent of each of these properties is recorded as 800 DUM, which is the technical term for a “dummy” measurement. This means that the property has not been adequately surveyed and the extent of the property is unknown. There were approximately 250 properties in this category which represents approximately 10 % of the properties identified. Decisions and investigations will need to be made concerning these “dummy” measurements if a complete inventory is to be compiled.

We are certain then that *the data presented below is incomplete*, and that the churches in South Africa own a significantly larger amount of land than that presented in Table 1 below. However, the information collected does allow certain trends to be identified and commented upon.

- It has always been assumed that the church owns a large amount of land although the exact amount has never been known. In some discussions it has been suggested that the church owns 7% of land in South

Africa. Using figures from the South African Communication Service (121.9 million hectares for the land area of South Africa), this would mean that the church is assumed to own 8.5 million hectares.

Clearly, from the information gathered so far, the amount of land owned by the church is not even close to this amount. Even if the amount identified already (182 953 ha) was trebled—which is unlikely—this would amount to approximately 0.5% of the area of South Africa. This would suggest that some caution is needed when attempting to quantify the extent of church owned land, until such time as a more thorough inventory has been compiled. However, the uncertainty over the exact extent of land does not detract from the significance of the land owned by the church and the potential role the church as landowner can play.

- If a complete inventory of church owned land is to be compiled, it is clear that the co-operation of the various denominations is required. Without this active co-operation and interest the information will always be incomplete and inadequate. Co-operation is required at a number of levels within the church in order to deal with the various levels at which the land is held—e.g. national office of trustees, diocesan offices, religious orders and societies.
- This initial collection of data identifies the denominations which own larger amounts of land, and it is expected that additional information will confirm this trend.<sup>8</sup> It appears that the significant land-owning denominations are the Lutherans, Moravians, Catholic, Nederduitse Gereformeerde Kerk (NGK), Anglican and Methodist. This assessment is based on both the number of properties and the area of land owned by the denomination. This becomes apparent in the following bar charts depicting the information in the above table.

Table 1: CHURCH-OWNED LAND IN SOUTH AFRICA

Denomination	Number of Properties	As % of total	Area of Properties (Ha)	As % of total
ELCSA (Lutheran)	122	6%	57 146	31%
Moravian	10	1%	55 103	30%
Roman Catholic	315	15%	40 738	22%
N.G.K.	600	30%	14 298	8%
CPSA (Anglican)	379	18%	7 131	4%
Methodist Church	450	22%	2 027	1%
Presbyterian	79	4%	2 579	1%
United Congregational	29	1%	2 031	1%
Salvation Army	61	3%	1 898	1%
Other	8		2	
<b>Total Amount</b>	<b>2053</b>	<b>100%</b>	<b>182 953</b>	<b>100%</b>

- It is significant to note the differing ratios between the number of properties owned and their total area. The Lutherans and the Moravians own the larger amount of land yet have relatively fewer properties. However, the Methodists and the Nederduitse Gereformeerde Kerk have large numbers of properties (450 and 600 respectively) yet their combined area is significantly lower than the Lutherans. This indicates that the individual properties of the Lutherans and Moravians are larger than the other denominations, and that they have fewer but larger properties. This has implications for strategising and prioritising in responding to the challenge of church owned land.
- The above observation prompted the analysis of the properties to ascertain the range in individual property size. This information is presented in Table 2. From this analysis it is clear that the overwhelming number of properties owned by the church are small plots primarily used for local church buildings. It is assumed that these properties do not have much potential as a resource for the broader land reform programme. However, in terms of area of land owned by the church, the majority of church land is held in a relatively small number of large properties.
- The information obtained through the search of the Deeds Offices and the information available from the denominations excludes land under the control of the church over which they have “permission to occupy” (PTO). This information is not available from the Deeds Offices, and in many instances the churches do not have complete records regarding these previous agreements. An exception, of which we are aware, is the Moravian Church which has a complete record of their PTO’s in the eastern region—the previous Ciskei and Transkei. The implications (if any) for land reform of the church having these PTO’s have not been considered by the churches, the DLA or NGO’s.

### 3.2. Denominational Overview

To supplement the information above on the national scene regarding land owned by the church, it is of interest to explore the position of particular denominations concerning their land. The following is a brief overview attempting to highlight the distinctiveness of each denomination.

#### 3.2.1. ELCSA

The history of most of the ELCSA (Evangelical Lutheran Church in Southern Africa) church land is linked to the land holdings of the five mission societies responsible for the establishment of the church in 1975.<sup>9</sup> Most of the church farms and larger rural plots stem back to the missionary activity of the 1880’s. In KwaZulu Natal there is a general, although not strict, pattern of those properties north of the Thugela River being grants from King Mpande, while those to the south of the river having being purchased.

Ownership of the land is generally vested in the name

of the respective Dioceses (seven in South Africa) or in the name of the ELCSA Property Management Company, a wholly-owned company of the church. The PMC has a complete inventory of its property, but information on the land held by the various Diocese is not readily available. Some land is still in the process of being transferred from the Berlin Mission Society to the church.

Land holdings registered in the name of or administered by ELCSA-PMC can be classified as indicated in the table below. All rural plots are in the process of being transferred into the name of the respective Dioceses.

Category	Number of properties	Area (in ha)
Urban / peri-urban	58	167
Rural plots (< 10 ha.)	34	131
Rural plots (> 10 ha.)	13	423
Rural farms	17	56 425

In this overview discussion will be centred mainly around the category of rural farms, but also referring to a greater or lesser degree to other larger rural plots that have recognised residents on the land.

#### Present use of the land

ELCSA holds land for different purposes:

- for ecclesiastical purposes (such as church buildings, manses, church administration);
- for educational purposes (schools and hostels);
- for investment purposes (office blocks, commercial farms); and
- land held in trust for the mission-linked residents living on certain properties.

Of the properties most relevant to the land reform question, six are used exclusively by the respective communities, nine are apportioned between the community and the company’s commercial farming operations and one is used exclusively by the company. Use of the commercial land has been mainly for timber, sugarcane, livestock and game. The company is in the process of changing from farming the land itself to leasing out the land for agricultural purposes.

#### The relationship with the residents

An estimated 12 000 residents live on the ELCSA-PMC church farms in KwaZulu Natal in about 1 500 homesteads. Further families also reside on the Diocesan-owned land, but numbers are very much less. Some of the church’s land in peri-urban areas serves as residential areas for church-linked communities.

In 1990 the church, through ELCSA-PMC, established a Development Section to facilitate socio-economic change in the church farm communities. This contributed much to improving the somewhat tenuous relation-

Table 2: TOTAL CHURCH-OWNED LAND IN SOUTH AFRICA

Denomination	Number of Properties	Area <1		Area <10		Number <100	Area <100		Number >100	Area >100
		Area	Number	Area	Number		Area	Number		
ELCSA	122	57146	58	167	34	131	423	17	56425	
Moravian Church	10	55103	1	1	1	2	100	6	55000	
Roman Catholic	315	40738	105	21	103	378	2270	41	38069	
N.G.K.	600	14298	406	128	151	363	740	18	13067	
CPSA	379	7131	322	65	43	156	174	8	6736	
Methodist Church	450	2027	414	88	23	73	269	4	1597	
Presbyterian	79	2579	57	14	15	56	230	1	2278	
Congregational	29	2031	10	2	5	24	196	9	1810	
Salvation Army	61	1898	57	6	2	5	16	1	1870	
Other	8	2	8	2						
<b>Total</b>	<b>2053</b>	<b>182953</b>	<b>1438</b>	<b>494</b>	<b>186938</b>	<b>1188</b>	<b>1321</b>	<b>105</b>	<b>176852</b>	



ship between the parties. In 1993 a Farms' Development Forum (F.D.F) was established as a formal channel of communication between the communities and the church. Out of the F.D.F's Community Representative Group grew an independent mouthpiece of the communities, the G15 (Group of 15).

Except for isolated cases of illegal occupation, the families reside on the church land with the church's blessing. In March 1993 Church Council passed a formal resolution recognising the permanent residential right of the church farm communities, subject to observance of the rules and regulations governing the farms. At the same time Church Council unfortunately resolved that only Lutherans could hold office in community representative structures, effectively disenfranchising non-Lutherans on their own land. After establishing a Church Land Policy sub-committee, Church Council resolved in July 1996 that the community portions of the PMC administered farms should be transferred to the respective communities. The communities however claim both the community and commercial sections of the farms and this point of difference has contributed to a steady deterioration in the negotiation process.

### **What does the church intend regarding the land**

The community-utilised portions of the PMC-administered farms are intended for transfer to the respective communities. In a recent decision, the church plans to lease out most of the company utilised portions of these farms. In the longer term the Church envisages that the commercial sectors of the church farms will be "bought" by the respective communities with financial assistance from the land reform processes.

### **Land management policy**

In 1996 the Church Council established a Church Land Policy sub-committee which debated mainly the question of the church farms. Dioceses formulate their own policies regarding land registered in their own names. In most cases these policy issues are resolved as and when they arise.

The church compiled a set of rules governing the residents' utilisation of the land. These were based on the original rules of the Hermannsburg Mission. Marcus (1995) reports that

Both in terms of rules and procedures, the Common Farm Community Scheme unequivocally establishes the authority and protects the interests of the ELC-PMC as a company. It has often caused disgruntlement amongst the communities—imposing, regulating and denying people authority over their own lives.

In 1996, through a consultative process between church and community, a new constitution was drawn up concerning residence, governance and administration of the community sections of the church farms. The intention was for it to be easily convertible to a constitution for an independent legal entity, such as a Trust or Communal Property Association.

### **Challenges facing the church with respect to land reform:**

The major challenges facing the church with respect to land reform lie in:

- ▶ the communities' ability to handle the practical and legal steps in their own land reform process;
- ▶ the unavailability of funds from either the church or the communities to cover the land transfer levy and other legal costs;
- ▶ the lack of response from the government to waive these costs;
- ▶ the deadlock between the communities and the church over the future of the commercial section of the church farms;
- ▶ the church developing unity of vision and a comprehensive policy regarding utilisation and management of its land.

### **Decision making structures with respect to land related matters**

- ▶ The General Assembly is the church's ultimate authority. Assembly meets bi-annually and comprises representatives nominated by each Diocese.
- ▶ Church Council is the practical decision making structure which informs the decisions of the General Assembly. Church Council meets three or four times a year and comprises the Bishops, Diocesan nominees and ex-officio representatives of specified church structures.
- ▶ Church Council Executive is responsible for the day-to-day matters on behalf of Church Council, but is not a final decision making body.
- ▶ The seven individual Diocesan Councils pass certain decisions regarding their own land holdings. The Diocesan Councils meet about quarterly and comprise Diocesan office bearers, Deans and Circuit nominees.
- ▶ The ELCSA-PMC Board, appointed by the seven Bishops, is responsible for PMC related matters. The Board meets three times a year.

### **3.2.2. Moravian Church**

The Moravian Church's first missionary activity in South Africa was in 1737 in the Western Cape, but this was short-lived as the missionary was "thrown out" by government authorities in 1742. When the missionary endeavours commenced again in 1795 the antagonistic relationship with the political authorities continued, and the missionaries bought land from farmers to ensure some sense of security for themselves and their converts. This "security" appears to have been an ongoing concern for the church, and still today is a strong motivation in the management and use of the land.

The Moravian Church has been two separate churches for the past two centuries and only unified in 1993. The division has been along geographic and political lines, with culture and language playing a major role. The two regions of the Church—the west centred around Cape Town, and the east centred around Mafikeng—are still in

the process of unifying, and this includes their holding, management and policies of their property. The western region essentially owns six large mission stations covering a total of 55 000 hectares, with 13 387 people living on these stations (Mayson 1998:4). The eastern region holds approximately 50 properties, with a large number of these being PTO's from the previous Ciskei and Transkei. The details of these properties are still being collected at the time of writing and thus are not included in the charts and tables in the previous section.

The mission station provides residential sites for those members of the Moravian Church who wish to live on the station. A contract is entered into by both parties, and the residents are required to abide by the rules governing the mission stations. At the present it is only males over the age of twenty-one that are required to sign the legal document, committing them to obey the rules and regulations. Women do not sign this document, which then has implications for women's access to land, as young unmarried women are not given access to residential sites. The only situation in which women are allowed a residential site in their own name is when the women's husband has died and she then continues the full privileges enjoyed in the husband's name. The Church leadership is aware of questions being raised regarding the position of women but are of the opinion that this needs to be dealt with in the context of the ethos and values of the mission stations themselves.

In addition to residential sites, each family has access to the *tuine* (gardens) for subsistence production. Beyond this, there are also larger plots available for rent for those who wish to be involved in larger agricultural production. There have been concerns raised by residents who wish to have individual title to their residential sites in order to secure credit from financial institutions. The Church has objected to this on the grounds that providing title for residential sites will place them on the open market that will effectively undermine the nature and ethos of the mission station.

All Church property is held for the Church in the name of the Chairperson of the Board. However, there are 11 variations for the name of the Church under which land is held. There are no formal policies guiding the Church's approach to and use of the mission stations, although there is a strong management system in place for the ordered running of the properties. The mission stations function with their own local councils (*opsienings raad*) and have developed rules and guidelines over the past two hundred years. Each local council is represented on an umbrella body that is responsible for the overseeing of all the mission stations. The Church is particularly keen to maintain this ethos and strong sense of community. However, they are facing the challenge of the young people leaving the mission stations and obtaining education and training, and following their careers in the urban centres.

The Church has been very active in various development initiatives over the decades, and has created and sustained a range of economic activities of benefit to the residents. "At Wuppertal there is a shoe factory, an

industrial glove factory and an agricultural project. At Elim there is a bakery, a sewing project and a pottery project. At Elim, Wittewater and Goedverwacht the church rents land to resident wheat and sheep farmers" (Mayson 1998:6). The rent paid by farmers is well below market related rates, and the Church is currently not making any profit from its properties.

At the beginning of 1996 a land task group was established to investigate issues pertaining to the mission stations. This task group was set up with a two-year life span, and it reported to the national synod in July 1998. One of the activities of this task group has been to facilitate the signing of an agreement between the Moravian Church and the Minister of Land Affairs, known as the Genadendal Minute. This agreement commits the Church and the Minister to co-operate and make resources available to ensure security of tenure for mission residents, to ensure appropriate and sustainable development takes place on the mission stations, and that the ethos of the mission stations is respected. There have been no significant developments arising out of this agreement to date<sup>10</sup>, although it has ensured that there has been little interference from the provincial government in Moravian land—a potential threat perceived by the Moravian Church prior to this agreement.

### 3.2.3. Roman Catholic

The Deeds Office search to identify Catholic owned land gave an indication of the difficulties associated with the Roman Catholic Church's ownership of property. In contrast to the Lutherans and Moravians, there is no central record of land owned by the Catholic Church. Property is held by each diocese—of which there are 26 in South Africa—and the Bishop, together with his administration, is responsible for the management and oversight of the land in each diocese. In addition to the dioceses, the religious orders also hold land in their own name and administer this land independently.

The only inventory and survey of Catholic land that we are aware of is that conducted by the Catholic Church in Natal in 1986, with the report compiled by Paul Daphne entitled "*The utilisation of rural lands owned by the Catholic Church in Natal*". The report indicates that the Catholic Church in Natal owns 15 975 hectares, with the land being used as follows: "around 42% of the total area is leased out to white farmers or companies, 30% is settled and used by black tenant families, 18% is farmed by the Church, and 9% is utilised by neighbouring black communities" (Daphne 1986:iv). Figures for the national scene still need to be compiled, and the experience of the Deeds Office search indicates that this will require the involvement of the Church itself since the search has certainly not identified all Catholic property.

The central body of the Catholic Church is the Southern African Catholic Bishops Conference (SACBC), but this has no decision making power over the dioceses and orders. The final authority rests with the Bishop and heads of the orders. However, land has become an important issue for the SACBC and they are ensuring discussion takes place concerning the Church's responsi-

bility regarding its land. They initially appointed Father Dieter Gahlen of the Mariannhill Diocese as the First Contact Person on Issues Pertaining to Land for the SACBC, with one of his responsibilities being to keep the Conference informed of the debate and initiatives around church land. Subsequently, church land has been discussed at the plenaries of the bishops in August 1998, January 1999 and August 1999. As a result of these discussions, the SACBC has resolved to "proceed with the proposed inventory in all dioceses and an audit in five dioceses"<sup>11</sup>.

The Conference has mandated its Department for Justice and Peace and the independent Church Land Programme, working together with the National Land Committee, to compile an inventory of all Catholic owned land in South Africa. This inventory is currently in process and is expected to be completed by March 2000. In addition a more thorough audit is being conducted of significant properties in five dioceses initially, with the expectation that such an audit will be conducted in all dioceses. The audit will ensure that more complete information is collected about the community residing on the property and their rights concerning the particular property, the nature of the land and its potential, the diocese's interests concerning the land, and the regional context in which it finds itself. The intention is for various options for the use and ownership of the land in question to be identified, and for initial plans to be developed.

The Department for Justice and Peace, and the Parliamentary Liaison Office of the Church have also been involved in discussions regarding church land, and together with representatives of the Conference met with the Minister of Land Affairs in May/June 1998. On behalf of the Catholic Church, the Parliamentary Liaison Office presented a submission to the Land Affairs Portfolio Committee during the first quarter of 1998.

Given the dispersed nature of the Catholic Church's ownership of land, it is inevitable that there is unevenness in the Church's dealings with land. While some dioceses have been prepared to make land available to the communities living on church land and have supported their initiatives, others have made it clear that the property is for the benefit of the diocese and chiefly as a source of income.

One particular diocese that has taken initiatives regarding their land, which reflects this tension between serving the community and securing an income for the diocese is the Diocese of Mariannhill in KwaZulu Natal. The Bishop and his Consultors have declared their vision for the use of the Diocese's land in terms of stewardship of the properties. "This stewardship requires that one of the principal aims be the alleviation of hunger and poverty in the rural areas. Another, equally important aim is to provide income from the farms for the pastoral care and works of the Diocese."<sup>12</sup> In order to give expression to this vision, the Diocese has decided to donate land to the communities residing on land owned by the Diocese (15 properties totalling 2 570 hectares, and presently unproductive), and continue with current leases on

properties (4 properties totalling 1 600 hectares, the only land securing financial returns for the Diocese).<sup>13</sup> The question remains as to what level of support will be provided to communities as they seek to ensure viable livelihoods from the land.

### 3.2.4. Dutch Reformed Church

The Dutch Reformed Church (DRC) does not have a central body which holds the property of the Church, but land is rather held at the level of the congregation. This means that there is no inventory of all land held by the DRC, nor is there any common policy or decision making structure. The situation is complicated further because of the racial divisions within the Church over the past decades, when the "white" DRC held all the property of the Church, even that managed by the "non-white" DRC's. From the search of the Deeds Office it is apparent that the DRC owns a large number of properties, but that the majority of these are small sites for local churches. It is not clear that the information received through the search is complete, and it appears that fairly extensive work still needs to be done in order to develop an adequate picture of the DRC and its landholdings.

### 3.2.5. Church of the Province of Southern Africa (CPSA) (Anglican)

Anglican Church land is held by the diocesan Bishops directly and then jointly by all Bishops as the holders of the land. The Archbishop, as head of the Church, is the over-arching holder of the land but does not really bear any power in relation to the use or disposal of the land.

The provincial church (i.e. the central body in Southern Africa) levies "taxes" on the individual dioceses and so it may be that the Bishops do not disclose all the assets in their possession as this would lead to a higher "tax" to be paid. The Bishops are often dependent on the income from their land to maintain the work of the diocese, and hence are very cautious concerning land reform. The implication is that it will be fairly difficult for an "outsider" to obtain information concerning Anglican land.

While land is held at the diocesan level, there are some national structures that can have some impact on decisions regarding church owned land. There is the Provincial Synod of the Anglican Church, as well as the Provincial Standing Committee, at which all dioceses are represented. Any overarching policy or programme on church land will need to go through these structures.

One of the responsibilities of the Church at the national level is that of the salaries of the clergy. To address the need for more funds for these salaries, the Archbishop has proposed to the Standing Committee that the Church should use the resources it has at its disposal (like land) to increase their income. This seems to be a concern that cuts across denominations, and has serious implications for the churches' participation in innovative initiatives with their land.

### 3.2.6. Methodist

Methodist church land is called "society land"<sup>14</sup>, and decisions regarding the land are taken at a local level. The

Methodist Church of Southern Africa (MCSA) has some land which is held as a PTO (Permission To Occupy), whilst the majority is held with title deeds.

The local society makes decisions and plans regarding the land, and these are then taken to the quarterly Circuit (regional) meeting. If the Circuit approves of the plans and proposals, the matter is taken to the District Properties Commission that has the final authority in the matter. It is at this level that there are attorneys, accountants, etc. participating in the assessment and decision-making.

The Methodist Connexional Office (MCO), acting as administrative headquarters, usually holds the title deeds for all Methodist property but cannot be seen to be making decisions centrally regarding the properties. The local Superintendent and Bishop have copies of the “deeds cards” (the Methodist record keeping system) and are meant to regularly update all the information regarding the land in their area. This is not always the case, and consequently the records within the Methodist Church are not an accurate reflection of the Church’s present property holdings. The MCO is currently capturing all information on their title deeds in order to compile a list of all property owned by the Methodist Church. This information will then be passed on to the Bishops and Superintendents to amend or confirm.

The Bishops of the Methodist Church met in April 1998 to discuss issues pertaining to the Church’s ownership of land, and proposed that this matter be debated further at the national Synod in July 1998. At this triennial Synod the Methodist Church of Southern Africa acknowledged its involvement in “land dispossession in the past and the ineffective use of the Glebes”. Furthermore, the MCSA resolved to “formulate a policy to guide the Church on land issues—this policy must be developed in consultation with all levels of the Church and all stakeholders; ensure that land is available to communities with particular emphasis to the poor; take into account the particular needs of the church”. The second resolution was to “hasten the completion of the inventory and audit of the Methodist owned land”. In order to ensure that these resolutions are implemented, the Conference decided to “establish a commission of land reform and use with a three year life span commencing July 1998”.<sup>15</sup>

### 3.2.7. Presbyterian

Most of the freehold land owned by the Reformed Presbyterian Church was bought by the Church of Scotland to support its missionary activity in South Africa. When first acquired, these properties were used by the missionaries for stock and crop farming. Presently, many of the properties are lying fallow, whilst others are densely populated by people who requested residential sites on the premise that they would become members of the Church. The Church has properties in all regions of the country, but the majority of the land is in two regions—the Eastern Cape and KwaZulu Natal.<sup>16</sup> Given the history of the Church, the land owned by the Church has been registered in the name of the mother church, the Church of Scotland. The process of transfer of this

land to the Reformed Presbyterian Church is in process and almost complete.

The Church is currently conducting an audit of its land, for two reasons. The Reformed Presbyterian Church is in the midst of reconciliation talks with the Presbyterian Church of South Africa. This has necessitated the audit as the Reformed Presbyterian Church needs to know the detail of its assets prior to reconciliation. The second reason for the audit is that the church understands the crisis of landlessness in this country and it would like to respond constructively to that need. It cannot do this unless it knows what resources it has available.

The Church has not yet formulated a policy with regard to the land it owns. Land matters are discussed in the Court of the Church by the Board of Trustees. This is the senior decision making body in the Church on land matters.

From the late 1980’s up to 1994 the Church conducted a Land Development Programme. The main aim of this programme was to develop mission farms for the benefit of the Church. This was an attempt by the Church to gain some income through its own farming activities. The Programme operated on three farms as a pilot project. These farms were Ross, Mbulu and Gilapsy all in the Eastern Cape. The pilot project encountered numerous problems and did not succeed. Some of the problems included a lack of funding, conflict with neighbouring communities, and a lack of vision on the part of the Church.

In discussion with the leadership of the Church, it appears that the Church is willing to make use of its land in addressing poverty and landlessness among black people. However, it is disturbed by demands made by people to the Church, and by the view that the Church has dispossessed people of their land.

## 4. Communities Living on Church Land: Their Predicament

In discussions concerning church owned land, in the midst of all the questions concerning size and location of properties, it is possible to forget that the primary concern is the lives of those people who are living on the land. There are families for whom this land has been their home for generations, and any discussions of the future of church owned land cannot exclude them. This section provides a description of their position as tenants on the land, whilst also being members of the church which is their landlord.

### 4.1. An Experience of Dispossession

As discussed above, the history of the churches’ acquisition of land is intertwined with that of colonialism and its dispossession of black people’s rights to the land. Given this context, the ownership of large farms by the church is also viewed by black people as dispossession of their rights to land. The question then arises as to

whether this dispossession was intentional, or was it the consequence of the church's ministry? Perhaps it is not possible to respond to this question adequately, but a response would need to consider the role which some churches played in providing a place of security for many communities being threatened by the state and its racist policies. Parallel to this is the recognition that there were a number of churches that were "neutral bystanders" observing the state's destruction of black communities, and not halting the dispossession of black people's land. No matter what kind of approach is used in narrating the story, it remains true that black people of this country feel dispossessed. Their argument is that when the church arrived in this country it had no piece of land in its possession. Yet at the end of the process, the churches are found owning large amounts of land with the black people living on this land having no security of tenure.

In discussions with residents on church owned land it becomes evident that they interpret their experience as one of dispossession of their land by an institution whose mission is supposedly philanthropic in nature. The churches are *de jure* owners of the land, whilst the residents are *de facto* occupiers of the land. This indicates the differing perceptions of ownership of land. The churches understand that they hold the title deeds to the land and this is evidence of their legal position as owner of the property. This is also assumed to indicate their legal acquisition of the property. In contrast, the communities' understanding is more closely tied to the history of the land and the occupation and use of the land—the land in relation to its people. These different perspectives allow both parties to claim the property as "our land", and gives rise to the communities' experience of being dispossessed of "their land".

This dispossession is experienced as both a sentimental feeling and economic powerlessness. The communities presently residing on the land owned by the church do not have control over that land. They are not free to initiate and implement activities pertaining to development on the land, without first acquiring permission from the church. A common experience is around the building of a school for the community. Even after agreements have been reached with the Department of Education, it is still necessary for the community to go back to the church to obtain "permission to occupy". The frustrating part is not that they do not have a piece of land, but that they have no control over that piece of land.

Even with the political transformation that is taking place in this country, these people still feel vulnerable. This is not because they suspect the church will evict them, but rather because they do not have secure ownership rights to the land. The lack of land ownership right and control is the main factor in this feeling of dispossession.

## 4.2. Communities' Rights

Having secured ownership and control of the land, the church placed restrictions on who was entitled to occupy

the land. This right of occupation was initially for those who were members of the church, and they were obliged to comply with the rules and regulations of the church. New applicants had to show themselves to be sincere converts, and make an undertaking to comply with all the rules. This is still the situation at Moravian mission stations where only Moravians are eligible to gain access to a residential site at the mission station. This has been the case for a number of denominations and is an attempt to maintain a particular Christian ethos at the station.

The nature of these occupational rights is that people can use the land for the construction of their houses, for grazing and cultivation. The various churches imposed strict rules on the communities as a means of promoting Christian values. For example, shebeens were not allowed on the property, and community members must not be found drunk within the boundaries of the mission farm. During the missionary days the control was tight, and it was compulsory for community members to attend religious services, as well as to send their children to school to be educated in the Christian faith.

Residents on church land were also told what livestock they were allowed to keep. For example, in most mission farms they were not allowed to keep goats. The reason given was that goats were causing soil erosion. The interpretation of the communities was that the church did not wish to have goats on the property, as they were associated with ancestral veneration. On some Catholic and Lutheran mission stations goats were slaughtered on the direct instruction of the priest.

Since people living on church owned land do not have secure tenure, they are not able to access government and development agencies' support. The land is regarded as privately owned land and consequently the government cannot provide infrastructure such as roads, schools and clinics. It is also difficult for these communities to secure housing subsidies and other development finance as their rights over the land cannot be used to secure credit.

Those community members who were found guilty of breaking the mission's rules were expelled from the property, and literally removed from the land. In one specific Lutheran mission, according to an oral source, some families were thrown off the land and left along the side of the road by the church for breaking the rules. These people had no channels by which they could make an appeal against the harsh decisions that were unilaterally taken by the local priest.

Some church land residents lost their right of occupation when the government implemented the Native Trust and Land Act No 18 of 1936. People who were now identified as squatters because they were not farm workers, were forcefully evicted from the land. Not all churches succumbed to the government pressure. There were those who resisted the implementation of the Act and they defended the communities. However, there were those who saw no alternative and complied with the state's instructions, with the result that people lost their right to occupation. One such situation was the Dominican Sisters of Oakford at Verulam, where fifty families

who were classified as squatters were evicted in 1964. These evictees have lodged a restitution claim with the Land Claim's Commission, and the Sisters have offered land as compensation for the eviction.

### 4.3. Economic Conditions

The dispossession experienced by the communities has had an enormous impact on the communities. One of the significant effects can be seen in the economic condition of communities living on church land. There are a number of factors contributing to the present economic situations of the mission farms:

- ▶ All mission farms are situated in rural areas and are classified as privately owned land. There is limited or no infrastructure on the farms—like roads, electricity, running water, schools, clinics and telephones.
- ▶ With the high rate of unemployment in the country, most households on church land derive their income from informal employment, pension, welfare grants and a decreasing number from migrant workers.
- ▶ Agriculturally, people depend on subsistence farming that only addresses family needs. The main constraints facing the communities with regard to agriculture are:- limitations of the soil; lack of capital; lack of accessible water for irrigation; limited arable land; motivation; and skills.
- ▶ What has killed motivation for agricultural activities are restrictions that were imposed by the churches on the communities with regard to the use of the land. Some churches have leased their arable land to white farmers for crop production and grazing. The remaining grazing lands designated for the use of communities are overgrazed.
- ▶ With regard to cattle, communities still believe in having many cattle as a symbol of wealth and position, rather than for commercial activity.
- ▶ A lack of stability and a sense of ownership on the land contribute to the de-motivation present on the mission farms. It is difficult for communities to invest in an uncertain situation, and even more difficult for outside investors to assist church land communities.

The question of de-motivation resulting from the lack of ownership and stability needs to be addressed by the churches, who need to decide about the future use and ownership of their land. As long as the churches delay in addressing this issue they keep these communities locked in poverty.

### 4.4. Identity

In many circumstances missionaries decided to register their converts with the colonial government as the Amakholwa tribe, with a Christian chief whose allegiance was with the missionary or a bishop. These Amakholwa tribes lost contact and warm relationships with their relatives who remained under the traditional leaders. People were gradually not only losing contact with their relatives, but they were also taught to undermine them by

calling them 'Amaqaba'. Within one geographical area—"isigodi"—you had "Amakholwa" and 'Amaqaba'.

The colonial government used the mission farms and reserves as inroads into the black community, and as a means of controlling and "taming" the black people. The church—aware or unaware—collaborated with the colonial government. Eventually the converts were subjugated and their lives were strictly controlled, to the extent that they lost their identity as an indigenous community. Being "Amakholwa", their existence was influenced by, and directly linked to, the church that was the provider. This was reinforced by the church teachings on obedience and loyalty to God.

The legacy of this identity crisis is still evident in some mission farm communities today. Some communities on church land in KwaZulu Natal did not participate in the local government elections because they were hoping to vote separately from their neighbours who were not living on church land. Others are ridiculed by their neighbours, and they do not benefit from local government activities because they belong to the mission. Another reason for their exclusion is that they are not loyal to the local chief. These are small indications of how these communities have been dislocated from the broader community. Unfortunately the church is quiet about these issues.

### 4.5. Relationships of Power

The other aspect of the churches' control of the mission stations was that they developed a strong, controlled and dignified sense of community. The missions were viewed as the fountain of education and western culture. The missionaries built schools and clinics on the mission farms, and provided vocational training for surrounding communities. It is from these mission communities that the educated working class of black people in this country emerged. However, the migration of the educated class from these communities to urban areas for employment purposes, opened a leadership vacuum in the rural areas. With the take over of mission schools by the government the standard dropped in some, while schools were closed and missionaries withdrew their financial support.

When the respected members of the community had migrated to the urban areas, the wholeness of the communities was negatively affected. The relationship between the church and the community deteriorated. It became a feudal relationship with the church as the owner and the residents as powerless tenants. The church became the provider and residents the receivers. Decision-making power was left with the church as the landowner. The situation has emerged in which members of the same church are divided against each other, with the church as landowner having the power to control the lives of the members of the church who are land-less tenants.

Another contributing factor was the political climate of the country. The missionaries, who were white, had contacts overseas and they could get resources to help black converts. Furthermore, since they were white they

could gain access to government offices and receive attention. In addition, the church officials enjoyed great respect from the government that purported to be a Christian state. All these factors had a negative effect on residents, who were black and politically marginalised. This further polarised relationships in the communities and the church officials did nothing to correct the situation. The deterioration of internal relationships had a bad effect on community leadership.

#### **4.6. Allegiance**

The irony is that the majority of mission farm residents, who are extremely critical of the church due to their experience at the hands of the church, at the same time have a strong allegiance to the church. Although church membership and attendance has dropped drastically, it does not mean that the people are completely alienated from the church.

In the past the church has used land as a powerful tool for evangelization. Families who were not attending Sunday services regularly were threatened with expulsion, or they were literally removed from the land. One resident recalls that one white priest asked the catechist why the attendance at church was so good when he (the white priest) was in charge of the service. The catechist replied: "It's because you are a good preacher". After reflecting on this answer the priest remarked: "No, I think the people are afraid that I would expel them if they did not attend." This would seem to be a fairly accurate interpretation by the priest of a situation in which the tenants felt pressured to accept the landowner's conditions. However, this is not the complete picture. Residents on church owned land, who are well aware of the dynamics of their position, are also the first to defend the church against outside criticism. The church has become part of their history and worldview, and has provided another sense of community and a new and life-giving faith. Their allegiance to the church is deep-seated and has developed over many years. This history gives rise to situations in which the leader of those seeking to gain ownership of the land from the church, is also the lay preacher for the local congregation. This could be interpreted as a means of survival given their context of tenancy on church owned land. However, it may be that the residents have been able to make the distinction which the church hierarchy has not: the distinction between church as landowner and church as spiritual home.

### **5. The Church as Landowner**

An overview of the details of the landholdings of the church in South Africa may reveal something of the amount of land owned and the comparisons between various denominations. However, it does not necessarily reveal much of the dynamics of the position of the church as a landowner. In addition to the quantitative information, there needs to be a more qualitative description of the position in which the church finds itself and

the nature of the challenges to be faced. This is what this section attempts to do.

#### **5.1. Who is the church?**

If you pose this question to various church people under different circumstances, you always get different answers. Theologically the church is a body of believers, all those who confess Jesus Christ as Saviour and Lord, and who are in union with God through the Holy Spirit. This is a theological statement of faith, the expression of our unity as brothers and sisters in the community of faith. As part of this community of faith we share all things in common and find equality before our God. In terms of land ownership, if we talk about the church owning the land, the implication is that the church as the body of believers (i.e. all members) owns the land. Therefore, all will have access to the land and security on the land, and share in decisions regarding the land.

However, we also need to talk about the church as a social phenomenon, a social organisation interacting with other structures of society. As an organisation it has its own hierarchy and structure, generating its own power dynamics, with distinctions between leadership and members. In this social organisation of the church it is the hierarchy that is the custodian of the properties of the church. This hierarchy sets the policies and makes the decisions. The land is owned by the diocese, the national structure or the local congregation. Therefore church members who reside on the land do not compose the whole church but only a small component of the church. They cannot claim legal ownership; instead they enjoy an occupational right which is not extended to other church members.

#### **5.2. Land is an investment**

Initially the church acquired land as a resource for ministry. As the time and needs have changed, so the church's view on the function of the land has also changed. The strongest view at the moment is that the land is perceived as an investment, a source of income for the church. The original reasons for land acquisition are no longer the motivating force in the management and use of the land, and several churches have leased their land to commercial farmers in order to acquire income to meet their financial obligations. There are churches that use this income to finance social programmes like old age homes, orphanages, clinics, and pay stipends to the workers. In these situations the church is making use of the land as any other private landowner, and is not exploring the potential of the land itself being a place and source of a new and appropriate ministry of the church.

This attitude influences how churches respond to calls for the church to make available their land for redistribution. In many cases the church is willing to see their land, or portions of it, transferred to communities living on the land, but they are looking for financial compensation for this transfer.

However, it must be noted that there are situations in

which the church hierarchy has been more than willing to donate land to people who reside on and use the land.<sup>17</sup> This is an attempt to respond to the national situation of landlessness of black people, and the church views their response as a means of redressing the imbalances of the past and fulfilling the original mission of the church founders.

### 5.3. Positions of Power

Over the years the church has used various means to exercise authority over communities. Initially missionaries registered communities living on mission stations as members of the *Amakholwa* tribe, and the missionary then appointed a Christian chief or induna who was accountable to the church hierarchy. This was done to ensure that there was some sense of authority and control over the residents. The missions that were involved in farming employed white farm managers who were their representatives, to ensure that the farming enterprise was productive and to manage their relationship with the community. In all these situations, the bishop who is the head of the church has also played the role of being the final authority in matters pertaining to the land. This system of control and authority has created a feudal relationship between the church hierarchy and the residents.

As the nature of activities on the mission stations changed, and with it the nature of the relationship between the church representative also changing, the position of the communities on the land was altered. The church converts were now converted to tenants, paying for the right to occupy the land owned by the church. The amount of rent paid was minimal, and usually insufficient to cover the running costs of the property, but the landlord – tenant relationship had been established. This caused a shift in the balance of power, with the bishop now taking the role of landlord and the local priest acting as the landlord's representative. These roles of owner and manager have been difficult to separate from the ministerial and pastoral role of church leadership, and for communities they have been fused into positions of power.

As the political climate of this country changed, so the situation on the mission farms also changed. Conflict and disobedience surfaced in most of the mission farms, and passive resistance manifested itself in various forms like vandalism, stealing of church properties, the boycott of rent payment. The church has tried various means to regain control over the situation, but in most areas the authority of the church has been diminished and what remains is the fact that the church is the landowner.

To address this situation some churches have initiated the election of democratic structures, such as farm management/development committees. However, these structures have had limited success as they have not been completely autonomous, and communities usually view them as church "stooges". Unfortunately, these structures have not had much power and they have served to

be a barrier between the church and the community. What is apparent is that as long as the church remains the owner of the land it will always hold the position of power, a position that throws the pastoral role of the church into confusion.

### 5.4. An Unfinished Past

The initial reason for the church to own land, according to its stated intentions, was to provide a place of refuge and a service to its converts. For example, the intentions of the Trappists who came to KwaZulu Natal in the 1880's, was to develop an independent African peasantry. They planned to achieve this by providing agricultural training to African people and by making land available to them, for them to own in their own name. In general all churches acquired land to assist and uplift the living standard of the African converts. These noble intentions, to a large extent, have not yet been accomplished. This is the past that still haunts the church and the spirits of the founders of the church in Africa.

Another thorny issue is the unfortunate relationship that has developed between the church and the people who are residing on church owned land. Listening to stories of the ill treatment of residents by some church officials leaves one dismayed and concerned. This broken relationship needs to be seen in the broader context of calls for reconciliation in order to build a healthy society and deal with the inequities of the past. The relationship between church and community was damaged when the church abdicated its role of ministering to the people and assumed that of being the landlord. In order to return to its pastoral and prophetic role, the church may need to foster reconciliation with communities living on its land and allow the past to be completed so that the new challenges can be dealt with.

### 5.5. A Family Affair

In dealing with issues concerning their land, the church often functions as though there is only one party involved in considerations regarding the land—the church. It operates from the assumption that those residing on the land are members of the church and are "our people". Any issues that emerge or conflicts that arise can be dealt with internally, as these are "family matters" and the family issues need to be resolved within the family. It is our understanding that this approach conceals the imbalance in the power relations that exist between the church's hierarchy and the church's members, especially when those members are tenants of the hierarchy. This continues to make residents dependent on the church, and does not allow for the interests and needs of the residents to be expressed and dealt with. There are at least two parties involved in matters concerning the land—the church and the community—and the concerns of both parties need to be heard and responded to. This appears to be a fundamental shift required by the church if it is to deal with land issues with any sense of integrity.



## 5.6. Challenges Facing the Church

The church is faced with new challenges emerging from a changing environment, challenges that will entail a review of its ministry and its use of the land under its control. A few of these challenges are mentioned below, but not discussed in length.

- ▶ *Finance*: Many churches are apparently dependent on the income from the land they own to support their ongoing ministries. Any changes in the church's ownership, or deriving of benefits from the land, will therefore have effects beyond the land itself. The church will need to consider creative alternatives to this source of income, and consider to what extent this is a limitation in their participation in land reform initiatives.
- ▶ *Development*: There is obviously a need for some nature of development processes to be taking place on church owned land, and with the communities living on the land. The church will need to consider how it is to be a party to these development processes, so as to ensure the effective and sustainable use of the land that is available.
- ▶ *Collaboration with the State*: In the past there has been an ambivalent relationship between church and state, in which the church has both benefited and been used. The present context demands that there be some level of collaboration between the church and the state to effectively deal with the range of issues raised by the need for appropriate development on church owned land. The church will need to be prepared to engage the state to the benefit of the community and the broader demands of the society.
- ▶ *Leadership practices*: A move away from the church as landlord will require a new type of leadership to function in relation to the communities living on church land. This will particularly be the case for the local pastor/priest.

## 6. Role-players and Their Initiatives

The previous two sections have described the position of the communities and the churches in relation to the land owned by the various churches. These two parties are the main actors within the whole process of land reform and the church, and their position needs to be explored in more detail than other role-players. However, it will be useful to have some insight as to the intentions of other role-players, and what initiatives are currently taking place.

### 6.1. Department of Land Affairs

The Department of Land Affairs (DLA) does not have a particular unit or department dealing with issues pertaining to church owned land, but deals with them as they arise within the three programmes of land reform established by the DLA. There are no statistics available on the number of church owned properties being dealt

with by DLA, as church cases are not treated as a special issue and recorded separately.

There have been a limited number of cases in Restitution that are connected to the church, with the majority of these cases being in the urban context and the church as the beneficiary. A number of the cases that have been lodged against the church have not been able to be substantiated according to the requirements of the Act, and the claims have been unsuccessful. These arose out of the removals in the 1960's and 1970's when the apartheid legislation declared the residents on church land to be squatters unless they were directly employed as farm workers. Some churches attempted to block these removals of "squatters" but the majority felt unable to stop the removals and were perceived to be actually acquiescing in the State's programme. The difficulty for the restitution claims is that the claimants cannot prove any ownership right to the church land they were removed from as the arrangement between the church and its tenants was often of an informal nature.

There are some cases going through the redistribution process and are following the regular stages of the DLA. It would appear that many of these cases are in the redistribution programme primarily because there are mechanisms in place and procedures have been established. However, from the perspective of the DLA, the majority of cases regarding church land fall within the tenure reform programme, although there has not yet been a great deal of progress regarding church land within this directorate. There is the opinion within the DLA that church land is a significant issue as it cuts across all three programmes and integrates the various initiatives of the DLA. It is also recognised that there is deep symbolic value in church land, and that if there can be some significant progress in land reform with church land this could have significant symbolic impact for a culture of healing and restoration.

The DLA has not had any extensive negotiations with any particular denomination over the broader issues of land reform, except with the Moravian Church. A product of the discussions with the Moravian Church was the signing of an agreement between the church and the DLA committing both institutions to making their resources available for appropriate land reform on Moravian land. This has been called the Genadendal Minute. Beyond the signing of the agreement there has been little action to emerge from this agreement.

The DLA is willing to make its resources available to the churches where these will be of assistance for the land reform process. Beyond the regular grants, these resources include making research reports available, access to files on missions, access to title deeds, and any mapping requirements.

A recent (April 1998) initiative within DLA has been the establishment of a church land task team. This falls within tenure reform under the responsibility of the director Dr. Sibanda. Presently this task team consists of representatives from Dr. Sibanda's office and one representative from four provincial offices of the DLA which

are engaged with church land communities. These provinces are KwaZulu Natal, Western Cape, Eastern Cape, and Northern Province. This task team has met on several occasions, but has not produced a clear direction regarding DLA's engagement with the churches and their land.

## 6.2. NGO's

- ▶ The *National Land Committee* has become involved in church land issues as a result of a number of its affiliates working directly with communities related to church land. An interest group has been established within the NLC bringing together those affiliates concerned. The affiliates that appear to be most actively involved in church land issues are the Surplus Peoples' Project (SPP), Transvaal Rural Action Committee (TRAC), Transkei Land Service Organisation (TRALSO) and the Association for Northern Cape Rural Advancement (ANCRA). The NLC co-hosted with the SACC a national summit on church land in November 1997, at which a policy framework for church land was developed. This current research has been commissioned by the NLC in order to inform its own strategising around church land issues, and it is expected that the NLC will be making decisions on how to pursue issues of church land in the near future. The Surplus People Project (SPP) acts as the lead affiliate for the NLC on issues pertaining to church land, and is very active in working with the Moravian Church around their particular challenges of being a landowner.
- ▶ The *South African Council of Churches (SACC)* has a specific programme called the Covenant and Land programme that deals with land issues for the SACC. However, this programme is not specifically focused on church owned land, but rather on communities who experienced forced removals under the apartheid regime. Despite this, the programme has a keen interest in church land issues, and in addition to co-hosting the national summit, has also been involved with its own provincial councils of churches raising the needs of communities residing on church land.
- ▶ The *Church Land Programme* is based in Pietermaritzburg, and was the joint initiative of AFRA, the Association for Rural Advancement (an affiliate of the NLC) and of PACSA, the Pietermaritzburg Agency for Christian Social Awareness (an affiliate of the SACC). It works with communities residing on church land and the church leadership, attempting to resolve issues of security of tenure and use of church owned land. In addition, the CLP is engaged with research and policy work around church land at a national issue.

The national summit on church land in November 1997 was organised by the organisations above, and since then they have been co-operating with each other seeking to support the effective utilisation of church owned land.

## 7. Recommendations

This study has described how it is that the churches in South Africa have come to own a significant amount of land, and how they have used this land as a basis of their early ministry. There has also been an attempt to quantify the amount of land owned by the various churches, and describe the position of both communities and the church in this awkward relationship of tenant and landlord. On the basis of this description, the study needs to make recommendations regarding the future use and ownership of church land. It will be useful to provide an overall direction or vision concerning church land, and then consider various roles and responsibilities in taking this direction forward. This is what this section sets out to do.

### 7.1. Future Direction for Church Land

The present discussion of the options for the appropriate use of church owned land in South Africa, happens at a time when poverty is identified as being the major challenge facing our newly democratised society. It is widespread poverty that is denying the majority of the population their human dignity and rights that they were expecting to enjoy in a South Africa free from the scourge of apartheid. The churches themselves have recognised the importance of the problem of poverty and have established the Ecumenical Commission on Poverty with the intention of "raising awareness within church and society about the prevalence and gravity of the problem and developing strategies in concert with the state, civil society and private sector, **to combat poverty**" (Tsele 1997:1). Given the depth of this poverty, Tsele advocates that it is poverty that is "the new challenge for the church in our time" (Tsele 1997:1).

As the church engages in this struggle to combat poverty it needs to make all its resources available for the ongoing 'war'. This will include the church's spirituality that will enable us to perceive the spiritual crisis of our time, and introduce a morality affirming of all human life and dignity. The land owned by the church will also be a necessary and strategic resource as the church joins forces with other role-players in working towards the eradication of poverty. This then is the starting point for considering a new direction for the use of church land—not just as an investment to be managed for the benefit of a certain sector of society, but as a resource to be employed wisely for the eradication of poverty.

One of the tasks identified for the Ecumenical Commission on Poverty is to "facilitate the development of actions and projects by the Churches and local congregations to eradicate poverty" (Tsele 1997:3). It is in this context that the church needs to develop new strategies for the effective use of its land to combat poverty, and particularly **rural poverty** for it is in the rural areas of South Africa that the church has land available for innovative and creative models to be developed.

In grappling with the question of the church's owner-

ship of land, there have been a number of calls on the church to “return the land to the people”, to give it back to the community so that the church can get on with its real work of ministry and not meddle in land and development issues. It is our opinion that this call is rather simplistic and short-sighted. Yes, it will meet certain political ends fairly rapidly, but it does not take into consideration the depth of the nature of poverty and the burden of responsibility that will be placed on the new landowners with little support and access to resources required. It also ignores the responsibility of the church to ensure the long term, effective and sustainable use of our common resource, the land.

What we consider to be a deeper and more appropriate call is for the development of *partnerships to initiate and sustain agrarian reform*, with particular focus on the context of church owned land. The intention of such agrarian reform is the combating of rural poverty through strategies that ensure secure access to land, its efficient use, and increased production and employment. Such reform is not merely about the transfer of certain properties from the church to certain “beneficiaries”, but rather the transformation of the nature of the relations around the land and the level and type of resources available to sustain appropriate development options. In discussing such agrarian reform the Catholic Church, in a document from the Pontifical Council for Justice and Peace, comments:

An agrarian reform programme must certainly have short-term objectives so that it can have immediate results, given the serious nature of the social problems involved. It must therefore ensure that access to land fully meets these objectives. In the medium and long term, however, if agrarian reform is confined simply to land redistribution, the struggle against poverty and under-development will not be won. The commitment to ensuring access to land constitutes merely the first part of the programme if agrarian reform is to offer a practical and sustainable response to our serious economic and social problems (Pontifical Council for Justice and Peace 1997:40).

Such a programme of agrarian reform does not ignore the question of communities gaining ownership of land, but rather affirms the need for security of tenure in the larger context of the sustainable and productive use of the land in question. Such an approach does not allow the church to “dump the land and run”—to abdicate its responsibility by providing its land for communities and then taking no part in the ongoing productive use of the land for the benefit of the marginalised sectors of society. Rather it calls on all role-players to ensure that the envisaged development process has, amongst other things, an effective management capacity, access to the required infrastructure and social services, is provided with appropriate technical assistance, has adequate financial resources (credit, grants, subsidies), and is supported by an appropriate training programme.

It is not the brief of this study to explore such an agrarian reform programme, but rather to point to its

necessity and the breadth of the vision required to pursue it. Part of the challenge for the church in pursuing a vision of partnerships around agrarian reform is to ensure that the church gives meaning to its own commitments and values—a commitment to serve the interests of the poor and marginalised, a commitment to seeing the quality of peoples’ lives improving, to see the restoration of human dignity. Here the church is in the “fortunate position of being able to operate beyond the constraints of the government’s land reform programme” (Hargreaves 1998:45), principally the constraints of the property rights clause, and the government’s macro-economic framework.

An essential feature of this new direction for the use of church land is the aspect of *partnerships*. The war on poverty cannot be waged by the non-poor on behalf of the poor, nor can the church expect to eradicate poverty in an heroic solo effort. Tsele proposes that an important principle in combating poverty is that “struggles against poverty must deliberately and consciously seek out partnerships or solidarity with the poor” (Tsele 1997:1).

We suggest that the primary partnership to be developed for agrarian reform around church land, is the partnership between the community living on the land and the church leadership, *between the present users and the present owners*. Other partnerships are there to support this primary partnership, to ensure that this act of solidarity is sustained and effective. These other partnerships will include collaboration with various government departments (Land Affairs, Agriculture), non-governmental organisations with the required expertise, private sector groups, and funding agencies. It is this network of co-operation that could be “an instrument of solidarity capable of offering effective solutions” (Pontifical Council for Justice and Peace 1997:45), partnerships to initiate and sustain agrarian reform around church land in order to combat degrading rural poverty.

## 7.2. Recommendations

In order to work towards the above vision for the effective utilisation of church owned land, we make the following recommendations.

### ► Confession and restoration of relationships.

What prevails in the majority of church land situations is the broken relationship between the church as the landowner and the communities who are church members and land users. There are accusations and counter accusations that result from broken promises, hurt, mistrust and paternalistic tendencies. As part of the process of developing real partnerships, these broken relationships need to be restored. The specific community and church involved need to hear each other’s experiences of their common history, and by acknowledging and confessing the wrongs of the past, new relationships based on mutual trust, openness and partnership can be built. This “reconciliation process needs to be closely tied to a concrete and visible programme of action aimed at compensating claimants for the loss of land

rights and human dignity” (Hargreaves 1998:45). The occasion could be both private and public, but it should be based on a real commitment to a new and equal partnership. This confession and reconciliation could be a powerful symbolic event, laying the basis for authentic initiatives toward land reform.

#### ► Audit of church owned land.

An effective agrarian reform programme needs to be based on correct and adequate information. Over the past years there have been calls for an audit of church land, which churches have felt threatened by, as they felt their private information was to be used for someone else’s agenda. However, more denominations are now realising that in order for them to do any effective planning they need to have complete information regarding their landholdings.

We suggest there are two levels at which an audit of church land needs to be conducted. The first is that of an inventory of all church property, detailing how much land is owned by each denomination and where it is located. This type of inventory was initiated for this research and the present findings can be augmented. Each denomination needs to compile such an inventory.

The second level is that of a more detailed audit. Once the larger properties have been identified through the process of the inventory, more detailed information can be collected about these rural properties in order to assist with the development of options for each specific community. The type of information required includes details regarding the community involved (number of people, socio-economic status, the particular position of women and other marginalised groups); what is the present and potential land use; what resources are available for each context, including human, material, financial; what are the options for the effective and sustainable use of the property in question.

Prefably, the audit should be initiated and owned by the churches, as it is essential to have the active participation of the church in order to be able to gather complete information. At the level of the more extensive audit it will be necessary to have communities actively involved in the process.

One of the constraints for the churches in conducting such an audit is the lack of finance and skills. As this audit will be serving a public function, there could be merit in exploring the possibility of funding being made available through the DLA. These funds could then be used by the churches to contract in the necessary skills and expertise, a service which could be provided by NGO’s.

It is advisable that a common framework be established for the audit, and each denomination or diocese would use it in their own specific context. This is to ensure that all necessary information is collected.

#### ► Audit of viable projects.

Land reform and agrarian reform is an area of the unknown, and many churches feel daunted by the options before them. An audit of viable projects and initiatives

would provide a pool of information for churches about the possible routes they could follow in their own context. Information from this audit should be publicised to be of assistance to churches and communities. NGO’s could play a valuable role in collecting and publicising this information.

#### ► Policy for church land.

Having information about the land owned by the church will only be useful if it informs the decision making of the church. In previous experiences, what has been a hindrance to this is the absence of a clear policy for land within the denomination. It is recommended that each denomination, and where necessary each diocese, develop and adopt its own policy to provide direction for the effective utilisation of church land. This policy needs to be developed in consultation with the communities residing on the land owned by that denomination, as they will be directly effected by the policy implementation.

An ecumenical policy framework for church land has already been developed at a conference jointly hosted by the SACC and the NLC. This policy framework is not binding on any denomination but is a useful tool to provide denominations with an idea of the issues to be considered.

It is important that the churches develop these policies independently to ensure they receive the recognition they require. DLA could play a supportive role in this process and make resources available, but most certainly must not be a central player in the process. NGO’s could make their expertise available but also need to guard against being too directive in the development of policy for the church.

The question has been raised as to whether the DLA should develop its own specific church land policy. The value of this is questionable. If the DLA has its policy framework for land reform, it would seem wise for the issue of church land to fall within this general policy framework and not be treated as a special case. If specific direction is required for DLA offices regarding church land, then possibly some guidelines could be developed.

#### ► Churches and DLA interaction.

As part of the partnerships for agrarian reform, it would be useful for the churches and the DLA to have some mechanism by which they can engage with each other to explore the range of options concerning church land. It is clear that there will be discussions taking place about the specifics of each community, but in addition to this there could be value in discussion at a broader level at which the churches and DLA can explore how the limited resources can be maximised to ensure the effective and sustainable use of church land. The presence of NGO’s, who could inform this process and stimulate the exploration of creative options, would be very useful.

#### ► Research

This current research has proved useful in identifying what information is available on church land, and the

current initiatives. However, the three-month time period was too inadequate to complete the range of tasks. It is clear that the work of the audit needs to be continued, as recommended above. In addition to the audit, there are additional areas of research that need to be explored, and they are mentioned here briefly.

Firstly, the whole notion of *agrarian reform* for the church needs to be explored. What is agrarian reform, how will it impact on the church, and what is the church's role in the processes of agrarian reform? These are all questions that have not been dealt with by the church and it remains an area in which the church will need some direction. As important are questions concerning how agrarian reform will impact communities and what support is required for communities.

In addition to the general notion of agrarian reform, there are also specific areas of focus that need to be explored. There is the area of the effective and efficient use of the land, in which questions of farm size and types of agricultural and other productive practices need to be explored. Furthermore, there is the area of appropriate management of new initiatives on church land, and what institutional capacity is available within communities and how this can be strengthened to ensure the sustainable use and management of the land. These will need to be seen in the context of the contribution to the regional and rural economy, and in what way the church can stimulate this economy but also provide alternatives to the macro-economic trend which sees the rural poor being marginalised. These are issues which are possibly not unique to church land, and there would be value in exploring these questions in dialogue with other contexts. However, church land does offer the possibility that these questions can be explored across denominations and regions of the country, with the support of the present landowner.

One particular area of concern, which this study has not been able to provide much information on, is the experiences and role of women living on church owned land. Women are members of a community which is traditionally male dominated, and in this instance are also members of a faith community—the church—which is also strongly male dominated both structurally and theologically. An important area of research will be the contribution of women to the economy, both formal and informal, their sustaining of family livelihoods, and the barriers they encounter.

A further area of research which will be of value for the church and communities living on church land, is an investigation of land holding options, particularly if there are joint ventures to be entered into. What are the options, and how can they be managed?

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## Endnotes

- <sup>1</sup> The six topics identified are: Labour tenancy; State Land; Church Land; Options with regard to the settlement/land acquisition grant; Non-market alternatives to land reform; Restitution.
- <sup>2</sup> In his discussion on land in the Catholic Church in 1992, P. Brislin observes that of the 16 000 hectares owned by the Catholic Church in KwaZulu Natal, 48% is leased to white farmers and 18% is being farmed by the church. The remaining 39% is being used by tenants and neighbouring communities. The implication is that 66% of land owned by the Catholic Church in KwaZulu Natal is of sufficient quality that the church and white farmers are able to profit from the land. See Brislin, P., "The land issue and church land in the Catholic Church", in *Church and Land*, Stellenbosch Economic Project, 1992.
- <sup>3</sup> Publicity brochure, SANGOCO, Speak Out On Poverty.
- <sup>4</sup> From the publicity brochure for the national conference, produced by the SACC and NLC.
- <sup>5</sup> For a report of this conference see *Church, Land And Poverty*, edited by DS. Gillan, jointly published by South African Council Of Churches, National Land Programme, Surplus People Project and Church Land Programme, 1998.
- <sup>6</sup> This overview of the views of Japha *et al* draws on a similar discussion in M. Puttick, *Investigation of the Church Owned Properties Situated Within Rural Areas of KwaZulu-Natal*, April 1995.
- <sup>7</sup> In conducting the search it was initially indicated to us that each office would have to conduct its own search. However, the Kimberley office proved to be exceptionally helpful and was able to conduct a search of all eight offices through computer linkages to the Kimberley office. This greatly assisted with the logistics of attempting to collect information from eight offices across the country, but also allowed for consistency in the search itself.
- <sup>8</sup> We expect a more thorough and complete inventory will indicate that the Catholics, Anglicans and Methodists own significantly larger amounts of land than have been indicated in the Table 1.
- <sup>9</sup> The information for this description of ELCSA's property was readily made available by Mr. M. Von Fintel, the director of the PMC, and compiled by Ross Haynes, the previous co-ordinator of the Development Section of PMC. Their assistance has proved invaluable.
- <sup>10</sup> There is due to be a conference in May 1998 to explore developments on Moravian land. This conference is to be hosted by the Department of Land Affairs. This may lead to a fresh impetus for the Genadendal Minute.
- <sup>11</sup> Resolution as recorded in the Minutes of the Plenary session of the Bishops of the SACBC, January 1999.
- <sup>12</sup> From the Minutes of the Consultors' Meeting on Land Reform, Diocese of Mariannhill, 23 June 1999.
- <sup>13</sup> For further information see the report entitled *Diocesan Land: Combating Poverty or Maintaining an Institution?*, compiled by the Church Land Programme, April 1999.
- <sup>14</sup> A "society" is a local church in the Methodist tradition.
- <sup>15</sup> Minutes of resolution taken at MCSA Synod 1998.
- <sup>16</sup> The significant properties in these regions are: KZN - Mpolweni, Elismere and Pholela; Eastern Cape - Ross, Mbulu, Carningham, and Gilapsy.
- <sup>17</sup> This offer to "donate" a portion of their land to communities has generally been well received, and can be a valuable resource for communities. However, it should also be borne in mind that the land being donated is usually the residential area. As such, the land has a minimal market value, as it is unlikely that a buyer will be prepared to purchase property that is already settled. Whilst the donation from the church is appreciated, this may be an insufficient contribution from the church to ensure productive sustainable use of the land in question.

# Towards A Theology of Church Land in South Africa

*Molefe Tsele & Mark Butler*

## 1. Aims

A key aim of this article is to open up and provoke further debate on a theological basis and under standing for exploring the place and significance of church land in South Africa.

In the first instance this debate will assist churches to work through the difficult dilemmas they face as historic land owners in a country like South Africa. The debate should also prompt exploration of practical implications and alternatives. Alternative, theologically-grounded models and practices must articulate with contemporary models and practices that characterise the broader South African land debates. Being mindful of the necessity of this articulation will assist in identifying the particular contribution of churches to the search for a just, developmental and sustainable resolution of land and poverty issues in South Africa—and beyond.

## 2. Overview of the Land Issue in South Africa

Access to, and exclusion from, resources critically determines or defines effective power. Given South Africa's modern history where, for the most part, the majority was systematically and progressively excluded, it is not surprising that land has been a pre-eminent theme—both in the tools of oppression and exclusion, and also in the histories of resistance to oppression. Restoring equitable access to land was therefore integral to a vision of a liberated South Africa.

In South Africa's democratic era (at least from 1994 onward), parties—especially the African National Congress—who carried that tradition of resistance, have faced the heavy responsibility of developing policies and implementing concrete mechanisms to address the land question. In so doing they confront obstacles and points of resistance at a number of levels: e.g., in the capacities and commitments of a largely inherited government bureaucracy; in the class and market relations that frame the land question nationally; and in the international context where globalisation, competition, and the staggering clout of international finance capital constrain the exercise of public policy formation at the national level. As with many other areas of policy and governance, the resultant shifts have tended to fracture and problematise the vision of a liberated South Africa in general, and in this case, to open up important debates on the correct approach to the land question.

This is not the place to attempt a fine-textured review of all current debates that relate to land in South Africa. At minimum, however, it is important to:

- a. characterise and group the various positions and arguments in terms of certain fundamental orientations or approaches to the issue
- b. draw together an overview of the key contemporary debates which characterise the terrain.

In so doing there is the danger that certain nuances and complexities will be lost in relation to the various positions actually held.

Perhaps the simplest categorisation is threefold as follows:

1. conserve the status quo
2. reform
3. transform.

Such a categorisation is useful in broadly locating the various socio-political centres in the debates, but it does not do justice to all aspects and will inevitably impose apparently rigid divisions where in fact overlap and flow obtain. In particular, there are certain important themes in the debates which are crosscutting—even though their articulation is conflicting and uneven between various parties to the debate. For example the challenge of environmental sustainability may be taken up with equal commitment (if different approaches) from any of the positions described by the 'status quo/reform/transform' typology.

In many ways the **status quo** position is politically the weakest. This is not surprising and reflects the power shift achieved as a result of the democratic transition in South Africa. Whereas in the past, white farmers were an important constituency of the apartheid regime, they no longer access political champions with similar purchase or significant influence on national political discourse.

On the other hand many of those committed to democratic transformation have noted the striking tenacity of the status quo in the face of their efforts to change it. Despite the apparent and relative political marginalisation of white farmers *per se*, the practices and patterns of ownership and power are not easily dislodged. It will be argued below that elements of the reform position reinforce—at least enable—this tenacity of the status quo.

**Reformist** strategies are the outcomes of a compromise between the simultaneous desire for change (transformation), commitment to retaining, more-or-less intact, certain features of the current situation (status quo), and attempted incorporation of the interests and views of other significant role-players. Reformist strategies usually appear to present the possibility of a degree of both stability (economic, social and/or political) and change—

an attractive possibility for those who must govern!

Few contest that the agreements and mechanisms that enabled South Africa's transition to democracy were the product of compromise. This is no less true of the evolution of the current government's approach to the land question. In almost all areas relating to the land question, government's commitments to change are tempered with accommodations to current 'realities' and other interests and principles. There are divergent opinions as to whether such accommodations made for better or worse government policy. Indeed the ruling party expresses this divergence, at times acknowledging the compromises and at times defending the resultant policies. Coherence here derives from the overarching argument that specific compromises secured or enabled the wider project of democratic transformation to move forward.

Within government's land reform programmes and policies, some of the key factors which have generated a critical response include for example:

- ▶ An overarching commitment to market-based options: On the whole, government has sought to secure reform in the land area in ways which allow market forces to define key outcomes (e.g., redistribution) and which do not violate basic free-market principles (e.g. willing buyer, willing seller). An important aim is to ensure that reform interventions do not undermine existing market efficiencies and production levels (of the formal agricultural sector). An important consequence is that land reform options which would imply significant tampering with existing relations of production are considered untenable or unviable (e.g. enforced redistribution of agricultural holdings on a wide scale, or rural development aimed at local-level food security and production and exchange buffered from, and to a degree independent of, the formal economy and its links to global commodities markets).
  - ▶ Constitutional property rights clause: This marks a specific instance that both reflects and reinforces the overall commitment to a market-based approach. It also confirms a conception of land as tradeable commodity. In particular the property rights clause provides a rights-based gloss to the policy of compensation for any expropriation, and will inevitably tend to prioritise existing land ownership patterns (status quo) over direct attempts to disrupt these patterns to achieve equity (transformation).
  - ▶ Limitation of restitution claims to losses suffered as a result of racial policies after 1913 only: By agreeing to a 1913 cut-off date in the process of political negotiation, current government's scope of concern in this regard must ignore the significant histories of land dispossession that preceded the 1913 Land Act and apartheid. For example, it is widely recognised that by the time of the 1913 Land Act, Africans had been quite comprehensively dispossessed of their land in South Africa—yet these processes are outside the scope of government restitution!
  - ▶ Compensation at market value for expropriation: There is some debate as to whether or not this market-based policy has resulted in land value inflation (government says it has not) but, even if this is not the case, it is clear that such a provision makes thorough-going, government-led land re-distribution (transformation) prohibitively expensive and hence, unviable.
- Few models and strategies aimed at **transformation** of the land question in South Africa could contemplate such accommodations as those which characterise the current reform agenda. Much of the remainder of this article explores aspects of a theologically-informed vision of transformation. Here it is perhaps sufficient to note that, with regard to a more radical view of the future of the land question in South Africa:
- ▶ It is generally argued that, despite the risks associated with introducing market uncertainties, the interests of equity and indeed long-term sustainability (socially, politically, and economically too) are better served by decisive and significant interventions to change current land ownership patterns away from their legacy of colonial and racist conquest and dispossession and towards an egalitarian pattern of ownership (or at least secure access, use and tenure).
  - ▶ Key debates have moved beyond the mechanisms of (limited) redistribution to questions of sustainable livelihoods and meaningful local development which enables and nurtures real human being.
  - ▶ There are serious questions about the advisability and sustainability of prioritising commercial agricultural production where production is linked to the fickle and prejudicial dictates of global resource markets and where production methods are tied to technologies, infrastructures and inputs derived from an agro-industrial model of super-exploitation of the natural resource base for intensive cultivation of mono-crops. These questions prompt a contrary prioritisation of a local-level conceptualisation of food security and agricultural markets and exchange, utilising appropriate and environmentally-sensitive production technologies, and promoting (or at least defending) bio-diversity.

### 3. Overview of the Church Land Issue in South Africa

#### *Periodisation*

A simple historical periodisation is suggested below. It is deliberately simple in order to highlight key moments in the evolution of the church land question in South Africa. As such, it hides the nuances and ignores the exceptions but this is inevitable in a brief overview such as this.

#### *Early period of acquisition*

An archetypal memory of the processes whereby churches came to be land owners in South Africa is



represented in the oft repeated statement: "When the missionaries came they invited us to close our eyes and pray. When we opened our eyes we had the Bible in our hands but our land was gone". To the extent that Christian mission was tied with a broader colonial project, this insight carries an important truth. Nonetheless, the church was not always a straight-forward instrument of that colonial project and its own church-specific notion/s of mission sometimes meant skilling, educating and developing converts to the faith and sometimes providing sanctuary against prevailing conditions outside of the church.

### ***Accelerated apartheid removals***

From the late 1960s through the 1970s, when the apartheid government imposed its bizarre grand plan to create a 'white South Africa' with black homelands 'outside' of it with great vigour, some churches and the ecumenical movement were prominent in protesting the accelerated government processes of forced removals. Indeed some of these government actions involved the removal of black people from church- and mission-owned land. Churches' responses to these developments were very uneven and, in the final analysis, unsatisfactory. Nonetheless, where pockets of resistance or protest did emerge, this did at least have the effect of prompting a degree of self-aware reflection on the moral issues and responsibilities associated with the ownership of land by churches in South Africa.

### ***Towards the end of apartheid***

The Rustenberg Conference in 1990 captured the consensus thinking of a broad range of South African churches at the time. The resultant declaration made reference to church owned land:

After decades of oppression, the removal of discriminatory laws will have to be accompanied by affirmative acts of restitution in the fields of health care, psychological healing, education, housing, employment, economic infrastructure, and especially land ownership. For many years, greed has led to the taking of land from the poor and weak. Both church and state must address the issue of restoring land to dispossessed people. ... Confession and forgiveness necessarily require restitution. ... As a first step towards restitution, the Church must examine its land ownership and work for the return of all land expropriated from relocated communities to its original owners.

### ***Post-apartheid context***

A recent statement issued by SACC Youth Forum included comment on Church land as follows: "Many churches have apologised for their role during the apartheid period. Many of these churches have made a commitment to do everything in their power to ensure that they take part in the reconstruction of our society that still lives under the legacy of apartheid. We call upon all those churches who benefited by acquiring land at the

expense of the true owners of such land. We believe that the church should set a good example by willingly giving back land that has been acquired under suspicious circumstances. In situations where the church owns land that remains unused, we believe that communities should be allowed to have access to such land for economic use." The statement, deeply influenced by the outcomes of the 1997 conference on the effective utilisation of church land, is representative of an increasingly dominant approach to the question in the current context.

The periodisation reflects an interaction between ideological and socio-economic factors 'outside' of the churches on the one hand, and the churches' own practice and reflection in relation to land—especially church-owned land. It is important to recognise that this was, and will continue to be, a dynamic interaction. While the practice and reflection of churches is profoundly influenced by historical contexts and particular ideologies, it is not mechanically captive to these conditions. Church practice and thinking draws on long and complex (even contradictory) traditions in discerning 'the will of God' for a particular context. So too, in the current context, it should not be assumed that a fixed 'reality' and the dictates of 'pragmatism' determine the range of possibilities in relation to church land.

### ***Key themes in current church land practice and thinking***

For many churches, land holdings have become sources of income integral to the overall financial survival of the church. An arrangement which was increasingly favoured over the past decades is to lease church land to commercial farmers—usually white farmers.

Where black communities are settled on church land, churches have generally done little to develop such communities in concrete terms. Nor have decisive steps been taken to restore ownership to 'original inhabitants'.

From the moment that some churches felt obliged to make pronouncements on injustices relating to the broader land question in South Africa, the question of its own culpability as land owner was raised. As Kistner points out:

A church which owns land cannot have credibility in taking a stand in public on land reform and the need for redistribution of land before it has examined its own participation in a history of displacement of people from their land and its present practices in making use of the land under its control (Kistner 1998:164).

Consequently, churches must face the question as to whether their current practice on church land is appropriate and justified. In the past, the broader government policy framework was fundamentally hostile to the concrete realisation of a more just dispensation. Under democratic government however, land reform is actively pursued and supported. This has opened up the possibility of attempting to resolve the moral dilemmas posed by the ownership of land by churches in an enabling envi-

ronment. An emerging trend in recent years, then, is that churches are exploring the government's land reform policy framework for opportunities to unravel themselves from a morally compromised past and secure rights to land for largely rightless inhabitants of church land.

There are commentators who suspect that, while much of rhetoric of this new exploration is 'rights'-based, an underlying motivation may, in certain cases, be the desire by churches to release themselves from the burden of interacting with increasingly vocal constituencies on their land who demand rights and development. The limitations of government's land reform framework have also been alluded to, especially the failure to link rights to land with securing (or at least enhancing the prospects for) sustainable development in the medium to long term. For many in the broader land sector of civil society, these limitations highlight the need to move the debate beyond a rhetoric of restitution, 'justice' and rights towards at least deepening the paradigm to address issues of 'agrarian reform' and 'sustainable development' (see especially Marcus, Eales & Wildschut 1996). Can churches engage this shift and give it practical expression? Much of the remainder of this article probes these unsettling questions in search of theologically grounded and practically meaningful alternatives for church land.

#### 4. Towards a Theology of Land for Churches in South Africa

##### *Churches' Theology and Land Ownership*

###### *The land dispossession question and national oppression*

As noted above, the struggle against oppression was linked to the land question. But what was the real significance of land to the indigenous people? In losing their land, they lost everything—their means of survival, their customs, their ancestors, and themselves, even their gods. Having been stripped of land, they were stripped of dignity, identity and rendered forever dependent on an economy in which they had been prevented from playing a meaningful role.

A theology of land must start from this problematic: of a people who have lost everything, who have been robbed of more than just a possession, but patrimony, memory and personhood. To see it from that perspective should assist in seeing how comprehensive the damage was and, as such, seek solutions that are more far reaching than a simple return to the *status quo ante*.

From the overview of current church land debates it is clear that churches have been partners with colonisers; they acquired land through dubious means. In light of this history, it is recognised that confronting this issue is difficult for the Churches. Whereas there is currently a preference for 'returning the land', it is proposed here that a more appropriate alternative for the churches is to be found through the effective utilization of their lands as a way of atonement.

This implies that an analysis of the Churches' duplicity in the dispossession act is not enough on its own.

These conclusions are not intended to minimize the original sin, but to argue that failure to act now would make the original act even more grave. The present moment presents an opportunity—not to undo the past, but to act anew, creatively, differently. This is a *Kairos* (challenge) of the Spirit of the Time. The pertinent question for the church today is less of history than it is of the present moment which will impact the future. What does the present demand from the church on the land question? What does it mean for the church to do the right thing in today's context? How may the question present itself today as a challenge to faith, especially in the context of the challenge of poverty?

##### *Features of the Churches' encounter with the Land Issue*

Historically much of the land acquired by the churches was secured for purposes like education, hospitals, and training. Clearly church land was integrated into a broader sense of mission; it was not bought for speculative or merely investment purposes. The value of the land was not the land as such, but the use to which it was put. What theology operated here?

As is suggested in the periodisation and subsequent discussion above, much church land is now viewed primarily as a source of revenue for cash-strapped denominations. The accompanying sense of integrated mission has correspondingly diminished. What went wrong? Was it church land ownership *per se*, or was it the use to which such acquired land was put? Can the church ever be a morally or theologically justifiable land owner, or is land ownership by definition 'worldly'? Does it matter what the church uses the land for? Can the church now be a moral land owner? Or is the church by definition dispossessed?

Somewhere, somehow, the original **vision** and **mission** for land ownership by missionary churches got lost. As they lost their innocence and fell to the temptations of power and prestige, the mission churches abandoned their converts and embraced the path of self interest. Can something of that original vision of service to the indigenous peoples be revived? Do we have the theology and interpretative tools that can best serve us in this task? In other words, is the church so totally corrupted that it is also more of a problem than an aid in this theological undertaking? It is our view that the Spirit never totally abandons the church of God whenever there is room to learn from God's word. Therefore, we can still seek suppressed voices and traditions even in a church that has embraced foreign teachings. This is what we call the prophetic remnants of God. But for theology to come to the aid of the church in this task, it must be ready to part ways, and even suffer abuse, from the establishment.

In pursuing this task we will need to propose creative and positive ways of dealing with the issue, but more precisely to adopt a framework informed by a theology of

land as a theology and spirituality of economic sustainability, ecology and human dignity.

### *In which way does the church distinguish itself from others?*

Our central thesis is that the Church should not follow the present model of handing over its land, but must hold on to it and enter into cooperation with the landless to facilitate the process of ultimate ownership and effective usage. Mere transfer of ownership is not the ideal, but the usage after such restoration is the objective. Holding on to land is not the present trend, and may be viewed, rightly, with skepticism. It must be accompanied with clear commitment to resolve not merely the legal dispute of title ownership, but the more crucial challenge of sustainable livelihood from the land restored. The argument of this thesis is that the model of land restoration we have at present underestimates the risks to which the poor are exposed by land hungry speculators, who will always be ready to offer the best market price to the newly landed, on the one hand, and the harsh realities and conditions of making a living out of land on the other hand. With respect to the former, the newly landed need protection and spiritual support to resist; with respect to the latter, they need assistance to survive the initial phase of turning the land into a viable resource. This thesis is premised on a theology of land which we shall seek to develop.

In our view, we are currently presented with an historic opportunity to counter the mainstream trend in resolving the land question. The churches have the option of following the trend and returning the land. Or they can use the unique opportunity to chart a new path in resolving the land question, a path informed by its theological option for the poor. The key question to be asked is whether the poor can reclaim their land and successfully hold on to it under the present dispensation and climate? Statistical evidence garnered from cases of land restoration in the last years indicates that a majority of those who had recovered their land went on to sell it out of bankruptcy or other motives. How many people opt for cash in exchange for ancestral land? Why does this phenomenon arise when the very same communities have struggled so fiercely for their return to that land? How many leave after returning? Why? In our view, strange though this may be, it is related to the current theological peace with the commodification of land. What people are expressing is the dominant theology of land current in our time, which reduces land to monetary value. This is contrary to Biblical theology and African indigenous spirituality, both of which attach a radically different and far higher value to land than money. It is this Biblical theology of land that we hope to retrieve and use to construct the basis of our argument for a land ownership reform strategy in which justice and sustainable livelihoods of the poor is the overriding and overarching concern.

The fatal error is not necessarily the politics nor economics of land ownership. Even with the most

enlightened policies providing for general land redistribution, we would still not serve the interest of the poor against the powerful. The task therefore, is to review the theology that is compatible with those current policies which subject the land to market forces, without imposing limits and values which remind us of the real purpose and full significance of land. What matters therefore is the theology behind the current theology of land. It is more the spirituality of land and land use, that we seek to revive. An understanding of the essential purpose of land as a gift from God to His whole creation, human beings and animals alike, and our codependence on it. A spirituality of land involves a sacramental way of relating to land, seen as the means to livelihood and the substance of our very being (dust to dust as the burial ritual reminds us), and not simply relating to land as a commodity that can be sold at an auction block to the highest bidder. This is the basis for a theology of land and this is the theological challenge for the church that seeks to do the right thing for the poor on the land question.

For the church to choose that path means going against the stream of current economic thinking. But we need to make a prophetic declaration and commitment to the poor by seeking an alternative model. In the words of Julio de Santa Ana (1995:10):

The system is wrong and it is imperative to correct it. In order to do so we must confront important challenges. First, we must break the spell of the system. It is not the only system possible. Second there is a challenge to imagination: it is possible to imagine a different system which would be more socially just, more economically fair, and ecologically viable. Thirdly, we also face a cultural challenge: How can we place science and technology at the service of the most needy, without at the same time damaging the environment? Fourth, there is an ethical challenge: to behave responsibly towards future generations.

### *Theological entry points*

To enable and open discussion, the following are offered as tentative theological entry points for further elaboration, addition and response:

#### **1. Option for the poor**

- ▶ The poor must be the ones who liberate themselves and own their own development, even if others provide resources and support (Boff 1995).
- ▶ The poor are the subjects and not the objects of a land reform policy which is informed and affected by the poor themselves.
- ▶ The Church is called to be an ally to the landless.

#### **2. Land should never be reduced to a mere commodity, only good for speculation**

- ▶ Critique of the market economy:

Duchrow (1995:34) puts it as follows: "To call the soil, the land and all its life-supporting resources, commodities to be used for wealth accumulation, is an abstraction, a fiction."

### 3. Models of ownership and theology of land

In the Bible, the land ownership question is unmistakable: "The land belongs to Yahweh" (Psalm 24:1).

The land is a gift from God; it was God's promise to his people at a time when they were landless slaves. The land is the seal of the covenant. As long as they are faithful to God they would belong to the land. As soon as they broke the covenant by deviating from the laws of the covenant, they would be forced into exile. As a sign that the land belongs to God, monopoly of land ownership was prohibited. Jubilee provisions were intended to break such over-concentration of land ownership in the hands of the rich landed class by a periodic restoration of ownership to rightful owners every 50 years. Land is given by God to meet human needs, not for human greed.

It is for the sake of the poor that the land should always be God's final property. Land rights do not supercede the higher claim that God has on the land. Human ownership is accepted as a gift to hold as long as it is being put into good use. Greed for land brings judgement. (Isaiah 5: 8-9; 1 Kings 21). Land speculation and coveting of land lead to injustice (Micah 2: 1-5). Land is for sustenance of life, for growing food, for shelter. Human beings are to use it responsibly, share it justly, and celebrate life.

Ownership in trust: What kind of church can enter into relationships of trust with the poor? It must first be informed by the experiences of the poor. It must be the church of the poor. It must not lord over them, nor be patriarchal, but should genuinely seek to enter into solidarity programmes that are aimed at eliminating the threat of poverty and recovering their full dignity. But it must be willing to stand up against the system and its agents, who will not cease to seek to devour the little gains the poor have made. In essence it entails a church that has opted out of the logic of the market and seeks to establish alternative economic relationships and property ownership.

### 4. Transformative action: transformation of relationships: towards economic empowerment

We must be cautious of current models of economic empowerment, to the extent that they seek to reform previous wealth concentrations by a strategy of co-optation of a few Black elites. This new breed of Black bourgeoisie cannot be the standard we must use to measure the progress we have made in doing justice for the poor and dispossessed. In a worst-case scenario, this is the very class that will very soon buy out farm workers from their newly acquired land. We should aim at the strategy of economic transformation of the poor.

### 5. Poverty eradication: the moral norm for land utilization

Why this gift?: to use and enjoy, but primarily, to

provide resources for livelihood. When it is hoarded and not used to combat poverty, such as absentee landowners who keep it for speculative reasons, then a critical question is raised.

### 6. Jubilee and the gift of new life: celebration

In celebration, the Christian community recognizes that the specific achievements of its commitments are more than social, community or political dimensions. They are all these but they also signify the anticipatory signs of the goods of the Kingdom, the advent of divine redemption mediated through historical-social liberation, the moment the utopia of integral liberation is anticipated under fragile signs, symbols and rites (Boff 1995: 72-73).

### An alternative economic model (from the NGO Forum Treaty on Alternative Economic Models)

1. The fundamental purpose of economic organisation is to provide for the basic needs of a community, as opposed to a concentration on the growth of production for its own sake.
2. An alternative to the current system must be based on indigenous, community-based, people empowering models that are rooted in people's experiences, history, eco-cultural reality.

<sup>1</sup> Of course those who govern often legitimise compromise and reformism in the name of pragmatism and the 'reality'—but realities too are constructed.

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# Church Land Programme discussion session.

## 23<sup>rd</sup> April 1999

### Participants

Ivan Abrahams, Director of the Mission Unit in the Methodist Church of Southern Africa;  
 Bev Haddad, Anglican priest concerned with gender in the theology of development;  
 Eddie Makue, Justice and Peace Department, South African Council of Churches (SACC);  
 Itumeleng Mosala, Vice Chancellor, Technikon North West, and theologian;  
 Graham Philpott, Church Land Programme;  
 Jean du Plessis, Chief Director, Restitution, in the Department of Land Affairs;  
 Willem Saayman, former Professor of Missiology at University of South Africa (UNISA) who has written on the theology of church land;  
 Molefe Tsele, Ecumenical Services for Socio-Economic Transformation (ESSET), author of draft paper;  
 Phumani Zondi, Church Land Programme.

Facilitated by Mark Butler, Senior Researcher, Community Agency for Social Enquiry (CASE).

### *Report by David Hallows.*

### Introduction

Molefe Tsele introduced key themes from the paper, *Towards a theology of church land in South Africa*.

He argued that the struggle in South Africa was, to a large extent, determined in relation to land. The political resolution to the national question has not, however, resulted in the liberatory transformation that was hoped for. The dispossession of land was more fundamental than disenfranchisement. In losing the land, people lost everything – their livelihoods and their sense of self. So reclaiming the land means more than the vote. The land question remains a clear barometer of the continuing struggle for justice and for development in post-apartheid South Africa.

Church ownership of land has placed the church in an ambiguous position. To date debates on the issue have left the churches feeling condemned but still lacking clarity on how to respond to the issue. The challenge to the church needs to be framed in a way that enables them to respond positively. They need to be able to define their role clearly in relation to the national context of land and to a broader vision of a truly liberated South Africa.

The paper outlines three broad responses to land: status quo, reform and transformation, and locates the current government's land reform policy programme in a reformist

framework which draws on elements of both the status quo and transformation. To speak to the churches and enable them to construct an alternative response to the question of land, we need to look for the answers within a theologically rooted model. That should include history and economics, but it should go beyond that. It should elevate the question of liberation and the meaning and spirituality of people's relationship to land as a gift of God. There needs to be a deeper restoration. The church needs to find a redemptive way of dealing with land.

In the present context, the traditional argument that church land should be given back to its rightful owners does not seem adequate. We need to be able to work with the question not only in relation to history but also in terms of how our response will affect the future. In fifty years time, we need to be able to answer the question, 'What have we done?' The paper therefore suggests some theological entry points to approach the question of church land.

### Land, struggle and conflict

The history of struggles for the land is deeply embedded in the broader political economy of South Africa. Makue observed that the colonial appropriation of land was initiated, not so much for the sake of the land itself, but to force people into working on the mines. To ensure a sufficient supply of labour, it was necessary to destroy indigenous economies which permitted autonomy from the imperial economy.

Treating land as the uniquely privileged, or discrete, site of struggle is thus problematic. The point also serves as a reminder that 'struggle' is not just about resistance to domination. It is also about the imposition and maintenance of domination.

The paper highlights the role of the market in the conception of land reform in South Africa and argues that land and agricultural markets are now determined within a global economy. A further implication is that those involved at the point of conflict – land owners and the dispossessed – are themselves caught within broader relations of power.

Saayman believes that the tension is rising on both sides: On the one hand, the landless feel a frustrated sense of entitlement. On the other hand, landowners have a very negative perception of land reform, particularly in the light of the Zimbabwean experience. They feel threatened, but white Afrikaans people also feel guilt. These feelings are hidden in aggression and defensiveness.

At the same time, it is no longer possible to conceive of the struggle for land as being simply between oppressors and oppressed. Patriarchy, like class and race, works through all levels of the political economy from the global

to the local. Women in particular are subordinated even within the ranks of the poor. In the codification of traditional law, they were defined as perpetual minors and within land claiming groups, they are frequently still treated as such. In addressing the land issue, the question of who is entitled must also be asked.

Social stratification is not restricted to gender relations. As Tsele argues in his paper [pp 40-45 of this *Bulletin*], a new black elite may develop interests which contradict those of the poor. In the context of a commodified market in land, they may become the final beneficiaries of land reform as the newly landed are forced to sell. It is worth noting here that elite is a relative term, with local as well as national purchase.

Political transition has thus had the effect of deconstructing the discourse of the anti-apartheid struggle. An assumption of identity between black, poor and oppressed can no longer be sustained.

### ***Commodification and the meaning of land***

It cannot be assumed that the meaning or significance of land is static or universal. Du Plessis argued that it is subject both to geographical and generational differences. Even in rural areas, young people are developing aspirations away from the land. A number of the beneficiaries of the restitution process—for example, a child born in Soweto or a widow who would not be able to command the labour power to work the land—no longer have a direct relation to, or interest in, the land in question. The commodification of land means that they can be compensated in cash and invest it in ways that address the real circumstances of their lives.

From the point of view of the Department of Land Affairs, it is also much easier to issue a cheque than to restore land. This is one of the reasons why the restitution process has been so slow. It contrasts with the German experience where 40,000 land claims were resolved within five years because the claimants took cash compensations. In Canada, on the other hand, indigenous people are dealing in futures in the mining companies which now occupy their lands. In doing so, they are mixing their deep ethic of land with the reality of commodification.

In contrast, at least two groups have claimed land used for military or police training. Their attachment to the land is so passionate that they have occupied it to force the issue. They live with the sounds of war and they also risk setting off unexploded shells.

Du Plessis argued that there is no consensus amongst the poor on the meaning of land or its commodification: some claimants' needs will best be met through distribution of land, while others' may be more appropriately satisfied through compensation or other alternative arrangements. "We need the wisdom to recognise the difference," he said. In short, while commodification represents a particular and possibly limited relation to land, it should be recognised as a legitimate element in the package of land reform. People should not be forced towards a single option, either by government or by a vocal local leader.

Tsele accepted the reality of the commodification of land but argued that its meaning should not be reduced to the status of commodity. Theology needs to ask, "What more is it beyond that status?" The paper had also skirted the issue of African traditions of land ownership. The Zulu king's claim to ownership of land means something different to Anglo American's claim to ownership. The contradictions within and between those meanings need to be explored.

### ***The compromised product of delivery***

Nevertheless, the meanings attached to land make it a particularly charged issue. Du Plessis observed that people want the resolution of the land issue to resolve a great deal more besides the land issue. This expectation reflects the spirit of the Reconstruction and Development Programme (RDP) and of the 1995 White Paper on Rural Development put out by the RDP office. (It also reflects, perhaps, a more general tendency to conflate issues in so far as people bring the same issues to any process to which they have access.) There is, however, a fragmentation within the state which prevents it from addressing issues of land, gender, poverty and livelihoods in an integrated way. This is not merely a hangover from the old order but is reflected in current cabinet discussions. In this context, the pressure on Department of Land Affairs staff becomes overwhelming.

"It feels like we are part of an assembly line, but it is wrongly designed and delivering a compromised product," said Du Plessis.

Nevertheless, he argued that there is a political imperative that the restitution programme should deliver over the next ten years on the 64,000 claims made to it. In the context of other pressing priorities and the pressure on the fiscus, government will drop the land programme if it is not seen to deliver.

At present there are no significant financial constraints on the restitution programme because restitution is a constitutional right. There is, however, a question of proportionality in terms of the costs and benefits of delivery. "If I hand over a cheque for R70 million, then I need to consider who I am giving it to, what they will do with it, and how many will benefit."

Delivery, however flawed, is the basis for transformation. At the same time, there is the risk that delivery will have the effect of reinforcing unequal relations on the land, particularly in relation to gender. The Department of Land Affairs does not really have an answer to that yet.

### ***Church, state and vision***

Saayman noted that the land debate is being diverted towards technicalities and legalities by those who wish to maintain the status quo. This combines with the complexity of the issues and the apparent intractability of the conflict associated with land to produce what he called, following Biko, 'a paralysis of analysis'. He suggested that the church should come up with an imaginative deed—an event—aimed at breaking the stasis.

Du Plessis strongly supported the idea that the church use its land to explore imaginative options. If they worked, he said, the Department of Land Affairs would follow that lead. Since it was not faced with the imperative of delivery, he felt that the church has the time and space to explore such options.

Haddad was less certain that this was possible. The church tends to react to issues raised within government or civil society and is not good at being proactive. The critical importance of the restitution process made it imperative that a transformative vision should be maintained within government. Du Plessis, however, pointed out that the government has developed a vision through the policy process. Its business now is to deliver on that vision.

Delivery may be the precondition for transformation, but transformation requires the more difficult work of development and the Department of Land Affairs is not a development agency.

Philpott argued that government's focus on delivery has indeed led the church into complacency, "It is at peace with itself in the rhetoric of delivery." It is not facing the larger question of what its role is in agrarian reform or how it can support that larger debate. It has not asked what theology, what meaning of life, gives rise to the present fragmentation of thought.

### ***Situating the prophetic voice***

The need to develop a theology of land was strongly endorsed by participants. Some church leaders are anxious to find ways of responding to the issue of church land, but do not know how to respond. Makue reported that they have raised two critical issues. First, the need to look at who the real owners of the land are. Second, the need to see the church's relatively minor land holding within the national context.

Other church leaders are perhaps alienated because the debate is brought to them in the language of politics and economics. Mosala thought that a theological approach could bring the issue home to them. That does not exclude economics and politics, but goes beyond them to ask questions of truth, honesty and integrity.

He argued that a theology needs to be situated first in relation to Christ and to biblical and religious history. But theologians within the prophetic tradition need to recognise the significance of periodisation. "Moses and Joshua have been said and done. They had particular significance for the times and remain part of a living tradition. But they are no longer central." The present period is one of consolidation, of building a state among other states, and that process has a certain logic to it. It is a Davidic period in which government tends to forget the vision because it must focus on implementation. Vision remains the business of the church and the question must be asked: "Why is the church so silent?"

This question puts at issue the role of the prophetic voice within the church. Tsele questioned whether "we can be satisfied with the prophetic voice in the wilderness" or whether the need is to "talk in the courts of power".

### ***A framework for prophecy***

Just as people have different relationships to land, so do the churches have different relationships to church land. Makue pointed out that not all churches own land and not all of those that do own land have been bad partners to the people. Many black churches have traditions distinct from those of the white churches which were rooted in the missionary movement. The SACC itself was essentially a missionary society up to 1968 but then changed to take up issues of justice. The history of the church and land is thus uneven rather than monolithic.

Nor is church land simply a South African issue, even for churches working within the country. Saayman observed that some churches have not engaged in the debate because they do not own land in South Africa. Yet they do derive revenue from land owned elsewhere. By approaching land through theology, there could be an inclusive debate within and between churches, whether or not they owned land.

Different churches also have distinct theological traditions. Participants agreed that there could not be a singular universal theology of land. Rather, Tsele argued, there needs to be a framework for the prophetic voice in its address to the churches. Such a framework needed to address the core issues but it should also represent a refusal to accept the current situation. In the debate on empowerment in the black community, for example, it should refuse to accept the exclusion of women or of workers.

At the same time, it needs to be flexible enough to be taken up within different theological traditions and also flexible enough to address novel situations such as the settlement of refugees. It should provide the basis for drawing in issues relating to land.

### ***The right thing?***

Participants discussed:

"What are the bases of our theological task to enable churches to use the 'space' represented by its owning land?"

The facilitator noted that the question contained two elements. First, how to talk to the churches within their own space. Second, what is the right thing to do in respect of church land. Taken together, the question might be read as, 'What is to be done?'

Makue recalled that the struggle to get the churches to talk about land has been going on since the 1980s. Following the 1997 Utilisation of Land Conference, five of 26 churches said that they wanted to do something but did not know what. To date debate has remained just debate. He therefore endorsed the question, "What is to be done?", and proposed that the focus should be to work with those churches which want to move on the issue.

### ***Liturgy or theology?***

Saayman questioned if the church is ready for a theology of land. In a sense it was easy to participate in the *Kairos* because it was driven by a strong imperative which created

a degree of consensus<sup>1</sup>. Might it be a better strategy to accept the historical reality – the uneven nature of the churches' relation to land – and focus on what the church can do?

"Perhaps we should look to introduce the issue one step below the level of theology – as a liturgy of land – taking liturgy in its meaning as Service to God." Such a liturgy would need to address issues such as justice, peace and the integrity of creation. And it would be the basis for a pastoral response to help people who are affected – landless and landowners – to work through the conflicts of frustration or guilt.

Participants agreed that there is a need for a pastoral response. Tsele remarked that many of the people returning to the land are unprepared. They are not afforded even simple counselling. There is a need to help people remember why they are going, of what it means to be alive with the land, of recalling the spiritual dimension of land which, indeed, could be addressed through a liturgy of land. But he argued that a theological vision would inform a liturgy. A theology should recognise the contradictions inherent within the church's relation to land but also raise the stakes beyond those of public policy. Zondi added that this would enable the church to challenge the broader system.

Philpott similarly argued that the practical task is closely tied to the theological task precisely because rights in land are contested.

### ***Theology in history***

The church's location in history has largely determined its relation to land. Saayman argued that when the missionary churches acquired the land, they did so 'by accident' in the colonial context. They did not have a policy or a theology of land. Zondi remarked that the acquisition of land nevertheless reflected an implicit theology based on invasion and conquest.

"Could it have been otherwise?" asked Mosala. "Not in their time", thought Saayman.

But the question remains critical today as the church continues to reflect the dominant meanings of land. "The church views land as a commodity," observed Zondi. Participants agreed further that its economic interests are locked into that paradigm because the salaries of administrators and priests are paid with income from assets, including land. Similar questions concerning the effect on church revenues had been raised at the time of the disinvestment debate.

On the other hand, some church land is not profitable and ownership is regarded by the church as simply a problem. Philpott observed that churches are usually very "generous" in donating land to communities that is no longer of value on the open market. However, they wish to hold on to land that is profitable. In effect, churches invariably hand their losses to the poor. Butler remarked that this too reflects dominant trends in the broader pattern of land use. Corporations are laying off risks onto small farmers so as to secure their own profit. And they are (mis)representing that strategy within a language of rights.

Philpott argued that, to keep the integrity of the

prophetic voice, there is a need to distinguish the base from which a theology of land could be developed. "Does it relate to church income, or does it relate to the realities of people on the ground?"

### ***Who is the church?***

The church's relation to land as commodity raises a further question: Who is the church?

Haddad argued that the land question cannot be thought outside of the context of power relations. Similarly, the prophetic voice cannot speak of church and land outside of the context of power relations within the church. Abrahams observed that those making the decisions on the use of land, within synods and in parishes, are not the people on the ground. Those who make the decisions are paid from the profit of land as commodity.

He pointed out the risk of engaging the church in ways that avoid making it feel judged. The prophetic voice itself may get lost in inoffensive compromise. The call for the church to locate its approach to church land within a theology and a concept of mission, rather than to abdicate its responsibilities by giving it away, could become the language through which the church justified its continued control of land and people.

Yet, as Zondi remarked, even where the church is giving away land, that choice is not inspired by any theology that might ask questions concerning the moral principles of how to proceed. In so far as church officials work with people on the ground, it is only to sort out technical issues.

Haddad agreed that there was a danger that church theology would slip towards control. She argued that church theology is the minority theology of power. The church should be recognised as being the people rather than the hierarchy. "We need to give space for their voice – we need to take that risk – so that the theologies that emerge are theirs."

But if it is agreed that the church is not driven by theology when it hands over land, can it be assumed that people on land are driven by theology?, asked Butler. To what extent do they have a vision except as a response to public policy?

Zondi argued that there are theologies at work in communities though they are not defined as such. People do ask, 'Where is God in relation to the church?' And they do look at the land question holistically.

Tsele remarked that the liberation tradition holds that the theology of the poor is purer than that of the church. The possibility of corruption arises from the church assuming that it knows what the poor want and that it is acting for their good. The theological task should be entered into collectively as an open and vulnerable process: "It should not be a question of us and them. If we fail here, we fail with the people on land."

The question, 'Who is the church?' also begs the question, 'Whose land is this?' Tsele saw a split developing with the church wanting to be rid of problem land while the people want to be rid of a problem church. The mission of the church needs rather to be grounded in a common accountability. This is a harder way of dealing,



which the church does not do easily. Yet the poor need access to resources, such as donors or the Department of Land Affairs, which the church can facilitate.

Creating a genuine partnership of church and people on land is particularly challenging, said Philpott. Within the national land reform programme, the white farmer leaves when the land is redistributed. The church, as landowner, needs to find a way of working with the landless and oppressed both in respect of how to use the land and in the sense of giving space to their voice. That process must involve both an acknowledgement of guilt and the space for confession. The church leadership are caught in the current situation and need a process through which to free themselves.

It requires, thought Tsele, an act of renunciation of privileges and rights that would enable others to live a decent life. Such an act would create the significant moment that would take the church beyond the limits of public policy.

He argued that the approach to the churches offered them a choice between the gospel as liberation and the gospel as judgement. As some churches are looking for ideas of what to do in relation to church land, the moment is ripe to invite their contribution. The gospel will judge those who do not want to hear.

### **... and why a paid ministry?**

The question, 'Who is the church?' also puts in question the structure of the church. Saayman questioned, 'Why a paid ministry?'

Philpott argued that a theology of land, developed within the faith community of the church, must respond to the 'implicit frame work' which included both the reality of land as commodity and of the church's need for income to sustain 'the way we are'. He asked, "Is that the right way?"

Abrahams responded that the kind of ministry produced from profit and possession does not create the church as a place of life.

Haddad argued that the structure of the church mitigates against good development practice. The church does not relate to questions concerning livelihoods or gender which are central to the poor and marginalised and which must be at the heart of the prophetic vision.

Tsele agreed that land needs to be used so as to make a real impact on livelihoods "without alienating us from the one who gives the land". He argued that God's gift of land does not exclude people or the church making a living from it. Stipends, however, cannot be justified on the basis of creating other people as victims. These questions need to be treated within a theology of fairness and justice.

### **The heart of the matter**

If land is the gift of God, what is that gift for? asked Philpott. He suggested that a response to that question should deal with ownership and stewardship.

Mosala proposed that first, Biblical models of ownership should be explored in greater depth. There needs to be a discussion of the contradictions in those models as

they relate to different Biblical periods. The church, he remarked, tends to homogenise rather than periodise its reading of Biblical evidence.

Second, a relationally based notion of land needs to be developed. The many different meanings attached to land are based within different relationships to land. It may be a commodity which equates to money, it may be the site of ancestral graves, it may locate a particular history, it may carry a spiritual meaning. Or it could mean all of those things by turn.

Stewardship was strongly related to development in the discussion. Abrahams argued that theology should empower people as the subjects of history, and empower the churches to become the agents of transformation. Haddad thought that the concept of stewardship should not be restricted to land. The church has power which it can use as a positive force for transformation. There needs to be a concept of stewardship of power.

A developmental approach to land evidently goes beyond the brief of the Department of Land Affairs with its focus on delivery. Philpott recognised the pressure experienced in the Department of Land Affairs as a result of the expectation that land should resolve so many other issues in people's lives. But he argued that land is the base on which those other issues are played out. To maintain its integrity, a theological approach needs to be able to grapple with those issues. It needs to be integrative, not fragmentary.

### **Evaluation**

The discussion concluded with brief evaluative comments from the participants.

They observed that the land question broadly, and the issue of church land more particularly, represent a problem which 'will not go away'. In Zimbabwe, for example, it remains a hot issue twenty years after independence. This is just the beginning of what will be a long process.

The basic information produced by the Church Land Programme – how much land is owned by which churches and used for what purposes – is both valuable and profoundly theological. Church land remains on the agenda of the church, even if only out of embarrassment. This information will stimulate the debate and bring greater clarity to the church's consideration of how to do 'the right thing.'

The discussion session itself provided an important space in which to develop a prophetic vision. There are very few such opportunities, and that contributes to the 'paralysis of analysis'. Participants proposed that a similar debate should be held with wider participation to include church leadership and financial decision makers.

The facilitator concluded that, "we are constructing theology in a new place – the context has shifted and we are looking for new points of connection." The discussion had contributed many valuable insights.

<sup>1</sup> This is a reference to the movement within the Churches in South Africa under apartheid which was initiated by the *Kairos Document: Challenge to the Church* (Revised edition. Skotaville, 1986).

# Towards a New Theology of Land in South Africa:

## Some thoughts in response to Molefe Tsele's & Mark Butler's "Towards a Theology of Church Land in South Africa"

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### 1. Land or Church Land?

The question of church-owned land must be approached within the context of land *per se* in South Africa. The only thing which distinguishes church-owned land is a willingness (in some cases, anyway) on the part of the owners to donate it, or to make it available for use or occupation free of charge or at a reduced price. Otherwise, church-owned land is subject to the same pressures, expectations, allegations of suspicious acquisition, and so on, as any other land.

It would seem to make sense, therefore, to try to develop a (new) theology of land in general, and then to locate specifically church-owned land within that theology, rather than to deal with church-owned land in isolation. (I am not suggesting that this is what Dr Tsele is doing; but that risk is always going to be present when one focuses on 'church land'.)

### 2. Ownership

Dr Tsele writes: "A theology of land must start from this problematic: of a people who have lost everything, who have been robbed of more than just a possession, but patrimony, memory and personhood." (p9). I would like to suggest that there is another, earlier starting point for a theology of land; that is, the problem of ownership.

It is one thing to own a car or a computer, to say "This thing is mine to do with as I please." Within the limits of the law (eg: not driving recklessly) one is entitled to use or abuse the thing exclusively and absolutely. Thus, one may forbid others from driving one's car, even if one is not using it oneself; and one may decide to put an axe through one's computer when it (once again) fails to do what it's told to do. In the first instance one is manifesting the exclusiveness of ownership, in the second, its absoluteness. Such behaviour may be morally questionable, but it is perfectly legal. And since commodities such as cars and computers are readily available (if you have the money) and can be replaced at any time, we find that most societies cope with this kind of ownership of commodities.

The South African Roman-Dutch common law is particularly strong on ownership. It is regarded as the 'most complete' real right that a person can have, and has

therefore come to be seen as the most desirable right. Other real rights (limited real rights) such as lease or usufruct are regarded as inherently inferior, as are concepts such as possession and holdership (which have to do with controlling, but now owning, a thing). These are all second or third best. This may not be too much of a problem where commodities are concerned, but I want to suggest that it is a serious problem with regard to land.

### 3. The 'Specialness' of Land

A theology of land has to take account of what land is, of its special characteristics. This is precisely what our theology is failing to do at the moment. As Dr Tsele puts it, there is a "theological peace with the commodification of land" (p11) which seems to accept that land is nothing more than a "commodity that can be bought and sold at an auction block to the highest bidder." (p12).

What are the special characteristics of land? Firstly, land is a pre-condition for our existence. As physical beings we need a physical place to live; from an evolutionary perspective, without land we would all still be fish. More than this, land provides us with almost all our food and with the materials for our clothing and shelter, let alone the resources for manufactured things. Land is thus fundamental to our existence as humans, and as such is unlike any commodity.

Secondly, land cannot be manufactured or reproduced—the land we have is all we are ever going to have. It is therefore a limited and non-renewable resource, something much too precious to be 'bought and sold to the highest bidder'.

Land is not alone in this. Air and water are equally vital, limited and essentially non-renewable as land. So are things like the ozone layer that protects us from harmful radiation, and other parts of the atmosphere. Ultimately, so are the sun and the moon. This illustrates the point about land—we would regard it as laughable if someone declared that they were the owners of the air (or the ozone layer or the sun) and that the rest of us would henceforth have to buy what we needed from them. But we don't see it as laughable when this happens with land.

So it is these characteristics—land's necessity for our existence and the fact that it is limited and non-renewable—that mean that it cannot (should not) be regarded as something to be bought and sold, a simple commodity like any other. And if it cannot be bought and sold, then it cannot be owned—on one hand because buying something is the most common way of acquiring ownership, and on the other because one of the features of

ownership is the right of the owner to do what they please with their property, including selling it.

Our present theology of land—not to mention our law and economics of land—do not take this as their starting point; and as long as our theology of land is prepared to accommodate ownership—absolute and exclusive—one must doubt whether it (the theology) will go very far at all towards providing solutions for the political, economic, social and environmental crises that make up the ‘land question’.

In addition to the scripture passages quoted by Dr Tsele (p13), it is also interesting to contrast the present situation with that in which God intervened as described in Leviticus 25. At verse 23 we read: “Land must not be sold in perpetuity, for the land belongs to me.” The Jerusalem Bible notes that “these laws assert God’s absolute ownership of the Holy Land.” With the death and resurrection of Christ we have all become God’s chosen people, and the whole world has become a ‘Holy Land’, a land belonging to God no less than did the Holy Land of old.

#### 4. Acquisition of Land

It is clear enough that land acquired in terms of apartheid or under other ‘suspicious circumstances’ (p7) must be returned. It becomes less clear, though, what is involved in returning land to ‘original inhabitants’ (p8).

Two questions arise: firstly, (and obviously) who are/were the original inhabitants? Does one draw an essentially arbitrary line in time, as the land restitution process has done in looking back no further than 1913? Or does one pick some other seminal moment—if so, which? Whatever point is chosen, it is unlikely that an uncontested, primordial ownership will be provable. But the second question is more important—even if we could clearly identify the original inhabitants, what makes their ‘ownership’ more valid in principle than any other person’s or group’s ownership? It is the idea of owning land, rather than the matter of who exactly owns it, that is the main problem. Enquiries into and arguments about the acquisition of land, necessary as they are, must

inevitably give rise to an endless regression: I give back the land I took from you; you give it back to those from whom you took it; they give it back to... It is easy enough to start interrogating methods and times of land acquisition; it is not so easy to know when to stop.

#### 5. ‘Effective Utilisation of Land’

The suggestion that effective utilisation of (church-owned) land is a more appropriate alternative than simply returning it (p9), is an interesting one. But it might not interest those who have a claim to the land in question. Any decision between returning or ‘re-utilising’ will have to be made in consultation with all interested parties. The thinking here is perhaps similar to that behind the new land-tenure legislation which is expected to be tabled after the election. According to reports, people living on, or making use of, state-owned former bantustan lands (which are currently registered in the name of the Minister of Land Affairs or the SA Development Trust) will be able to register such land with the deeds office, even though they will not own it. Registering it will enable them to take out a bond or apply for a subsidy. This approach, if followed through, will avoid the difficult question of ownership (which will remain in the hands of the state) while still giving people the security and control over land that they need.

#### 6. The Logic of the Market

Dr Tsele calls for a church that “has opted out of the logic of the market and seeks to establish alternative economic relationships and property ownership.” (p14). This is perhaps the crux of the debate around church-owned land. Can the church’s landholdings be used in such a way that they begin to offer a different model, an alternative to the current commodification of land? Can the church re-assert the special, ‘sacred’ nature of land? Or is the church itself too much part of the mainstream, too concerned with the financial aspect, too enthralled with the market?

# Response to Molefe Tsele's & Mark Butler's "Towards a Theology of Church Land in South Africa"

*Klaus Niirnerberger*

The aim of the paper is "to open up and provoke further debate". To further this debate I thought I should concentrate not on the points of agreement with the author of the draft paper, which are considerable, but on aspects where I was prompted to say "Yes indeed, but consider the following!"

- ▶ What is land? Yes, it is home. It is the place of the ancestral graves, the place of the gods, the source of identity and dignity. But it would be wrong to romanticise land. Since times immemorial humans have migrated when the grass has been greener on the other side of the fence. In modern times such migration has taken the form of urbanisation. This began with the industrial revolution and continues unabated all over the world. In Europe millions of people have lived for generations in high density "flatlands" where land has never been an issue, except if one wished one had another room or garage. This shows that, romanticism aside, people consider land, above all, as an economic resource. It is no use crying about the commodification of land, because land either provides for a reasonable income, or it is abandoned. And in the industrialising world it is an economic resource of diminishing importance! In highly industrialised countries, agriculture accounts only for a fraction of the Gross National Product and up to 95% of the population has moved to the cities by their own choice because they sense that work is more lucrative and life is more pleasant there whether they own a patch of land or not.
- ▶ This brings us to the real issue. The fact that colonialism and apartheid have dispossessed blacks of their land is only the tip of the iceberg. Whites have gained control over all the other natural resources as well. Think of mines, quarries, forests and fisheries. Moreover, as rich countries with poor resource bases such as Switzerland or Singapore demonstrate, capital, expertise, organisational skills, technology, communication systems and marketing techniques are today much more important than land and raw materials. The point is this: whites have not only taken land from blacks; more important is that, with job reservation and influx control, whites have prevented blacks from leaving their land and becoming part of the urban economy. Whites, followed by Asians and persons of mixed race, are much more urbanised than blacks. And the present tidal wave of black migration to urban areas (not to white farms) shows that blacks are most eager to catch up on this historical backlog.
- ▶ The upshot of these observations is that land should be treated as one aspect of a comprehensive syndrome of economic marginalisation among many others. The struggle for economic justice must tackle the entire syndrome. The land issue should be treated as a highly volatile variable within that syndrome. In some cases the transfer of land may be the answer to dispossession and poverty, in other cases it may not.
- ▶ Obviously this does not imply that the issue of land distribution can be ignored. Coming to this specific area of economic reconstruction, therefore, we need to take note of what worked and what did not in other parts of the world. Land reform policies and rural resettlement schemes have often failed dismally where they have been tried. There are notable exceptions. Taiwan's economic success was based on a radical land redistribution scheme at a time when the country's economy was still overwhelmingly agricultural. Another exception is where peasants had worked the estates of landlords for generations before it was handed over to them. For all intents and purposes the new owners were experienced farmers who lacked nothing but the title deed and the right to work the land for themselves. A South African parallel would be if black workers on white farms were given the farms they know, but do not own, to possess and run. Even then a lot of higher level expertise and experience would have to be gained to make the scheme work. There are cases where the former white farmer is now the manager of a corporate venture in which the former workers are the principal share holders. Some of these extraordinary solutions merit deeper exploration.
- ▶ But that would be no answer for the masses of people concentrated in former homelands. The attempt to resettle former homeland populations on former white farms would probably not work. The fact that compensation at market prices would be financially prohibitive for the government under the present constitution is just one part of the problem. Much more difficult, and probably more expensive, is the provision of training, experience, credit, infrastructure, marketing systems, etc. which the newly formed farmers would need if they were to make a success of their farms as business ventures. Farming is no longer an easy profession which comes naturally. If past experience is anything to go by, most people would probably discover that a piece of land is no paradise, sell their allocations as soon as they got the right price, and move to the cities. So urban development is an inescapable corollary to land reform.
- ▶ This raises another issue. It is easy to say that the land

belongs to the blacks who have been dispossessed by the whites. It is also true. But it is less easy to say who these blacks are. The millions of black workers who have dwelt and worked on white farms for generations? Or the masses of blacks concentrated in former homelands? Or the nearest tribal authorities? Or the landless and jobless occupants of informal settlements springing up all over the urban areas? Or black elites who have the financial power to buy such farms and pay professional managers to run them? Or the newly elected black government? Who precisely is entitled to precisely which land? It is true that the market cannot sort out this question, but it must be sorted out one way or the other!

- This is also true for former mission stations and church farms. It is easy (and correct) to say that the churches should set an example. The question is how this can be done in practice. Some churches have indeed tried to deal with their land in a responsible way. Their experience has shown that the transfer of ownership can be an extremely messy process with all kinds of unwholesome complications. That is one of the reasons why the author opts for responsible involvement rather than abandonment of the land to the “rightful owners”, whoever they might be. But, as the author knows, most churches are too poor to pay their full-time pastors a decent stipend, let alone to run extensive development projects. The churches also do not necessarily have the expertise to engage in such efforts. It is also not certain that the new owners would appreciate the interference of the church. So the church might not be able to set an example without the help of secular institutions, such as NGOs and the state.

- This brings me to theology. It is sobering to discover that even our preaching on the land issue may be inappropriate. It has become customary to accuse Western missionaries of mixing up their culture and social organisation with the Word of God. But it is equally inappropriate to mix up the culture and social organisation of successive eras in biblical history with the Word of God. The principles found in the Bible are responses of the Word of God to the contextual challenges of those times. In the course of history the situations have changed fundamentally and some of these responses have become quite inappropriate. I have already mentioned the fact that we no longer live in a peasant society where the allotted piece of land was the only possible source of income. Here are two further examples:

- We cannot pretend that “community” is still the unproblematic concept it used to be. Most traditional communities are characterised by patriarchy, hierarchy and dependency. As such they deny freedom and stifle initiative, notably that of the women folk. In our time and age this is counter-productive both in terms of social emancipation

and economic performance. If we want to regain community, it will have to be a new kind of community based on emancipation, equal dignity and voluntary association. How does one establish such communities? And, assuming that the church has the spiritual resources to do that, which is not certain, what about those in the wider society who are not committed to Christ and his church?

- We also need to reflect on what “communal ownership” might mean and why this should present us with a viable option. The attempt to “socialise” or “nationalise” or “communalise” agricultural resources in socialist African countries proved to be a dismal failure—as they were elsewhere in the world. But what is the alternative? Current development theory holds that no genuine development will take place unless it is rooted in the ownership and initiative of local individuals and communities. The theological significance of this insight needs to be explored. In Old Testament times individual families owned their “lot”. The belief that God owned all the land was not felt to be a contradiction because God owns everything, including our very lives. The issue is, rather, the right of access of people to land in relation to the rights of other such people. Also in African societies cattle were owned by families and fields were allocated to individual family heads on a fairly permanent basis which could be inherited. Yet because of communal inhibitions their productivity remained low. What do we make of this?
- Finally, the author tends to dismiss the pragmatism of the government. Fair enough. However, for us theologians and ethicists the challenge is indeed to become sufficiently realistic, pragmatic and sensitive to real issues and not allow ourselves to engage in rhetoric. My feeling is that the paper is too vague. We must dirty our hands with statistics, real-world alternatives, trade-offs between various options, experiences made in other countries with various kinds of land reform, actual efforts made by churches to deal with their land and their outcomes, etc. What would happen in real terms, for instance, if the government followed the extreme policy of taking over all commercial farms without compensation and resettling the masses crowded in the former homelands there? What would happen, at the other extreme, if the government did nothing to redress the current imbalance in land distribution?
- To become relevant, we theologians and church leaders must enter into intense dialogue with people who, by virtue of their professions, are close to the problems of land allocation, agricultural production and social organisation. Our prophetic voice may be indispensable, but we will make no impact if our audience gets the feeling that we have no real clues to offer for the problems they are battling with.

# Towards Land Answers? Spirituality, Reconciliation and Resettlement in Zimbabwe

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## Abstract

The land question has been a topical issue in Southern Africa. This article explores this sensitive matter by focusing on attempts to resolve the intractable problem in Zimbabwe. It highlights the different perspectives that have been applied to the discourse on land. The article examines the factors that contribute to the formulation of the land question. The role of commercial farmers, politicians and the landless peasants is critically assessed. In response to the land question, the government of Zimbabwe has instituted an ambitious resettlement programme. This paper examines the viability of this venture by drawing attention to the role of spirituality. It pleads for greater awareness regarding the vulnerability of Black women and other groups. In the concluding section a call is made for religious studies scholars in Southern Africa to actively contribute to a necessary paradigm shift by reconfiguring land questions into answers.

## Introduction

The land question in its historical, racial and legal dimensions has become central to political discourse in Southern Africa. Given the history of colonialism and the subjugation of Black peoples, it is naturally an emotive issue. It engenders deep-seated convictions, potentially clouding searches for land answers. This is due to the fact that land is such an important resource; it is an integral part of the political economy of the region. The following observation is an important one:

Because of its multiplicity of functions, land has been at the centre of most political, social and economic struggles throughout the history of human society. Southern Africa is no exception, especially as a result of the laws developed over the last 100 years in the countries of the region (Matowanyika & Marongwe 1998:8).

Since land is ultimately a contested resource, scholars of religion should engage in reflections on its centrality if they are to be contextually relevant. The struggles of displaced peoples, the cries of anguish by Black women, as well as the rights of indigenous minorities should constitute the subject matter of religious studies in the region. It is by paying attention to such issues that the discipline may cease to be associated with lofty debates that are far-removed from grassroots communities.

Colonialism ensured White privileges and reduced indigenous people to squatters in the land of their birth. Presently settlement patterns favour White people. In this regard, the category of race cannot be circumvented when discussing the land question in the region. Thus:

One of the most enduring themes of white land settlement in Southern Africa is surely that of vast areas of land being under-utilised by farmers who lacked the skills or capital to develop their farms and who were thus forced to rely heavily on political mechanisms to secure for themselves a position of dominance (Palmer 1995:2).

To a very large extent, therefore, the land question in Southern Africa is one of race relations. "Land answers" will necessarily have to include reconciliation. Harmonious, interdependent and reciprocal interaction among different races has to be nurtured. In addition, the role of the ruling Black elite in controlling nationalist rhetoric will require careful consideration. Also, gender issues have been decisively ushered on to the agenda in the region. Without reducing gender to "issues regarding women", there is need to pay particular attention to the marginalization of Black women in the discourse on land.

Although this presentation uses Zimbabwe as a case study, a deliberate regional focus has been adopted in this introductory section. This is due to the fact that the peoples of Southern Africa have had generally similar historical experiences. That highly skewed distribution patterns of land ownership transcend national boundaries is illustrated by the instituting of major commissions of enquiry into aspects of the land question in Botswana, Malawi, Mozambique, Namibia and Zimbabwe (Matowanyika & Marongwe 1998:9). At any rate, there is need for regional and pan-African approaches to issues. At a time when the Euro currency has been unleashed, the hapless region should not be engrossed in such questions as the status of rebels in the Democratic Republic of the Congo. Urgent, existential issues, such as access to the land resource, await resolution. This may be illustrated by the Zimbabwean situation.

## The Land Question: Zimbabwe's Political Football?

Although soccer is the average male Zimbabwean's favourite pastime, the analogous position occupied by the land question is a serious issue (Chitando 1998b:229). The matter of land has been at the centre of much bickering but no "goals" are as yet ready for counting. Peasant farmers forcibly occupying White commercial farms, President Robert Mugabe resolutely announcing that

there will be no compensation for farms acquired by the government, and the IMF withholding financial support, all constitute the action in a fast-moving and never-ending drama. Can one deduce coherent and consistent answers to all this?

The land question in Zimbabwe has been approached from multiple perspectives. These include analyses of the legal aspects (Naldi 1993 and Tshuma 1997); reflections from the lenses of political economy (Moyo 1994, 1995b); gendered approaches (Gaidzanwa 1995), as well as food security concerns regularly raised by donor agencies. The centrality of the land question to Zimbabwe is crystallised in the contributions from such diverse disciplines as literary criticism (Jones, 1996); ethnomusicology (Bessant, 1994) and theology (Bakare 1993). All these approaches have endeavoured to explicate the dynamics surrounding the issue of land redistribution. Given the multiplicity of analytical tools that have been employed, it is clear that no simplistic approach will be adequate. This also implies that no single narrative should purport to tell the final story on the matter.

## Land and The Struggle for Liberation

In order for us to appreciate the emotions engendered by the discourse on land, there is need to revive the memories of political revolutions. In Zimbabwe, as indeed elsewhere in the region, land was at the heart of Black nationalist struggles. The need to recover ancestral lands that had been expropriated by colonialists proved to be the clarion call for mobilisation. In an effort to promote this quest, during the nationalist fervour in the 1960s, Black people referred to each other as **mwana wevhu** (child of the soil). The claim that black people are indigenous to Zimbabwe led to the designation of Whites and Asians as **vauyi** (strangers). In addition, numerous songs composed during the armed liberation struggle passionately portrayed the combatants as warriors fighting to reclaim their rightful heritage (Pongweni 1982:28-29). The story of displacement and humiliation in the motherland was constantly told and it inspired many people to join the revolution. Graphically expressed, the armed struggle was a righteous war meant to correct a historical evil. Although it is clear that African nationalism originated in the denial to the African middle class “of a proper share in the economic, social and political privileges enjoyed by the colonialists” (Mandaza 1997:528), the issue of land succeeded in uniting this class with peasants and workers.

A detailed discussion of the pieces of legislation put in place by the settler government to ensure White ownership of land while disenfranchising Blacks requires a much longer narrative (Palmer 1977). Starting with the Land Apportionment Act of 1930, “various Land Tenure Acts institutionalised the land ownership and distribution rights of the state, freehold and “tribal” peoples” (Moyo 1995:74). The net effect was the dumping of Blacks in overcrowded “reserves”, while privileging a few White

farmers with vast tracts of land. Three kinds of tenure obtained: “all farm and residential land in the White (“European”) area was held under a system of individual tenure, while the Black (“African”) area was divided into “Tribal Trust Land” (earlier called “Reserves”) and “African Purchase Areas” (Verstraelen 1998:103). Although to its credit the colonial state developed programmes to resettle peasants into less populated rural areas in the 1960s and 1970s, resolving Black land hunger was never its priority.

It may now be appreciated why the nationalist rhetoric pertaining to land is deeply emotional: it is fuelled by skewed distribution patterns that are premised on race. It is also important to recognise that the marginalisation of Blacks was systematic and well calculated. Thus the reauthoring of Blacks as inefficient, unreliable and inferior was an integral part of the colonial project. In an article analysing Rhodesian discourse, novels and the Zimbabwean liberation war, Anthony Chennells contends that closure was at the heart of settler discourse. He writes:

Settler discourse always attempted to externalize Blacks from White-controlled space—literally through the creation of Reserves and through the Land Apportionment Act, discursively through terms like “savage” and “child” which made them alien in civilized or adult space (Chennells 1995:106).

After waging a bloody uprising, the majority of Black Zimbabweans had anticipated that a radical Marxist-Leninist government would institute dramatic resettlement programmes upon the attainment of political independence in 1980. Arguably, due to the policy of reconciliation and the fact that the Lancaster House Constitution was a compromise document, Black land hunger was not adequately addressed. It was during the 1990s, following the Land Acquisition Act of 1992, that the land question has been the focus of attention in Zimbabwe. President Mugabe has been radical in his pronouncements, threatening to take land from White commercial farmers. Compensation shall only be paid for developments, but not for the land itself because, in his words, “their grandparents did not pay a cent” when they initially grabbed the land. In 1998 Zimbabwe captured the international spotlight when hundreds of peasant farmers moved into large-scale commercial farms, protesting at the slow pace of the resettlement programme. Although the issue of race was played up, the invaders were selecting under-utilised farms belonging to Whites, parastatals and even Black ministers of Government. It was, and still remains, a question of “push factors” (overcrowding, low yields, desertification, etc.) forcing Black Zimbabweans to follow their survival instincts into lands that lie idle.

The land question has polarised Zimbabwean society. Although the government convened an International Donor Conference on Land in 1998, consensus on the “way forward” has not been reached. Significantly, many Blacks are convinced that the government’s posture on

land redistribution is morally, economically and politically right. However, the White community is generally apprehensive. The following observation is important:

White opponents of land reform have negatively fuelled the racial question through their attempts to caricature black rule and through direct political gimmickry, posing as a lobby for fairness in land acquisition (Moyo 1994:3).

It is clear that the land question remains unresolved in Zimbabwe, although efforts in this direction have started. Food security concerns, corruption in leasing government farms, lack of funds to implement the redistribution exercise, as well as the need for a blueprint spelling out the objectives, are some of the barriers that need to be surmounted. Peasant farmers, temporarily placated by nationalist posturing, continue to agitate. White commercial farmers, backed by "international opinion" remain skeptical of the Black government's ability to implement the programme. Does religion have a role in all this? How may spirituality be tapped to furnish valuable insights?

## Land and Spirituality

From the preceding paragraphs, it would appear the land question in Zimbabwe, and by extension the region, is exclusively one of politics, economics and law. Its resolution would hinge on the glamour concepts of transparency, sustainability and good governance. Religion, it would seem, should keep clear of such issues. It is my submission that to endorse such a reading implies succumbing to a technocratic worldview. It also ensues from a failure to appreciate the manifold role of spirituality in an African context. It is to this issue that we turn in an effort to broaden our perspective.

The land question may not be adequately resolved if indigenous conceptualisations of land are not accorded their rightful place. This is particularly important since "development efforts that ignore local circumstances, local technologies, and local systems of knowledge have wasted enormous amounts of time and resources" (Grenier 1998:7).

An elaborate delineation of spirituality lies outside the purview of this presentation. The ensuing discussion should however allow us to grasp some of the nuances covered by the concept. For instance, it is clear that the alienation felt by many Blacks arises from the fact that land is ultimately tied to deeply rooted and dearly held religio-cultural beliefs. The ownership of land is ideologically related to the spiritual realm. M.F.C. Bourdillon (1987:70) argues that the land forms a close and enduring bond between the living and the dead.

Once it is admitted that indigenous people have a specific outlook regarding the status of land, it may be argued that resettlement programmes that seek to introduce new land tenure systems are likely to be resisted. While modernity has had a marked impact on the African experience, indigenous cultures have demonstrated remarkable resilience. There has been tension and contes-

tation in the encounter between these worldviews. This may be exemplified in the contrasting attitudes regarding ascribing commercial value to land. For most indigenous Zimbabweans, land is special. Thus:

The soil cannot be owned. It belongs to people, a free gift like life itself, bestowed by Musikavanhu, the creator God. This in my view is the African conception of "land ownership". And if this is so, then the Western concept of title deeds is not just alien but, quite literally, blasphemous (Manley 1995:45).

The difference in perceptions concerning land is also highlighted by Frans Verstraelen. He maintains (1998:102) that while the North views land from a scientific approach, in the South land is understood "relationally, intuitively and mystically". The implication is that land redistribution premised on the commodification of land will engender serious difficulties. At any rate, the current "top-down" nature of the exercise where the government defines the good for the majority is problematic. In some instances beneficiaries have resisted "developmental projects" like the construction of dams, insisting that the graves of their fore-parents should not be tampered with.

A telling example of the need to accommodate indigenous spirituality is the struggle relating to Nharira Hills in Mhondoro, located close to Harare. The hills constitute the sacred shrine of the Nyamweda people and their chiefs lie buried there. Due to the legacy of colonialism, the area is now held under individual tenure. The White commercial farmer who legally owns the area has refused to allow the Nyamweda people access to the hills for regular ritual performance. He will not allow "trespassers" on his farm, while the Nyamweda people insist that they have every right to frequent ancestral lands. Tension persists and it remains debatable what "reconciliation" might imply in such a situation.

It has to be conceded however, that African spirituality, in and of itself, will not exhaust the land question. Indeed, if we allow the historian's emphasis on fluidity and change to guide us, it is clear that African spirituality is not a static phenomenon. The South African scholar Siphosiso Mtetwa writes, "The praxis of African Spirituality was fully-fledged in the pre-modern world and will probably endure and survive the post-modern world, even if it means re-emerging in a transformed or modified form" (Mtetwa 1996:22).

The task lies in appropriating this enduring heritage and harnessing it to resolve contemporary concerns. Tapping indigenous resources will ensure that lasting solutions are found. Thus it is significant that when the peasants from Svosve communal area instigated the first wave of farm invasions in June 1998, their first actions did not lie in inspecting the vast expanse of land. In a religiously loaded move, they first visited ancient burial places and evoked the memory of departed elders. They were symbolically recovering space and reauthoring identity.



## Christian Viewpoints

While land questions have been at the centre of political debates in Zimbabwe, there have only been sporadic theological reflections on this important issue. Sebastian Bakare has attempted a *Theology of Land in Zimbabwe* (1993). In his discussion, Bakare highlights the role of eighth century Israelite prophets like Amos, Hosea, Isaiah and Micah as proponents of justice and equality. According to him, “prophets are individuals who speak from their experience of suffering” and “they prophesy God’s judgement against the king and his officials for an unequal distribution of God’s gift of land to his people” (Bakare 1993:2). Bakare also maintains that Jesus told subversive stories meant to project the values of the Kingdom of God. These stories focus on agrarian life, including land tenure, tenant farmers, absentee landlords and socio-economic injustice (Bakare 1993: 31).

Frans Verstraelen also makes a passionate plea for the Christian community in Zimbabwe to be actively involved in the resolution of the land question. According to him, the active participation by the Association of African Earthkeeping Churches in tree-planting provides a useful starting point (Verstraelen 1998:110). Above all, Verstraelen is correct to insist that “the availability of land is *a very urgent religious and ethical issue*” (1998:111, emphasis original). While the Catholic Bishops of Zimbabwe have taken the lead in issuing statements regarding the need for justice, Verstraelen is convinced that this not adequate. Indeed, in fulfilling her holistic mission, the church must not only make pronouncements but must act in concrete ways to ensure that the majority succeed in having access to land. The sphere where the church could be most effective is in promoting reconciliation.

## Reconciliation and Land

Before the church in Zimbabwe (and in the region) can reflect on the “speck in the brother’s eye”, it needs to courageously deal with the “log” of owning large portions of land amidst Black land hunger. It was therefore an act of pastoral concern when a Catholic priest from Silveira House travelled to be with the Svosve people when they invaded farms. He held prayers with them, fervently praying for a peaceful resolution of the land problem. It is hoped that more church leaders will demonstrate their commitment by giving up under-utilised land for redistribution.

Reconciliation is crucial to the discourse on land. As a recurrent biblical motif, all committed Christians should champion this cause. However, in a recent article the South African Black theologian Tinyiko Sam Maluleke has problematised the concept. According to him, “reconciliation has tended to be thought of in terms of Blacks reconciling with Whites” (Maluleke 1998:37). Reconciliation will be hollow and insincere if all races do not act to address the historical injustice of Black land hunger. It

was empowering to read that some White farmers whose farms had been invaded provided water and shelter to the desperate peasants. It is through the realisation that Blacks have historically been disadvantaged and by taking steps to give up privileges that White Zimbabweans may contribute towards a better country.

As victims, many Black Zimbabweans have been exceedingly patient on the land question. It is hoped that by adopting a more proactive role (Chitando 1998b:12) the church may contribute towards a just and equitable distribution of the land resource.

In prioritising reconciliation there, is however, need to guard against idealising a messianic panorama, obtainable only in the Kingdom of God. As long as human inclinations persist, total reconciliation is not possible. At any rate, many Black Zimbabweans question the relevance of a policy that has ensured that oppressive structures remain intact. In its pastoral role, the church has to promote attainable reconciliation, while speaking on behalf of those who have been silenced in the deliberations on land.

## Bringing Those Absent Into The Land Question

Space considerations preclude the possibility of discussing in detail the various groups that have been marginalised from the land question as it is presently constituted. Of primary concern is the fate of Black women. There has been a worrying silence regarding their status in the land redistribution venture. Reflections from within religious studies by Bakare and Verstraelen are limited in the sense that they are gender blind. The activist and academic Rudo Gaidzanwa protests at this “sin of omission”. She charges:

The prevailing assumption that poor Black women will continue to provide unpaid domestic and agricultural work on land that is held and controlled by their husbands while widowed and divorced women increasingly find it difficult to access communal land means that the current land debates have very little that is new to offer BLACK peasant and working class women of Zimbabwe (Gaidzanwa 1995:2).

Due to the predominantly patriarchal nature of African societies, land has traditionally belonged to the male head of the household. The struggles over land could be simplistically reduced to fights between White males and Black males. In an informative examination of African masculinities, M. Epprecht maintains that colonial legislation closed respectable avenues to social manliness, hence the African male felt “impotent”. Epprecht (1998:642) writes:

The Native Land Husbandry Act of 1951 and population control exercises, in particular, were perceived by many Africans as an intolerable assault on the rural and sexual base of indigenous masculinity.

As custodians of the environment (Made 1995:38),

Black women should feature prominently in the land debates. It is rurally based women whose livelihood is tied to land who are most vulnerable. While the government of Zimbabwe has to be applauded for its sensitivity regarding the lot of Black women, legislative changes in favour of women benefit largely urban, middle and upper class women (Moyo 1995a:22). At any rate, it is ultimately the mother, whatever her social location, who has to respond to cries of hunger from her children and dependants (Matshalaga 1996). Insights from African womanist reflections could be appropriated to clarify such issues. This however requires a separate account.

Apart from Black women, the land question in Zimbabwe has not addressed the plight of farm workers. The assumption that Blacks will move on to White farms overlooks the fact that there are people who are currently working on these farms. Most of the farm workers are of foreign origin and do not constitute a formidable political constituency. Once again, Black women provide "invisible hands" in this sector (Amanor-Wilks 1996). The cause of farm workers needs to be approached with sensitivity since genuine Black liberation should not engender new forms of oppression, no matter how subtle.

Given the role played by age in African societies, it is easy for young people to be marginalised in the redistribution exercise. As Christian youths emphasised during the Pre-Assembly Youth Event, held before the World Council of Churches Eighth Assembly in Harare in December 1998, young people want to be relevant today. Reflecting on the catchy theme "From Generation to Generation", delegates insisted that young people are tired of waiting for tomorrow. Land answers should include mapping out strategies that ensure the full participation of young people.

Finally, but by no means least, the rights of indigenous minorities, the disabled and the elderly require representation in the development of enduring land answers. It is the duty of the church, activists and academics to ensure that a holistic approach is adopted. Further reflections on access to urban land will prove that the "land question" is multidimensional and is best thought of in the plural.

## Conclusion

On the eve of the new millennium, Southern African states find themselves faced with struggles over the primary resource of land. The onus is upon governments, churches, communities and external well-wishers to guarantee a satisfactory resolution of this issue. African scholars of religion should play an important role in detecting opportunity where politicians and technocrats sense resistance. The much hoped-for African Renaissance can only take place when contextual relevance becomes a major concern of scholarship within the region. In our own setting, this means pursuing all the permutations that impinge on the development of land answers.

By using Zimbabwe as a case study, this article has

raised numerous issues that probably apply to other countries. The memory of Black struggles, the need for spirituality and reconciliation, as well as the vulnerability of special groups should constitute part of the package on "land answers".

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# The Land of the Church of the Land: A Response To the Whole Issue

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## Introduction

Where did the teachers, pastors, nurses, agricultural demonstrators—who opened up the whole Northern Transvaal for church, health and school—come from if not from Lutheran, Presbyterian, Methodist, Anglican and Roman Catholic mission stations ... in the Northern Transvaal and Southern Mozambique at least, mission farms were acquired at the turn of this century chiefly to resist the encroachment of White farmers on traditional African lands. These farms became in part places of refuge for displaced persons ... (Blaser *et al* 1994:198).

This quote is taken from a joint article by five Swiss pastors—among them former missionaries and a theology professor—who wrote a passionate response to an essay I had written (Maluleke 1993) on the possible relation between missionary practice, ethnicity and the consolidation of Apartheid South Africa's homeland policy. In this article I commented also on (a) the possible negative impact of mission stations on the lives of their inhabitants and (b) very briefly on mission stations as pieces of dispossessed land. The above quotation contains part of the Swiss group's rebuttal to my views. I was later asked to write a response to their response (Maluleke 1995). Even later, a Dutch missiologist joined the debate (van Butselaar 1996). Unfortunately, over time, my research interests moved beyond the issues raised in our particular debate. However, I have always had a sense that all of us who participated in the debate had barely scratched the surface. This is especially so with regard to the question of the acquisition and utilization of church land. This volume of the *Bulletin for Contextual Theology* (BCT) accords me the opportunity to return to some of the issues raised, but not followed through, in my debate with the Swiss group. However, due to time and space constraints, I will not respond to each and every point in each and every contribution in the journal. I will raise those issues that struck me as I read the contributions without always referring to the particular contributions that triggered my responses.

After reading the last page of this issue of the BCT, I could not help feeling that this is a truly a landmark issue. The land question has been on the agenda of South African theological discourse for decades. Towards the end of the Apartheid era—i.e. in the early 1990s—ecclesiological discussions of the land question culminated in the solemn confession and commitment made by

some South African churches at the Rustenburg Conference. However, it is noteworthy that until this time, ecclesiastical and theological discussions on the land issue had tended to be glib, rhetorical and polemical—often with 'the problem' being located outside of the four walls of the church. For all the plenary and tea-time conversations on the land question in numerous theological consultations over the years, the South African churches (and theologians) have not produced much substantial material on this question. Even a quick glance at the annotated bibliography in this issue will reveal the paucity of published reflections on the land question especially prior to the 1990s. Therefore, this issue of the BCT is making a key and foundational contribution in an area long recognized as crucial but nevertheless neglected. Furthermore, rather than write about land in a general and theoretical manner, contributions to this issue have focussed on church land.

## The 'Incomprehensible Paradox'

In his contribution, Tsele recalls the well-known anecdote which Black people like to tell about the Bible and the land:

When the white man came to our country he had the Bible and we had the land. The white man said to us "let us pray". After the prayer, the white man had the land and we had the Bible (Mofokeng 1988:34).

This anecdote has been interpreted variously and divergently. Most commentators agree that the 'bible' and 'land' in the anecdote carry more than a literal meaning—without excluding their literal meanings. Here the bible stands, amongst other things, for Christendom, its allies and consequences in (South) Africa while the land stands, amongst other things, for Black dignity, livelihood and culture (in the most comprehensive sense).

## The Mofokeng Option

One reading of the anecdote belongs to Mofokeng himself. Let me call it the 'Mofokeng option'. In the essay quoted, Mofokeng suggests that this anecdote testifies to the paradox of Black Christians' relation to Christianity. The anecdote simultaneously testifies to "the central position which the Bible occupies in the *ongoing process* of colonization..." (italics mine), "the incomprehensible paradox of being colonized by a Christian people and yet being converted to their religion..." and an expression of "a commitment to terminate disinheritance and eradicate exploitation ..." (Mofokeng 1988:44). The central problem highlighted here is the close relationship between reli-

gion—in this case Christianity—and (the continuation) of exploitation. The paradox of which Mofokeng spoke ten years ago still holds true. To rephrase Mofokeng's thought in the context of the church land question, in my opinion, nothing illustrates the paradox of poor Black Christian women's relation to Christianity that the question of church land today. Imagine the situation of a devout poor rural women member of a church; the church her spiritual haven and her landlord at the same time. Without the church nourishing her faith, the woman's soul would wither and die. Yet, similarly, without the church, her landlord, she and her children would surely die. Mofokeng suggests further that the anecdote is often told as means of awakening and sustaining a commitment—by the woman, her children and her children's children—to eradicate exploitation. It is an anecdote told in order to remind Black people of how they were conned, thereby provoking them to action. It is in this sense that the anecdote carries within it a manifestation of commitment to the eradication of disinheritance and exploitation. Unlike Mofokeng, however, I am not sure that there is in the woman always and necessarily a conscious, let alone overt, commitment to the eradication of exploitation. The exploiter is also the provider of both spiritual and physical resources here; so the 'exploitation' is spiritual as well as economic, simultaneously.

### **The Tutu Option**

A second reading is represented by the likes of Archbishop Tutu who has often responded to this anecdote by saying that in ending with the bible and not the land Black people had 'the better deal'. I have heuristically called this the 'Tutu option'. Several other people would seem to agree with Tutu. West (1999:9) suggests, in agreement with Tutu, that "the Bible is a symbol of the presence of the God of life [among the poor and the marginalized]." Similarly, in bringing the Bible, the missionaries "laid explosives under colonialism. The Bible is now doing what we could not do with our spears" (Sithole 1968:86). I am not sure that in Southern Africa, either the Bible or Christianity has actually managed concretely to help people do what they could not do with their spears. This second reading is less complex than that of Mofokeng. It does not foreground the trauma of the 'incomprehensible paradox' of relying on the very religion adhered to by one's oppressor—a religion used in the process of the exploitation. In this reading the darker side of the material consequences of adherence to the Christian faith are minimised. A recognition of the complicity of the "Bible" in oppression cannot be made hurriedly as we go on to proclaim how the "Bible" is and can be a valuable resource for resistance by the poor and marginalized. That recognition demands a pause. The importance of the "Bible" as a tool for resistance and sustenance is only matched by the significance of its ability to be made a palliating and oppressive tool. Faith not only takes place within a socio-economic and material

context, it also has material and socio-political consequences.

### **The Mosala Option**

A third and more sophisticated reading, in the order of Mofokeng's, is one proposed by Itumeleng Mosala—what I have called the 'Mosala option'. Earlier in his PhD thesis (Mosala 1987:194) he had put his response to the land and bible anecdote in this fashion: "The task now facing a black theology of liberation is to enable black people to use the Bible to get the land back and to get the land back without losing the Bible". But for Mosala, the Bible is not an innocent tool which offers an unambiguous starting point for the hermeneutics of liberation. Instead, it is a 'terrain of struggles' in which the shadow of the powerful looms far larger than that of the powerless. For this reason readers of the Bible need to be wary of colluding with biblical texts too readily and unproblematically. Therefore the using of the Bible to get the land back and the retention of the Bible are complex and traumatic tasks. It is this reality that is often missed by the proponents of the 'Tutu option' in responding to the anecdote in question.

There is a problem which is, in my opinion, basic to all three options—Mofokeng, Tutu and Mosala options. The problem is that all three are options that are fiercely, and to some extent uncritically, *missionary* (adverb not noun). They all share a vision and burden for the exploited that veers towards either the distrusting, ignoring, even undermining of the agency of the exploited in the process of their own liberation or towards the paying of some sophisticated lip-service to it. For this reason, the question of the missiology that informs church practice and theological method is key to understanding the way in which churches may situate themselves in the socio-political constellations of power. A drawback of the *missionary* orientation is that it is mainly and only Christian, yet there are many non-Christians dispossessed.

The anecdote could itself be faulted. The 'Bible' is not in practice that distinguishable from 'the land'—a point which Nürnberger almost misses in his response to Tsele's paper. The land is at once religious and economical, physical and spiritual, emotional and practical, romantic and pragmatic—all at once—even in the so-called industrialised nations. Therefore, discussing the commodification of land, is no more 'romantic' and 'pragmatic' than discussing an architectural design of a gigantic city soon to be built. The dichotomies that Nürnberger constructs between what he calls 'romanticism', 'rhetoric' on the one hand and the 'pragmatism', 'real-world statistics', 'current development theory' (whatever that means) on the other, are probably based on a largely one-sided view of land, development and economics. Granted, land is not everything about modern economies, but we are yet to develop economies that are not rooted (quite literally) on the land—whether they are natural-resources or service-resources orientated.

Lastly, there is a dimension to the ‘incomprehensible paradox’ that has not been previously foregrounded sufficiently. It is, as illustrated above, the paradox of a poor church member who is at once imprisoned by love, need for, and dependence on, the very church that keeps him/her in ‘bondage’. It is the ecclesio-religious side of the paradox. Hitherto we have tended to emphasize the secular dimension of the paradox. In my opinion, we have barely begun to unpack the character and implications of this dimension of the paradox.

## Confronting and Unmasking Violent Missiologies

In his contribution, Tsele calls for a transformative intervention model regarding church land. He premises this on the understanding that in having lost land, ‘people lost everything’, ‘rendered forever dependent’ through a dispossession process in which the church was complicit. Yet, the contributions of Tsele, Philpott and Zondi also suggest that there was once an ostensibly noble ‘original vision and mission for church land ownership by missionary churches’—a vision now lost. On the one hand, the church is said to have participated in the dispossession of land and yet, on the other hand, some noble mission is attached as a significant motivation for the church’s acquisition of land. Both halves of the statement probably point to some truth. However to advance arguments for both in an unexplained and unproblematic way raises its own problems. It is not improbable that it was indeed the very noble mission and vision of the churches (and the missionary societies before them) which led them to partake in the dispossession of poor Black people. The mission and vision can therefore not merely be lamented as some ‘lost state of innocence’ (Tsele), needing to be revived in order for the church to break with practices of dispossession. The vision of the church *was* and *is* never innocent. Instead it is often violent.

We have to recognize that there was something intrinsically violent in the missions and visions of the churches, so that participation in dispossession was in fact the consequence of the violent missiologies that informed prevailing understandings of church mission. The seeds of violent praxis are already there in the very sense of calling for ‘discipling the nations’, ‘preaching the Good News to all nations’—whatever masked form these beliefs may take. Even exercising an option for the poor (whatever local form such a stance might take) as a vision for the mission of the church can provide ammunition for exploitative practices. It is easy for prophetic churches and prophetic theologies to know the needs of the poor, the Black and the “ordinary” so well that they do not even really need the input of the poor—except in controlled, preconceived and artificial ‘listening’ contexts (e.g. Bible Study sessions, before or after-worship meetings, church council meetings etc.), where the balance of power is overwhelmingly in favour of the ‘prophetic spokespersons’. But such ‘exploitation’ in the name of

love and solidarity need neither be malicious nor conscious. Not necessarily. Churches often acquired land with the best of intentions proceeding to execute those intentions faithfully, for the good of the poor—and always with a good conscience—to the best of the knowledge of the churches, that is! Yet many who have lived as physical and spiritual tenants on the ‘land’ of the churches have bitter and painful stories to tell regarding their troubled and insecure sojourn on ‘church land’. To borrow from the ideas of Michel De Certeau, these people have had no real ‘place’ on either the church lands or the churches’ spiritual resources. Instead they have survived on ‘spaces’ they have had to carve out unconsciously and often in survival mode. All the while the churches have believed themselves to be doing good work among the poor.

Here we might benefit in pausing to consider Nietzsche’s tongue-in-cheek reading of the Gospels in his *Thus Spoke Zarathustra*. In this work, Nietzsche highlights the relationship between the ‘goodness’ of Jesus’ enemies in their quest to put him to death. Jesus was crucified, therefore, not by evil people but by good people in the name of upholding that which was good. His crucifixion was by all accounts, therefore, a good deed by good people! In another work, Nietzsche (1979:100) suggests that “whatever harm the world-calumniators may do, the harm the good do is the most harmful harm”. Now is the harm done by the good to be excused on the basis of the fact that they believed it was good? To return to the question of the good and innocent mission vision of the churches when they acquired land, let me say that, unless we confront and analyse the violence of the ‘state of innocence’, we may be allowing, and even encouraging, the church to remain in a perpetual, but illusionary, state of innocence as far as the land issue is concerned. Since the church’s initial acquisition of the land is understood in terms of having been an option for the poor as evident in the words of the Swiss group with which I open this essay, then to ask the church of today “to chart a new path in resolving the land question ... informed by its theological option for the poor” (Tsele) is to ask the church to continue doing what it has always done—and that includes the dispossession of the poor in the name of love for and solidarity with the poor.

## Conclusion

The time has come for churches to take stock of their land holdings as well as the implications of these for their witness. For this to be done meaningfully, we must bid farewell to certain dichotomous understandings of the land and certain facile notions of the visions and mission of the churches. Furthermore, we must probe the missiology that informed the churches’ acquisition of land as well as the missiology that keeps the churches either unsure or unwilling to confront the questions of land reform and development. At its heart, the problem of the church is a missiological and theological one. But then, for me, the theological does not exclude the economic

and material. Indeed, what lends itself better to theology than the land issue? And yet, what lends itself more to economics than the land issue. Therefore, there is a sense that churches (and theologians) cannot make a meaningful contribution to reconciliation (cf. Chitando) and transformation debates unless and until they have confronted both Mofokeng's 'incomprehensible paradox' and what I have termed 'violent missiologies'. My view is that our contribution and analysis on the question of the church and its land, while it cannot exclude other inputs, must be ultimately a theological one.

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# Church And Land: A Selected Bibliography

Compiled by Andrea Fröchtling

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**Alberts, Louw & Chikane, Frank [eds.]. 1991.**

The road to Rustenburg. The church looking forward to a new South Africa.

Cape Town: Struik Christian Books.

This comprehensive documentation on the historic ecumenical church leaders' conference in Rustenburg offers a variety of issues ranging from reconciliation to justice and restitution. Guilt for the wrong-doings and the silence of the churches in the past is acknowledged and the question of forgiveness is linked to restitution and justice as its prerequisite: "Confession and forgiveness necessarily require restitution. Without it, a confession of guilt is incomplete. As a first step towards restitution, the Church must examine its land ownership and work for the return of all land expropriated from relocated communities to its original owners." [284]

**Banana, Canaan S. 1996.**

*The preconditions of the Land Tenure Act and the churches' criticism.*

In: **Banana, Canaan S.**

The church and the struggle for Zimbabwe: From the Programme to Combat Racism to combat theology, 152-173.

Gweru: Mambo Press.

In his succinct analysis of the contested triangle of church, state and prophetic theology, Banana *inter alia* elaborates on the contrasting nature of the landed [di]vision of church and state as well as the Methodist Church's perception of an inclusive ecclesial usage of their land.

**Beer, David & Mayson, David. 1997.**

*The Elandskloofers return at last.*

Land Update 55:4-8.

Comprehensive report on the history and the struggle of the Elandskloof community [Western Cape], who returned to their land in December 1996 after lengthy negotiations with the Dutch Reformed Church and the Department of Land Affairs.

**Blaser, Klauspeter; Keller, Annete; Schneider, Théo; Schneider, Vreni Biber; Stuker, Ueli. 1994.**

*The Ambivalence of Ethnic Identity. A Response to T.S. Maluleke.*

Missionalia (November 1994), 193-200.

In this joint essay, the authors mount a critical response to Maluleke's (1993 see bibliography) essay. They argue that, human failings notwithstanding, the work of Swiss missionaries in Mozambique and South Africa was motivated by goodwill, good intentions and for the most part produced

good results for local people. Even the purchase and use of land by the missionaries was not exploitative, they argue. Instead, it formed part of a mission outlook that was biased in favour of local people over against such groups as White farmers. The authors call for a less negative regard of the role of Swiss missionaries in Southern Africa.

**Buffel, Andries O. 1996.**

*Church land in South Africa. A paper compiled for the National Land Committee's workshop on church land, Johannesburg, 30 October 1996.*

Buffel offers some background information on the acquisition of church owned land and the problems arising within the South African context and encourages the churches to consider their land as "a challenge and an opportunity to contribute to a just and humane social order." [7]

——. 1996.

*Has the church deserted the poor and landless?*

Land Update 50:14f.

In two case studies, Sheridan (former Roman Catholic farm) and Bethany (former Berlin Mission farm), Buffel highlights the current problems of farm workers and communities on church land.

**Carolus, Sam. 1998.**

*The Elandskloof community returns at last.*

In: **Gillan, David S [ed.].**

Church, land and poverty: Community struggles, land reform and the policy framework on church land, 25-27.

Johannesburg: South African Council of Churches (SACC) & National Land Committee.

Carolus, chairperson of the Elandskloof Community Committee, analyses and comments on the history of Elandskloof, its turning into a mission station of the Dutch Reformed Church, the illegal sale of the land by the church, the evictions, the subsequent negotiations, the return and the reconciliation with the DRC.

**Connor, Bernard F. Undated.**

*A theological reflection on the land issue in South Africa.*

Just Economics, No. 9, undated, 2f. Pretoria: J & P.

Connor argues that important aspects of human life as individuals and a community "depend on people having rightful access to land" [2]. He briefly analyses different forms of land ownership and perceptions of land before suggesting four land related biblical imperatives.

——. Undated.

*The church and land.*

Just Economics, No. 9, undated, 3f. Pretoria: J & P.

Connor here explores the reasons for the failure of the Rural Transformation Association of the Roman Catholic Church in Natal which was set up on the recommendation of a preceding study on the utilization of (Roman Catholic) church



owned land in rural Natal. He further elaborates on conflicts arising on church land by offering a brief case study on Matjieskloof Mission Station (Roman Catholic Church) in Namaqualand.

**Conradie, E M et al. [ed.]. 1992.**

*Church and land. Working documents on post-apartheid economy No. 4.*

Stellenbosch: University of Stellenbosch Economic Project.

Collection of documents on church land, comprising theological contributions as well as case studies and statements by some churches.

**Daphne, Paul 1986.**

*The Utilization of Rural Lands Owned by the Catholic Church in Natal*

Final Report.

This ground-breaking work compiled an inventory of Catholic rural landholdings in Natal, and how it was being used. It made recommendations concerning restructuring of the control and decision making processes of church owned farms, to train and empower the occupants of the land. It recommended that the practice of leasing church farms to white farmers for commercial use be terminated. Finally, it recommended that the Catholic Church cooperate with other denominations owning land and with concerned non-governmental agencies to forward the process of land reform and rural transformation.

**Dawood, Zohra & Mayson, David. 1993.**

*"You don't know whether to prepare for the future or wait for the promises": Some aspects of church land ownership in South Africa.*

Cape Town: Surplus People Project.

A comprehensive research paper which contains information on the acquisition of church land, a preliminary survey on land owned by various denominations, three extensive case studies (Matjieskloof, Elandskloof and Klipfontein), and some recommendations as a way forward.

**Delegates to the Conference on the Effective Utilisation of Church Land. 1998.**

*The proposed church land policy framework.*

In: Gillan, David S [ed.].

Church, land and poverty: Community struggles, land reform and the policy framework on church land, 175-180.

Johannesburg: South African Council of Churches & National Land Committee.

The Proposed Church Land Policy Framework was developed and adopted by delegates to the Conference on the Effective Utilization of Church Land, hosted by the South African Council of Churches and the National Land Committee in November 1997. Affirming the belief that "the effective utilization of church land is an instrument to redress injustice and poverty in South Africa, especially resulting from the past, thus leading to reconciliation and development" [176], the framework calls for the effective utilization, if feasible the restitution, and the community-oriented development of church land.

**Department of Land Affairs. 1994.**

*Elandskloof.*

Land info 1 (3):20f.

Brief summary on the conflict between the Elandskloof community and the Dutch Reformed Church.

**Department of Land Affairs. 1996.**

*In the Land Claims Court of South Africa in the case of Elandskloof Association regarding the farm Elandskloof No 475 and 476.*

Pretoria: Communication Services Department of Land Affairs.

Order of the Land Claims Court concerning the farms Elandskloof No 475 and 476, 15 October 1996.

**Fröchtling, Andrea. 1998.**

*"We believe these people have a higher law on their side": The SACC and people's struggle for land.*

In: Gillan, David S [ed.].

Church, land and poverty: Community struggles, land reform and the policy framework on church land, 15-23.

Johannesburg: South African Council of Churches & National Land Committee.

The article focuses on the South African Council of Churches' response to forced removals as well as on the churches' use of their land and offers an insight into the ongoing debate on the use of church land as from 1984.

**Fröchtling, Andrea & Gillan, David S. 1998.**

*Womandla, herstory and the gender of land.*

In: Gillan, David S [ed.].

Church, land and poverty: Community struggles, land reform and the policy framework on church land, 145-152.

Johannesburg: South African Council of Churches & National Land Committee.

The authors address the issue of a gendered biblical hermeneutics which enables women in faith communities, especially in the rural areas, to rediscover biblical passages like Numbers 27 as (con)textual propelling force for their struggle for land in a predominantly patrilinear cultural, social and religious setting. Further more, differing approaches towards 'fatherland' and 'mother earth' are spelled out.

**Fröchtling, Andrea & Mngxitama, Andile. 1997.**

*Church land at issue.*

Sowetan, 3 November 1997.

Based upon the assumption that little has been done by the churches since their overall commitment to restitution in the Rustenburg Declaration in 1990, the authors explore church land related areas of concern and encourage the churches to embark upon a process of developing a joint policy on church land and a commitment to its restitution/effective utilization as envisaged by the 1997 Conference on the Effective Utilization of Church Land.

**Gahlen, Dieter. 1998.**

*Greater Mariannhill Area Development: Past, present and future.*

In: Gillan, David S [ed.].

Church, land and poverty: Community struggles,

land reform and the policy framework on church land, 75-82.

Johannesburg: South African Council of Churches & National Land Committee.

Father Dieter Gahlen, Community of the Missionaries of Mariannhill, and director of the St Wendolin's Development Centre, describes in his article the history of the transfer of title deeds from the Mariannhill Mission Institute to the residents of St Wendolin. His article is concluded by a number of 'lessons' of a very practical nature that were learned throughout the transformation process.

**Gillan, David S [ed.]. 1998.**

Church, land and poverty: Community struggles, land reform and the policy framework on church land.

Johannesburg: South African Council of Churches & National Land Committee.

"Church, land and poverty" is in its major parts a recollection of papers presented at the South African Council of Churches' & National Land Committee's Conference on the Effective Utilization of Church Land, held in November 1997. Additional articles, especially by representatives of the Commission on Restitution of Land Rights, are added. The book contains contributions by communities living on/ having been evicted from church land, a couple of detailed case studies (Elandskloof, Sheridan farm, Uitkyk, Maria Ratschitz, Mariannhill et al.), responses by some churches, contributions on the role of the church in the restitution process, African approaches towards land ownership, the issue of poverty, women's rights to land, as well as a church land policy framework that was developed and adopted by the Conference delegates.

———. 1998.

*Who are land rights? The crisis of interpretation in land restitution.*

In: Gillan, David S [ed.].

Church, land and poverty: Community struggles, land reform and the policy framework on church land, 105-136.

Johannesburg: South African Council of Churches & National Land Committee.

Gillan, a former researcher of the Commission on Restitution of Land Rights, identifies a crisis of hearing, interpretation and translation within the overall formal restitution process and argues for the application of a relational hermeneutics of land, based upon the ancestral graves as a *locus theologicus*. He unmasks the 'theology and theodolites' in land acquisition and subsequently establishes *memoria passionis* as a linking category between the land claimants and the recollection of the suffering and resurrection of Christ on the side of the church. If the church remains 'landed' among landless people, not only its mission but its whole being will become questionable.

**Hargreaves, Samantha. 1998.**

*In pursuit of equitable and sustainable solutions: The Uitkyk case study*

In: Gillan, David S [ed.].

Church, land and poverty: Community struggles, land reform and the policy framework on church

land, 33-47.

Johannesburg: South African Council of Churches & National Land Committee.

Hargreaves provides a detailed summary of major aspects of the disparate history of the Uitkyk community (Venterdorp district), including the historical context in which the land purchase by a representative of the Methodist Church occurred, subsequent tensions with the church, forced removals and eviction. Hargreaves in addition supplies community perspectives on restitution and the responsibility of the church as well as a comment by Bishop Paul Verryn. The article is rounded off by concrete proposals of roles the church(es) could play within land restitution and rural development.

**Harley, Anne & Fotheringham, Romy. 1999.**

AFRA: 20 years in the Land Rights Struggle 1979-1999.

AFRA: Pietermaritzburg, 1999.

Provides a valuable and stimulating overview of the history of the expropriation of the land in KwaZulu Natal before and after apartheid. The birth and work of the Association for Rural Advancement (AFRA) in resisting forced removals and fighting for restitution and the restoration of people to the land is chronicled in depth, also highlighting particular issues relation to women, the environment and sustainable development. Finally, the report looks to the future of land reform and its own role. An important resource in work on the church and the land.

**Hasselhorn, Fritz. 1985.**

Mission and land in Southern Africa illustrated by the example of the Hermannsburg Mission in Transvaal and Natal.

Unpublished manuscript, 5 pages.

Hasselhorn elaborates on the discrepancy between the vision of the founder of the Hermannsburg Mission Society, Ludwig Harms, (who intended to proclaim unity in racial segregation and was hoping for the emergence of an independent African Christian state) and the subsequent emerging of missionaries of landlords. In addition, he offers data on the acquisition of land by the mission and its changing function.

———. 1987.

Mission, land ownership and settlers' ideology.

Johannesburg: South African Council of Churches.

The essay is based on Hasselhorn's doctoral thesis "Bauernmission in Südafrika. Die Hermannsburg Mission im Spannungsfeld der Kolonialpolitik" [Peasants mission in South Africa: The Hermannsburg Mission and colonial policy]. Hasselhorn provides a comprehensive insight into the history of the Hermannsburg Mission, including topics such as

- a) the mission as landowner,
  - b) the peasant background of the missionaries,
  - c) the commercialisation of mission land and
  - d) changes in the missionaries' attitudes.
- The essay is rounded off by an annex on land ownership of the mission in Natal in 1925.

**Hastings, Adrian. 1985.**

Mission, church and state in Southern Africa.

University of Zimbabwe, unpublished document, 15 pages.

Prof Hastings paper and his comprehensive exploration of the history of mission in Southern Africa as well as his analysis of church-state relationships offers a well founded background for a deeper understanding of conflicts arising out of the land question.

**Holomisa, Pathekile S. 1998.**

African approach to land and ownership.

In: Gillan, David S [ed.].

Church, land and poverty: Community struggles, land reform and the policy framework on church land, 87-92.

Johannesburg: South African Council of Churches & National Land Committee.

Chief and MP Pathekile Holomisa, Chairperson of the Parliamentary Portfolio Committee on Land Affairs and President of the Congress of Traditional Leaders of South Africa, argues for a communal ownership of land. He describes the system of allocating tribal land and its administration, touches upon the issue of women's right to land and challenges the churches and NGOs to identify and cooperate with traditional local rural leaders in developmental issues in order to jointly combat poverty.

**Hornby, Donna & Philpott, Graham. 1995.**

*Theological issues.*

In: The church: Landowner and landless, 14-17. Report of a Conference in Red Acres, November 1995.

Pietermaritzburg: Pietermaritzburg Agency for Christian Social Awareness.

Hornby's and Philpott's deliberations are contextually informed by the participants of the above mentioned conference and are textually based upon 1 Kings 21:1-16, the story of Naboth's vineyard. Issues like the actual and ideal nature of the church and its power structures are raised, as well as concerns about the continuing exclusion of women. In a concluding paragraph, the church is encouraged to be a storied place where healing and the transformation of society can take place.

**Japha, Derek et al. 1993.**

Mission settlements in South Africa. A report on their historical background and prospects for conversation.

Pretoria: Department of Environment Affairs.

The booklet offers background information on a couple of (former) mission stations, their historical background and current land related issues.

**Jock, Rajesh. 1997.**

*Church land - promised land.*

Land Info 4:4, 20.

Pretoria: Department of Land Affairs.

In his article on church land and the work of the Church Land Project, Pietermaritzburg, Jock unmasks the ambiguities of church land and its usages and challenges the churches to "answer some serious questions about its own identity

and its particular role in this country's transforming society" [20], to work out methods of transferring land ownership to the communities, and to engage in the overall development process.

**Kistener, Wolfram. 1991.**

*The land issue in South Africa as a challenge to the churches.*

Lecture held at the International Seminar on "Wholeness, Healing and Resistance" at the University of Utrecht, 26-27 September 1991. Unpublished manuscript.

In this lecture, Kistner recalls the history of dispossession and encourages the churches to become involved in a healing ministry of reconciliation which seeks justice and shalom done to all.

**———. 1998.**

*The churches and the struggle for land in the old and the new South Africa.*

In: Gillan, David S [ed.].

Church, land and poverty: Community struggles, land reform and the policy framework on church land, 159-173.

Johannesburg: South African Council of Churches & National Land Committee.

Kistner's point of departure is the assumption that the struggle for land is a struggle for the recognition of the right to life and to humanity for the dispossessed. Kistner illustrates the struggle for land in the new South Africa and takes the Hermannsburg Mission as an example how land was acquired by the churches. He chooses the Moses-Sinai tradition to substantiate his argument that God is and remains the ultimate landowner and that he/she shows a bias towards the dispossessed. Concluding, Kistner recommends that representatives of the churches should jointly and publically confess their guilt in the dispossession of the majority of South Africans. Churches, with the support of the Department of Land Affairs and NGOs, should conduct hearings on church land and invite an ecumenical land commission to compile an audit. Each and every member as part of the church should furthermore on an individual level acknowledge the responsibilities related to ownership.

**——— & Mayson, David. 1994.**

*What about church-owned land?*

Challenge 25:22f.

The authors' point of departure is the assumption that in the current times of reconstruction and development a theology of restitution is urgently needed. Reporting on a number of findings of the Surplus People Project Mini-Conference on church land, the article covers issues like the necessity of an audit of church land, the use of church land, the demand for a church land policy as well as theological issues surrounding (church) land.

**Land Access Movement of South Africa. 1997.**

An unpublished study document.

A reflection on the plight and needs of churchland communities and the expected role of the church.

In its presentation to the Conference on the Effective Utilization of Church Land in November 1997, the Land Access

Movement of South Africa introduced the above mentioned study document which comprises community resolutions on church land by six communities (Botshabelo, Modimole, Uitkyk, Rietspruit, Vleisfontein and Bethel). The study concludes with a number of recommendations deduced from the case studies.

**Luphondwana, Nomfundo. 1998.**

*Conference resolutions of the provinces.*

**In: Gillan, David S [ed.].**

Church, land and poverty: Community struggles, land reform and the policy framework on church land, 181-183.

Johannesburg: South African Council of Churches & National Land Committee.

Luphondwana provides an overview of provincial actions on church land issues as suggested by delegates to the Conference on the Effective Utilization of Church Land, hosted by the South African Council of Churches and the National Land Committee in November 1997.

**Makue, Eddie. 1998.**

*Church land: A way forward.*

**In: Gillan, David S [ed.].**

Church, land and poverty: Community struggles, land reform and the policy framework on church land, 185f.

Johannesburg: South African Council of Churches & National Land Committee.

Makue, Head of Department of Justice Ministries, South African Council of Churches, considers land as a giver and source of life and describes land as a God-given resource that can be used to further the eradication of poverty. He encourages the churches to take the lead in distributing and using land so that the wellbeing of all is aimed at.

**Maluleke, Tinyiko Sam. 1997.**

*Truth, National Unity and Reconciliation in South Africa. Aspects of the Emerging Theological Agenda.*

*Missionalia*. 25:1 (April 1997), 59-86.

**Maluleke, Tinyiko Sam. 1997.**

*Dealing Lightly With the Wound of my People? The TRC Process in Theological Perspective.*

*Missionalia*. 25:3 (November 1997), 324-343.

**Maluleke, Tinyiko Sam. 1999.**

*The South African Truth and Reconciliation Discourse.*

**In: Magesa, Laurenti & Nthamburi, Zablon.**

Democracy and Reconciliation: A Challenge for African Christianity, 215-241.

Nairobi: Acton.

Although not directly about land, all three essays are reflections on the challenge of reconciliation in South Africa. In all three pieces, Maluleke argues amongst other things, that social reconciliation must be linked to economic or material reconciliation. Land is put forward as an important resource for the latter type of reconciliation. Accordingly, the church is challenged to accompany the reconciliation process theologically and materially.

**Maluleke, Tinyiko Sam. 1993.**

*Mission, Ethnicity and Homeland - The Case of the*

*EPCSA.*

*Missionalia* 21:3 (Nov 1993), 236-252.

**Maluleke, Tinyiko Sam. 1994.**

*North-South Partnerships - The Evangelical Presbyterian Church in South Africa and the Departement Missionnaire in Lausanne.*

*International Review of Mission*. LXXXIII: 328 (Jan 1994), 93-100.

**Maluleke, Tinyiko Sam. 1995.**

*Some legacies of 19th century mission. The Swiss Mission in South Africa.*

*Missionalia*. 23:1 (April 1995), 9-29.

The three pieces are historical and theological comments on the mission visions of the Evangelical Presbyterian Church in South Africa (EPCSA) and its partner, the Département Missionnaire (DM) of Lausanne, Switzerland. Both institutions are to a large extent the 'grand children' of the work of Swiss missionaries in the Transvaal and Southern Mozambique during the second half of the nineteenth century. As a consequence of their work, Swiss missionaries purchased various pieces of land in both Mozambique and South Africa—land which has since been inherited by the 'grand children'. Placing land issues within a host of other ecclesiological and socio-theological factors, Maluleke highlights the problems and promises of the larger package of what the 'grand children' have inherited.

**Malope, Matlhodi. 1998.**

*Church closes doors of learning.*

*Land & Rural Digest*, 1:3, 6f.

Malope describes the history of the conflict between the Kranspoort community and the Dutch Reformed Church who evicted large parts of the community in 1956. She further reports on current developments in the community after the church has closed down its school within the community.

**May, Roy H. 1991.**

*The poor of the land: A Christian case for land reform.*

Maryknoll, New York: Orbis Books.

A highly recommendable book on land and justice issues which takes its point of departure from an Latin-American perspective. Besides deliberations on development theory, landlessness and land in the biblical tradition, the major part of the book explores the distorted relationships between landless (faith) communities and the church as a land owner and elaborates on approaches towards a renewed ministry and administering of justice to the landless.

**Mayende, Peter G. 1997**

*The Land Question.*

**In: Mongezi, G. & Milton, A. L.**

*An African Challenge to the Church in the Twenty-First Century*, 32-41.

South African Council of Churches: Cape Town, 1997. Charts the evolution of the policies of the different liberation movements to land-related issues before and after the first democratic elections in April 1994, and laments the acceptance of the property clause in the Interim and then final Constitutions. This has led to the triumph of the "willing buyer willing seller" principle, which undermines the

clause allowing the state to compulsory purchase land for land reform “in the public interest”. The author argues for a continuing struggle to change the Constitution to permit wholesale confiscation of land from white owners and its redistribution to the black majority. He also challenges the churches to be prepared to set an example by handing back the land it owns to landless communities.

**Mayende, Peter. 1998.**

*The church and land restitution: Time to deliver.*

**In: Gillan, David S [ed.].**

Church, land and poverty: Community struggles, land reform and the policy framework on church land, 97-103.

Johannesburg: South African Council of Churches & National Land Committee.

Mayende, Regional Land Claims Commissioner in the Eastern Cape, takes his vantage point in the observation that since the 1994 election the churches have rather displayed a commercialist attachment to their land than being supportive agents of the land reform. The contemporary church has inherited a longstanding history of dispossession, a history which it—despite its engagement in the anti-apartheid struggle—seems to be reluctant to deal with. Mayende reminds that it was the Catholic Church in Brazil which was basically targeted by the “Brazilian option” (communities invading land) and challenges the churches to become supportive of the land reform and to concede in losing land in exchange for reasonable compensation.

**Mayson, David. 1994.**

*Where to with church land?*

Cape Town: SPP.

Within this summary report on a Surplus People Project mini-conference on church land theological issues of land ownership as well as practical aspects of an audit are dealt with. Specific church land related problems are discussed and deliberations made on possible guidelines for a church land policy.

**Mayson, David. 1997.**

*Church Land Project Proposal.*

Cape Town: Surplus People Project.

Comprehensive project proposal by the Surplus People Project which offers insight into contextuality, acquisition and some ownership patterns of church land.

**Mayson, David. 1998.**

*Church land, people's rights and development in South Africa.*

**In: Gillan, David S [ed.].**

Church, land and poverty: Community struggles, land reform and the policy framework on church land, 61-70.

Johannesburg: South African Council of Churches & National Land Committee.

Mayson's article, based upon research carried out by the Surplus People Project, comprises the early acquisition of church land in the Cape, an estimate of land currently owned by the churches, an overview on the decision-making process on church land as well as a couple of case studies by the SPP. As a way forward he suggests that the churches should

commit themselves to—jointly with all stakeholders—seeking solutions and finding options that would accommodate disparate needs. A closer cooperation with the Department of Land Affairs and different NGOs could provide some support for the churches to conduct an audit and to develop participatory, effective models of land use.

**Meer, Shamin [ed.]. 1997.**

*Women, land and authority: Perspectives from South Africa.*

Cape Town & Oxford: David Philip & Oxfam, in association with the National Land Committee.

The anthology contains case studies on women's (non)access to land, their struggle for the recognition of their rights to land, eviction from farms and tenure rights as well as studies on gendered approaches towards land. Traditional land allocation systems are explored and the particularly vulnerable status of female-headed households and widows is analysed. Although little reference is made to church land, the book remains nevertheless a highly recommendable reading as the pattern described are likely to appear in a similar, if not intensified way, on church owned land.

**Methodist Church. 1991.**

*The Methodist Church of Southern Africa - Resolution on land issues adopted at the October 1991 conference.*

**In: Conradie, E M et al. [ed.].**

Church and land. Working documents on the post-apartheid economy No. 4, section B, no page numbering.

Stellenbosch: University of Stellenbosch Economic Project.

Useful background information on the Methodists' dealing with land issues.

**Mngxitama, Andile & Nkosi, Zakes. 1998.**

*Introduction.*

**In: Gillan, David S [ed.].**

Church, land and poverty: Community struggles, land reform and the policy framework on church land, 1-6.

Johannesburg: South African Council of Churches & National Land Committee.

Mngxitama's and Nkosi's introduction to the anthology on church land demonstrates the ambiguous role of the church as having been part of the colonial process of dispossession and alienation and partaking in the liberation movements efforts to overcome apartheid and displaying conservative as well as progressive traits when it comes to the utilization of their own land. The authors condemn the ongoing evictions from church land and encourage churches to utilize/restitute their land to further the eradication of poverty.

**Mngxitama, Andile. 1998.**

*The church, land and transformation: The NLC and the church land question.*

**In: Gillan, David S [ed.].**

Church, land and poverty: Community struggles, land reform and the policy framework on church land, 7-13.

Johannesburg: South African Council of Churches & National Land Committee.

Mngxitama considers land reform as one of the key issues in social transformation. He rejects paternalistic strands of a theology of land—which claim that the churches are the tenants who work in the vineyard of God in the interest of all people—as ahistoric and being negligent of the churches' involvement in the colonial project. Instead, he calls for an approach towards the land question in which a positive, holistic stance towards restitution, development and the eradication of poverty is taken so that finally justice, peace and reconciliation are fostered.

**Mofokeng, Takatso**

*Land is our Mother: A Black Theology of Land*

In: Mongezi, G. & Milton, A. L.

An African Challenge to the Church in the Twenty-First Century, 42-56.

South African Council of Churches: Cape Town, 1997.

Characterizes the white settlement as malicious and deceitful theft from black people who treated them as guests. The author emphasizes the ties which bind people to their ancestral land, even after dispossession, and argues that the migration of black people to the cities resulted from expulsion from the land on which they had been settled as workers, but which belonged to them in any case. The silence of the white colonial church in the face of this violent land theft and its complicity in evangelizing the dispossessed into acceptance was rewarded by becoming “a wealthy and powerful beneficiary of blood land”. Its confession of guilt and resolution to give back the land at Rustenburg was not based on theology but on fear. The author praises and advocates the forcible repossession of land, not merely agricultural but even residential and industrial, and warns that the church will face reprisals if it does not support this struggle. This is supported by a black theology of land based on inalienability of land, self-assertion, struggle and resistance of the dispossessed, communion with the ancestors and a traditional African view of the land as sacred. He advocates a hermeneutic of suspicion with regard to the Bible and Christian tradition, since these are tainted by their use in the process of colonization. They can only be used tactically and partially, where they promote the struggle; the Bible itself is a field of struggle between an older liberatory Sinai-Moses tradition and a later oppressive David-Zion tradition. A theology of land should be based on God as creator, owner and giver of land in the egalitarian Sinai-Moses tradition and on the extended family as the entity to which it was entrusted through an inalienable covenant in Israel. The author criticizes the compromise of the new South African Constitution as entrenching the David-Zion tradition of commodification of land. The ancestors are seen as guarantors of the inalienability of land, but the inegalitarian chiefly traditions which deny equity with respect to land to all ancestors and descendants in African tradition should be modified by the redemptive life and death of Jesus Christ and the kingdom of God.

**Molisalihe, Itumeleng. 1998.**

*Sheridan farm: Losing the promised land.*

In: Gillan, David S [ed.].

Church, land and poverty: Community struggles, land reform and the policy framework on church land, 29-32.

Johannesburg: South African Council of Churches & National Land Committee.

Molisalihe, field worker at the Free State Rural Committee, tells the story of Sheridan Farm in the Fouriesburg district which was bought by the Roman Catholic Church in 1960. As from 1994 onwards, the farm was jointly managed by the newly formed Sheridan Association, consisting of farm workers and church representatives. The article offers background information on the negotiations between the church and the Department of Land Affairs, delays in these negotiations, the final selling of the farm to a farming association and the subsequent eviction of the farm workers.

**Mosala, Itumeleng**

*Ownership or Non-Ownership of Land Forms the Basis of Wealth and Poverty: A Black Theological Perspective.*

In: Mongezi, G. & Milton, A. L.

An African Challenge to the Church in the Twenty-First Century, 57-64.

South African Council of Churches: Cape Town, 1997.

Argues for a critical appropriation of black history and culture, as well as a critical appropriation of the Biblical tradition. Both enterprises revolve around land, economics and culture. The author articulates Norman Gottwald's analysis of ancient Israel's origins and the Exodus to argue that land, and the gradual alienation of the peasant producer from his/her product and means of production, is fundamental to an interpretation of the Bible. He provides a materialist reading of the story of Naboth's vineyard (1 Kings 21) to highlight the role of fair price (commodity), political power, violence and ideology in the dispossession of the small landowners by the powerful, and the accumulation of land in the hands of the few. The author sees a relation between the struggle for repossession of the land and culture, including religion. The Bible, as well as black culture, must be critically evaluated and appropriated to articulate a black theology of land.

**Mtsetwa, Sipho. 1995.**

The role of the church in the socio-political transformation of rural communities: A theological reflection on community development with special reference to church land use in Natal.

Pietermaritzburg: University of Natal.

Mtsetwa's comprehensive thesis offers insight into historical, theological and socio-political aspects of church land use with regard to its transformative potential.

**Munnik, Victor. 1998.**

*A 100 year war over land and belief.*

Land & Rural Digest 1:3, 8-10.

Munnik reports on the Dutch Reformed Church's opposition to the land claim of the Kranspoort community and paints the background of the conflicts between the community and the mission station which was set up in 1863 by the Cape Dutch Reformed Church. He further unmasks state-church relationships which were the basis of the eviction of about 725 families in 1956 and explores the allegations that the DRC was responsible for the closing of the school in 1997.

**National Land Committee. 1990.**

*Elandskloof.*

Land Update 4:7f.

Brief news clip on Elandskloof, a former Dutch Reformed Mission station in the Western Cape, and the then struggle of the community to have the farm returned to them.

**National Land Committee. 1991.**

*Twice bitten, twice shy.*

Land Update 9:15.

Report on the struggle of the Elandskloof community, who, having been forced off their ancestral land which was sold by the Dutch Reformed Church in 1961, are now partly facing pending eviction from Allendale, a nearby farm, where a couple of families settled after their eviction from Elandskloof.

**National Land Committee. 1996.**

*Church land and the Rustenburg Declaration.*

Land Update 49:4-6.

Arguing that "since the Rustenburg Declaration, the Churches' silence on land has been deafening" or that even counter-productive acts by the churches have been performed, the article encourages the churches to proceed with the process started at Rustenburg and calls for a cooperation between the churches and the National Land Committee's affiliates/NGOs to initiate an audit of church land.

**NN. 1998.**

*A knotty moral issue: Church and land.*

Land & Rural Digest 1:3, 13f.

Based upon the assumption that "the history of the church is marred with contradictions" which led to parts of the churches becoming "rich land owner in islands of poverty" [13], the article sets off to provide a summary of the South African Council of Churches' and National Land Committee's Conference on the Effective Utilization of Church Land which took place in November 1997.

**NN. Undated.**

*Christian missions and land ownership with particular reference to the involvement of the Hermannsburg Mission Society in the dispute over the ownership of Entombe.*

6 pages, unpublished and undated manuscript.

The article is based upon the assumption that the "activities of the Hermannsburg Mission Society in Zululand were inextricably bound up with the domination over stretches of land". It explores the claim of the Hermannsburg Mission Society that parts of their land were received as a donation by King Mpande and construes the sophisticated history of Entombe, one of the mission station in the area.

**NN. Undated.**

*The role of the mission in colonialism with reference to the Hermannsburg Mission in South Africa.*

9 pages, unpublished manuscript.

The paper is an attempt to unravel the intricate history of the Hermannsburg Mission Society from its arrival in Natal to the aftermath of World War I. It further sheds light on the increasing involvement of an originally peasant mission with the colonial authorities.

**Ntsoe, Peter. 1998.**

*Apartheid removals and the complicity of the church: A community-based perspective.*

In: Gillan, David S [ed.].

Church, land and poverty: Community struggles, land reform and the policy framework on church land, 71-74.

Johannesburg: South African Council of Churches & National Land Committee.

Ntsoe, current researcher with the Commission on Restitution of Land Rights and former chairperson of the Land Access Movement of South Africa, elaborates on the work of the movement, specifically with reference to church land. He gives a brief review on the Conference on Church and Land Rights, jointly hosted by the Land Access Movement of South Africa and The Rural Action Committee in April 1997 and highlights church land related problems by the example of the Botshabelo community in the Middelburg district (Berlin Mission Society/Evangelical Lutheran Church in Southern Africa).

**Philpott, Graham. 1995.**

*The church: Landowner and landless.*

Pietermaritzburg: PACSA.

The conference report, Red Acres, November 1995, comprises five main sections in which state and legal options, developmental issues, theological issues and general concerns are dealt with and suggestions made for a way forward.

**Philpott, Graham & Zondi, Phumani. 1998.**

*Maria Ratschitz: A case study in church land and ministry.*

In: Gillan, David S [ed.].

Church, land and poverty: Community struggles, land reform and the policy framework on church land, 49-59.

Johannesburg: South African Council of Churches & National Land Committee.

Philpott and Zondi, Church Land Project Pietermaritzburg, discuss in their case study on a Roman Catholic owned mission farm in the Diocese of Dundee, KwaZulu-Natal, the initial intentions of the former Trappist missionaries as well as their failures. The article further summarizes the involvement of the Church Agricultural Project in the region and at Maria Ratschitz itself, and highlights and analyses the rising tension between the community and the Church Agricultural Project, finally leading to the Church Agricultural Project leaving the area. Furthermore, the reader is introduced to recent developments like the setting up of the Maria Ratschitz Development Forum and the dynamics around the churches' offer to donate 40% of the farm to the community.

**Report of the Church Section of the Carnegie Conference. 1984.**

*The poor challenge church and society to the way of transformation.*

Typed manuscript. Johannesburg: South African Council of Churches.

Although churches are not explicitly addressed as landowners, a couple of general observations are made which pro-

vide a useful background for the debate on church land. Describing the ecclesial character of the church as being a servant, entrusted with the basic task to empower the powerless and to work as agents of transformation, the report further calls for an inner transformation of the churches themselves as a first step in the process.

**Rhodesia Catholic Bishops' Conference. 1970.**

*The Land Tenure Act and the church.*

Salisbury [Harare]: Mambo Press.

Comment of the then Rhodesia Catholic Bishops' Conference on the Land Tenure Act, including a reflection on church-owned land. Deliberations on church land are based upon the twofold assumption that (1) the land was granted for the support of the early missionaries in order to enable them to perform beneficial work, and (2) "the Church finds her ownership of large acreages an embarrassment particularly when the African people complain of land-hunger" [27].

**Saayman, Willem. 1998.**

*Ownership of land and Christian mission in South Africa: Erecting signs of hope?*

In: Gillan, David S [ed.].

Church, land and poverty: Community struggles, land reform and the policy framework on church land, 153-157.

Johannesburg: South African Council of Churches & National Land Committee.

Saayman, Professor of Missiology at the University of South Africa, begins his deliberations by highlighting the differing and competing concepts of land ownership, the Western and the African one. Against the prevailing Western notion of land as a commodity, he stresses the Judaeo-Christian and African traditional perception of land as binding past, present and future generations together in unity and community. It will be part of the *missio Dei*, thus Saayman, to highlight this very relational value of the land and to become intercultural and interreligious agents of interpretation in order to contribute to the healing of the broken relationship between forcibly removed people and their land and communities. Saayman states that the *missio Dei* attempts to incarnate an encompassing human liberation—*inter alia* on a land which finally belongs to the Creator God. Justice and righteousness will be required by all South Africans, and the question of restitution is of vital importance for the future of all South Africans. Saayman concludes by arguing that *shalom* as the ultimate promise of God "is linked to the joyful celebration of a rootedness in the land which belongs to God but which Godself has presented to us, as with her own hand." [157]

**Segooa, Elisha. 1998.**

*Faith betrayed.*

Land & Rural Digest 1:3, 10-12.

Segooa, a former teacher at the Kranspoort Mission Farm school in the Northern Province, describes the increasing conflicts between the community and the Dutch Reformed Church and puts the reader in the picture about the evictions from Kranspoort suffered by the majority of the community in 1955 and 1956.

**Seremane, Joe. 1998.**

*The role of the church in the SA land reform programme.*

In: Gillan, David S [ed.].

Church, land and poverty: Community struggles, land reform and the policy framework on church land, 93-95.

Johannesburg: South African Council of Churches & National Land Committee.

In claiming that the prophetic role of the church has not ended with the demise of apartheid, Seremane, former Chief Land Claims Commissioner, encourages the churches to make the land reform a confessional issue and to confess its own involvement in the process of land dispossession. He suggests that the churches should become inspired by the biblical Jubilee concept and accept a proactive and supportive role within the land reform process. The "Church should not only disclose the amount of land they own but should also be seen to be practically making atonement and contribution to rectifying the injustices of the past regarding land dispossession by releasing some of their landholdings for restitution and other aspects of the Land Reform Programme." [95]

**South African Council of Churches & Southern African Catholic Bishops' Conference. 1984.**

*Relocations: The churches' report on forced removals.*

Johannesburg & Pretoria: SACC & SACBC.

"Relocations" analyses the situation of forcibly removed communities and communities under the threat of forced removal in the early 80s. A specific paragraph is dedicated to "The Church and land" where it is confessed: "As churches examining our own involvement in the struggle over land ..., we admit that our witness has had faults. Various dioceses, parishes, religious congregations and missionary bodies acquired land with the aim of establishing self-supporting missionary undertakings, and providing schools and hospitals for the people. In many cases they wished to possess land in order to be in a position to subdivide and to sell to Christian communities of peasant farmers ... Their concerns were rather inward-looking; they were not critical of the colonial system and often hardly noticed that the land they acquired had only recently been taken by conquest from the people they intended to evangelise." [28] The report concluded with a commitment to "restoring the land owned by our churches to its original fruitfulness, and to make it available for the settlement of people who have been dispossessed." [62]

**Surplus People Project. 1991.**

*Dossier on Matjieskloof.*

Cape Town: Surplus People Project.

Documentation on the struggle concerning Matjieskloof, a former Roman Catholic mission station.

**—. 1991.**

*Elandskloof - God's forgotten people. SPP Factsheet No. 12.*

Cape Town: Surplus People Project.

The factsheet offers a rather comprehensive insight into the history of Elandskloof and the longstanding struggle with the Dutch Reformed Church. Furthermore, a map of the area



as well as some documentary photos are provided in the factsheet.

——. 1991.

*Matjieskloof: A struggle for land and services. SPP Factsheet No. 13.*

Cape Town: Surplus People Project.

The factsheet offers information on the struggle between the former Roman Catholic mission station, the community and the state.

——. 1992.

*Between the church and the state: No salvation for Matjieskloof?*

Cape Town: Surplus People Project.

A report on the history of Matjieskloof, a former Roman Catholic Mission station in Namaqualand and the subsequent conflicts between the community and the church.

——. 1993.

*"We will not move until we get our ancestors' land back".*

Land Update 20:13.

The Elandskloof community was forced off their ancestral land after Dutch Reformed Church has sold the farm in 1961. A number of families then settled at Allendale, a nearby farm. The article reports on the summons of eviction the community received from du Plessis, owner of Allendale, and the subsequent out of court settlement which granted the community permission to occupy until 1997.

——. 1995.

*Land Claims in Namaqualand.*

Cape Town: Surplus People Project.

The comprehensive study on land claims in Namaqualand grants the reader access to the history of dispossession in the area in general and, in particular, offers extensive case studies, accompanied by maps, inter alia on Richtersveld and Steinkopf (both Rhenish Mission Society), Rietpoort, Stofkraal and Lepelfontein (Roman Catholic Church/Dutch Reformed Church), Pella (London Missionary Society/Rhenish Mission/Roman Catholic Church) and Ebenezer (Rhenish Mission/Dutch Reformed Church).

**Thelin, Bob. 1993.**

*What about the land owned by the church?*

Challenge 18:16f.

Bob Thelin, a rural development worker in the Eastern Cape, was tasked in 1990 by the Anglican dioceses of St. John's and Umzimvubu to conduct a survey on their land ownership. In his article he presents some of his findings and paves the way towards a theology of the land which he considers an essential part of liberation theology.

**The Rural Action Committee. 1997.**

*Church and land rights conference, Johannesburg, South Africa, 28 April 1997.*

Johannesburg: TRAC, conference minutes.

The conference minutes recall *inter alia* presentations by communities like Uitkyk (Methodists), Botshabelo (Lutherans), Rietspruit (Lutherans), Vleisfontein (Roman Catholics) and Bethel. Responses were offered by the Methodist Church, the South African Council of Churches and the Commission on Restitution of Land Rights.

**Tsele, Molefe. 1998.**

*Land and poverty: Towards an ecumenical agrarian reform strategy.*

Gillan, David S [ed.].

Church, land and poverty: Community struggles, land reform and the policy framework on church land, 137-144.

Johannesburg: South African Council of Churches & National Land Committee.

Tsele, Director of Ecumenical Services for Socio-Economic Transformation, introduces his article by recalling the history of dispossession before elaborating on different ways in which church land was acquired ('gift', glebe land, purchase through trustees). He then offers a general input on the governmental land reform programme before exploring the ambiguous responses by the churches. He states that a simple 'give-away' of the land is not likely to solve the problem of poverty as additional costs to effectively utilize the land will occur. He therefore encourages the churches to embark on the development of a comprehensive ecumenical agrarian reform to build up the land and develop it before considering to hand it over.

**van Donk, Mirjam. 1994.**

*Land and the church: The case of the Dutch Reformed Churches. Relevant Church Series No. 1.*

Western Province Council of Churches Publication.

Van Donk carefully analyses the various aspects of the Dutch Reformed Church as a landowner, unmasks ambiguities and tries to pave the way for a more inclusive and transformative theology of land.

——. 1994.

Land issues & challenges to the church. Relevant Church Series No. 2.

Western Province Council of Churches Publication.

A useful reader on land and church land related issues.

**Verstraelen, Frans J. 1998.**

*Zimbabwean realities and Christian responses, 102-116.*

Gweru: Mambo Press.

In his chapter on Land, Development and Ecology, Verstraelen, Professor of Religious Studies at the University of Zimbabwe, explores the centrality of land in cultural, religious and theological terms and encourages the churches to take a lead in restitution issues by starting within their own circles in order to remain credible to their message and to make justice happen.

**von Fintel, Martin. 1998.**

*Church land and the Evangelical Lutheran Church in Southern Africa.*

Gillan, David S [ed.].

Church, land and poverty: Community struggles, land reform and the policy framework on church land, 83-86.

Johannesburg: South African Council of Churches & National Land Committee.

Von Fintel, General Manager of the Property Management Committee of the Evangelical Lutheran Church of Southern Africa, introduces the history of the Property Management

Committee, its approach to church land and its role within ELCSA. He further highlights current problems experienced with regard to church land. Attached to the article is the ELCSA Land Policy as adopted 15 July 1996.

**Wilkinson, Patrick T. 1997.**

“Church clothes” or land, mission and the end of apartheid in South Africa.

Bremen: University of Bremen [Masters thesis].

Comprehensive thesis on the missionaries involvement in land acquisition which offers a couple of detailed studies on the issue.

**Winkler, Harald. 1992.**

*God's land for God's people: The inalienable right to land.*

Paper to the conference on the church and land issue in South Africa, Alpha Centre, Broederstroom, May 1992. 7 pages, unpublished manuscript.

Winkler, a former field worker and researcher for The Rural Action Committee, argues for the inalienability of the right to land and its accessibility to all, especially the dispossessed.

———. 1994.

*Land from a biblical perspective.*

In: Mortensen, Viggo [ed.].

Region & Religion: Land, territory and nation from a theological perspective. International Consultation, Imigrante, Rio Grande do Sul, Brazil, 1993, Department for Theology and Studies, 15-28.

Geneva: Lutheran World Federation.

Winkler starts his article with an overview on different/ contesting biblical traditions on land and, in a second step, unmasks the abuse of certain biblical traditions in apartheid South Africa. He calls for a just land ethics and encourages the churches to respect the inalienable right to land of par-

ticularly the poor.

**World Council of Churches. 1996.**

*A moment to chose: Risking to be with uprooted people.*

International Review of Mission 85, 103-115.

The statement by the Central Committee of the World Council of Churches takes its point of departure in the assumption that “uprooted people remind us that ours is an unjust world. The deterioration of social, political and human rights conditions makes it imperative that we confront the sinfulness of unjust systems and structures” [104]. The statement elaborates on the specific linkages between indigenous people and their land—its loss equaling a loss of economic power and cultural and spiritual identity. Reference is made to the Jubilee tradition and the churches are challenged to receive the word of God through the witness of uprooted people and to promote justice and peace.

**Zondi, Phumani. 1997.**

*Donation or restitution: The future of church land.*

Land Update 55:9.

Zondi, argues for a restitution of church land, a concept which—in contrast to a donation of the land which would basically symbolize goodwill and sympathy on the side of the churches—would imply the acknowledgement that injustices had been done and that justice will have to be restored.

**Zulu, Bongani. 1995.**

The Hermannsburg Mission in Northern Zululand from 1860 to 1960 with reference to selected mission stations.

Erlangen: University of Erlangen.

Zulu provides a detailed analysis of the history of, and the dynamics and conflicts within and around the Hermannsburg Mission during a crucial time period.