Continuity, Representation, Redress

Khoi-San Testimony Before the Constitutional Review

Committee on Land Expropriation

In February 2018, the National Assembly of the Republic of South Africa established the Joint Committee on Constitutional Review, charging it with exploring whether and how to "make it possible for the state to expropriate land in the public interest without compensation." In order to hear testimony from a cross-section of South African society, the committee organized public hearings in all provinces from 26 June 2018 to 4 August 2018. Many spoke of how white farmers, who make up less than 9% of the population of South Africa, own 67% of the land almost twenty-five years after the end of apartheid. Redistributing this land, for many, is a clear step toward redress of historical injustices perpetuated by white settler colonialism. Others invoked the specter of Zimbabwe, where land seizures led to economic freefall and long-term political instability. While few if any opposed land reform in principle, many argued against arbitrary abrogation of property rights and the extension of government power this entailed.

On 6 September 2018 (seven days after its original mandate ended), the committee heard seven hours of oral submissions in Cape Town. Among those who testified was the head of Indigenous First Nation Advocacy South Africa (IFNASA), Anthony Williams, who claimed to represent the Khoi-San community. Williams argued in favor of amending Section 25 of the

¹ From a parliamentary press release on 27 February 2018, available at https://www.parliament.gov.za/press-releases/national-assembly-gives-constitution-review-committee-mandate-review-section-25-constitution.

² See the program of hearings available at https://www.parliament.gov.za/storage/app/media/uploaded-files/2018/june/20-06-2018/Updated CRC Public Hearings Sec 25 2018 15062018.pdf.

³ These figures come from the University of the Western Cape's Institute for Poverty, Land, and Agrarian Studies, available at https://www.plaas.org.za/sites/default/files/publications-pdf/Noi%20Fact%20check%20web.pdf.

constitution in order to allow for land expropriation without compensation. For him, this meant not just redistribution to correct for the injustices of apartheid but also to allow for land claims prior to 1913. Williams decried the political focus on Bantu-speaking communities in debates over redress, and further asked why his submission was the only one heard from the Khoi-San community. Committee members in turn expressed skepticism over Khoi-San claims to indigeneity, concern over racial stratification, and suggestions of alternative recourse for the redress sought.

This vignette serves to frame my paper. I will attempt to corral a teeming mass of evidence to provide some kind of response to two questions prompted by Williams' testimony. First, when and why are Khoi-San land claims expressed? Second, how and why are they received? The framework of my investigation follows the three concepts mentioned in my title: continuity, representation, and redress. The first section will thus explore the history of South Africa from 1652 to 1994 to help understand the kinds of continuity and rupture experienced by the Khoi-San. In the next part I will focus on representation of the Khoi-San in the quarter-century since the end of apartheid in 1994. In each section, I do not attempt to reproduce the wealth of scholarship that has preceded me. Instead, I illustrate several examples that will help guide us back to the testimony of Anthony Williams before the Constitutional Review Committee. By the end, I hope to shed some light on the question of redress both as it pertains to the Khoi-San and within the broader framework of South African (and hence global) politics, history, and society.

Continuity (1652-1994)

The first question that comes to mind is simple. Who are the Khoi-San?⁴ Let me begin by

⁴ Variants of this word include Khoe-San and Khoisan; I insist on the hyphen to highlight the difference between the two groups, but remain ambivalent about using "i" or "e." On the latter issue see the older (and more conservative)

answering a slightly simpler question: what exactly does this word refer to? "Khoi-San" designates a group of people that was historically comprised of two communities: the Khoikhoi and the San.⁵ These terms have been used since the 1960s to gloss "Hottentots" and "Bushmen," respectively. These words were first used by European settlers to refer to the indigenous peoples they encountered at the Cape. There is a long tradition of distinguishing the Khoi-San along economic/occupational lines. The Khoikhoi (Hottentots) are traditionally considered to be pastoralists (that is, cattle grazers) while the San (Bushmen) are hunter-gatherers. The unification of these groups is partly attributable to a perceived genealogical relationship between the languages spoken by the Khoikhoi and the San, though this link is no longer supported by most linguists.⁶ But the emergence of the fused "Khoi-San" is also a response to colonial violence that fundamentally changed (and eradicated) pre-colonial social formations and modes of subsistence.⁷

This colonial violence reached its apex in the late eighteenth century, as has been meticulously documented by Nigel Penn and Susan Newton-King. Mohamed Adhikari in turn has convincingly argued that this violence constituted a genocide of the San. Its consequences were terrible and far-reaching. To give just one example, by the twentieth century four out of five languages in the !Ui family were extinct. Nluu, the last extant language, has only three fluent

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but still informative Wilson, "Notes on the Nomenclature of the Khoisan"; Nienaber, "Khoekhoen: Spelling, Vorme, Betkenis."

⁵ The naming of this group of people is a complicated and well-discussed issue; scholars differ widely on their choice of terminology. For particularly useful discussions of nomenclature see Gordon, *The Bushman Myth*, 4–8; de Prada-Samper, *On the Trail of Qing and Orpen*, 3; Newton-King, *Masters and Servants*, 6–7.

⁶ For a recent discussion of the linguistic issues, see Güldemann, *The Languages and Linguistics of Africa*, 106–7. In summary, he notes that "since no new versions of or evidence for a Khoisan hypothesis have grown out of any more recent scholarship, there is little empirical ground left for currently propagating such a family."

⁷ An excellent illustration of this process (in a small community between at most 1820 and 1850) may be found in Ross, *The Borders of Race*.

⁸ Penn, The Forgotten Frontier; Newton-King, Masters and Servants.

⁹ Adhikari, The Anatomy of a South African Genocide.

speakers — although revitalization efforts are now underway in collaboration with the University of Cape Town.¹⁰

What form did this violence take? To answer this question, and thus better articulate the kind of ruptures experienced by the Khoi-San, I would like to focus for a moment on Nigel Penn's work. He narrates the history of the Cape's northern frontier, where Dutch settlers began to expand in search of land in the eighteenth century. Since even before the settlement of Cape Town in 1652 Europeans had engaged with the San and Khoikhoi, primarily to trade cattle. While relations were never entirely peaceful, for at least a hundred years there was nothing like a genocide. But relations took a sharp turn for the worse after a Khoi-San rebellion in 1772, especially far away from the center of colonial authority in Cape Town. In Penn's words:

Heartless attitudes towards the San were already in place, but the escalating violence of the frontier led to even greater inhumanity before the century's end. San men were eventually perceived as a type of vermin, fit only for extermination, and even women and children were expendable.¹²

Even contemporary travelers found the brutality of the Boers remarkable. John Barrow (inaugurating a long history of British contempt not only for the natives but also for the Dutch-speaking farmers of the Cape) described as much in his 1797 travel narrative:

The name of Bosjesman [Bushman] is held in horror and detestation; and a farmer thinks he cannot proclaim a more meritorious action than the murder of one of these people. A boor from Graff Reynet being asked in the secretary's office, a few days before we left the town, if the savages were numerous or troublesome on the road, replied, he had only shot four, with as much composure and indifference as if he had been speaking of four partridges. I myself have heard one of the humane colonists boast of having destroyed with his own hands near three hundred of these unfortunate wretches.¹³

The list of atrocities is seemingly endless. I will give just one more example to help us understand the experience of the Khoi-San in colonial South Africa. On 6 July 1786, Adriaan van

 $^{^{10}}$ These efforts include educational materials such as the trilingual reader by Shah and Brenzinger, *Ouma Geelmeid Ke Kx'u* $\|xa\|xa\|$ Nuu.

¹¹ For detail on these early interactions see part 2 of the classic Elphick, *Kraal and Castle*.

¹² Penn, *The Forgotten Frontier*, 122.

¹³ Barrow, Travels, 85.

Zijl — the *veldwachtmeester* (a kind of local official) of the Hantam, a north-western frontier district — set out for the north with the dual purpose of bartering for cattle and apprehending two San thieves. After a few months' travel, they approached a party of Khoikhoi:

Hurriedly, the Nuncquinqua began to drive their cattle onto an island, fearful of the approach of armed and mounted strangers. Without saying a word, the Europeans jumped from their horses and open fire. Their horrified servants ... stood by until Adriaan van Zijl turned on them with his musket, beating them with the stock and shouting, "Damned things, why aren't you shooting?" 14

In the face of this brutal violence, how could the Khoikhoi and San survive? What is clear is that their societies underwent immense, traumatic changes as the colonizers killed indigenous people or impressed them into forced labor (or raped them). Even those who survived lost much of their way of life. Hence, over the course of the nineteenth century Khoi-San stopped speaking their native languages and shifted towards agriculture and participation in a capitalist economy. In short, the late-eighteenth-century San genocide was imbricated in a kind of colonial assimilationism.

Popular (and some scholarly) accounts would have us believe that the only remnants of this lost people are the ethnographic notebooks kept by Wilhelm Bleek and Lucy Lloyd and the poignant rock art scattered throughout the Cape (more on these later). This narrative is a tempting response to the horrific violence inflicted on the Khoi-San. But what has too often been elided in discussions of this issue are the very real continuities that *do* exist between Khoikhoi and San communities and present-day people of the Cape. Many forms of evidence attest to this continuity. For instance, José Manuel de Prada-Samper has collected stories from present-day storytellers in the Karoo. As de Prada-Samper explains:

Such tales were first documented among |xam hunter-gatherers in the 1870s by Wilhelm Bleek and Lucy Lloyd. Unexpectedly they have survived, affirming a strong and continuing tradition of oral

¹⁴ Penn, *The Forgotten Frontier*, 174. Penn painstakingly pieced together this account from court records after van Zijl was brought before the colonial authorities.

storytelling in South Africa.¹⁵

We must note, though, that continuity does not mean that the Khoi-San today are identical to the |xam in the 1870s. In other words, we should recognize the ways in which culture persists *and* changes. One example is that the stories de Prada-Samper collected are in Afrikaans, not a San language — a clear result of assimilation following the eighteenth-century genocide.

As we will see in more detail later, it is far too easy to imagine the Khoi-San as ahistorical. Archaeology, historical records, and ethnography — from tens of thousands of years to decades ago right through to the present — are melted down, amalgamated, and reforged as the myth of a timeless people. This process produces precisely what Johannes Fabian influentially termed allochrony: the "different Time" that non-Western peoples inhabit in the Western imagination. 16 The colonial discipline of anthropology is premised on this understanding — and history, as Dipesh Chakrabarty has shown, is no less complicit. Chakrabarty is particularly useful in juxtaposition with Fabian to understand the ways in which time both "stands for a particular formation of the modern subject" and coheres with the project of constructing an Other that exists in a different world from this pseudo-universal modern subject. ¹⁷ As Adhikari puts it more accessibly, it is too easy to see the Khoi-San as "quaint relics of humanity's 'primitive' past — 'living fossils' being a common designation." Even well-meaning advocates of the Khoi-San are often ensnared in the logic of time limned by Chakrabarty and Fabian. We observe here that this temporality is *hegemonic* in the Gramscian sense: that is, it is a dominant ideology that is taken as fixed even by those whom it oppresses. This operation of allochrony is particularly clear in the endless debates over museum representations of the Khoi-San. ¹⁹ In response to concerns

¹⁵ de Prada-Samper, *The Man Who Cursed the Wind*.

¹⁶ Fabian, *Time and the Other*.

¹⁷ Chakrabarty, *Provincializing Europe*, 74.

¹⁸ Adhikari, The Anatomy of a South African Genocide, 21.

¹⁹ On this subject see the excellent (and diverse) essays collected in Skotnes, *Miscast*.

such as these, de Prada-Samper acknowledges that the stories he has collected are "not a 'relic' of the past, but the living heritage of communities whose ancestry goes back to the First Peoples of South Africa, and is an important part of the diverse cultural mosaic that makes South Africa so unique."²⁰ In negotiating the history of the Khoi-San — and hence their place in today's debates over redress and land claims — we should recognize continuity without succumbing to allochrony.

One place to negotiate this tension is in narrating the history of the Khoi-San after 1850.

This story is broadly one of assimilation: the Khoikhoi and San slowly mixed with other colonial populations, including Europeans, Bantu-speakers, Asians, and "Bastaards" from earlier unions. By the twentieth century, this group of people was termed the "coloured" by the colonial government. As Adhikari usefully summarizes,

it was in the decades after the emancipation of the Khoisan in 1828 and slaves in 1834 that various components of the heterogeneous black labouring class at the Cape started integrating more rapidly and developing an incipient collective identity based on a common socio-economic status and a shared culture derived from their incorporation into the lower ranks of Cape colonial society. This emergent community of assimilated colonial blacks consisted overwhelmingly of a downtrodden labouring class of African and Asian origin variously referred to as half-castes, bastards, Cape Boys, off-whites or coloureds, until the last-mentioned became the standard appellation from the latter half of the 1880s onwards.²¹

The word "coloured" persisted as an imprecise label for an array of heterogeneous identities through until the end of apartheid. One way of tracking shifts in perceptions is by looking at census categories such as "Native," "Aboriginal Native," "Coloured," and "Black" and how these intersect with the identification of people with Khoi-San ancestry. For instance, these are the instructions in a 1961 circular from the Department of Bantu Administration and Development:

Some district officers may encounter difficulty due to the fact that certain groups such as Nama-Korana [Khoikhoi] and Bushmen [San] may claim classification as coloureds. It must be emphasised

²⁰ de Prada-Samper, *The Man Who Cursed the Wind*, 24.

²¹ From the introduction to Adhikari, Burdened by Race, xi.

that although the abovementioned groups are lighter of skin than the typical Bantu, they belong to an aboriginal race of Africa and are regarded as Bantu for the Population registration purposes.²²

As a number of scholars have described, "coloured" identity emerged partly following and partly in reaction to apartheid-era policies like this one.²³ As Michael Besten puts it, official categories induced people to identify on their terms, but were also "subject to contestation both within dominant and subordinate communities."²⁴ Returning to this specific directive, we can see that apartheid diktat did not make the Khoi-San now Bantu — but neither did Khoi-San group identity remain stable and static, unbuffeted by the capricious winds of government policy.

By the end of apartheid, the coloured community had cohered to differing extents. In order to understand Khoi-San identity today, it is important to trace this process of social formation. Henry Trotter has convincingly argued that coloured identity coalesced not by investing in a remote past, but instead through shared trauma within living memory. For instance, 150 000 coloured people were evicted from their natal homes and communities between 1957 and 1985. Henry Trotter's interviews with 100 contemporary coloured people identified this as a key event in the formation of coloured identity:

The combination of the commonality imposed by Group Areas, the connectivity that was achieved through sharing stories in the wake of mass social trauma, and the reinforcement of a sense of groupness through positive narrative circulation has promoted a sense of coloured self-understanding that goes beyond mere instrumentality.²⁵

To return to our example, at least some Khoi-San who suffered the forced assimilation of the apartheid government became invested in these new identities. Amid the assimilation of colonialism and the segregation of apartheid, there was little space for asserting Khoi-San indigeneity. The complex interweaving of inherited, forced, and self-proclaimed identities

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²² Quoted in Besten, "Khoe-San Identity in Post-Apartheid South Africa," 138.

²³ See i.a. Adhikari, Not White Enough, Not Black Enough; Goldin, Making Race.

²⁴ Besten, "Khoe-San Identity in Post-Apartheid South Africa," 138.

²⁵ Trotter, "Trauma and Memory," 72.

undergirds today's discussions of redress and land claims.

Representation (1994–2018)

In his book *The Anatomy of a South African Genocide*, Mohamed Adhikari makes an intriguing observation. Unlike genocides in the United States and Australia, Adhikari says, "in South Africa the issue has effectively been ignored."²⁶ Why? This question is particularly salient because, as Adhikari notes later on, calling it genocide means that "issues of recompense, memorialisation, apology and recognition of past suffering arise." As he quotes:

We who live in the present did not create the violence and hatred of the past. But the violence and hatred of the past, to some degree, created us. It formed the material world and the ideas with which we live, and will continue to do so unless we take active steps to unmake their consequences.²⁷

It seems that few places in the world would feel this pressure to address issues of continuity, representation, and redress as acutely as post-apartheid South Africa. So, why is there such little discussion of these issues as they pertain to the Khoi-San? A partial answer is found in the narrative I just outlined about the evolution of the Khoi-San as a community — that is, as a group that self-identifies and is able to assert claims — between 1652 and 1994. But to fully understand how we arrived at the present moment, we must also survey the events of the past twenty-five years (marked by a resurgence of Khoi-San identity). I have chosen just a few examples of Khoi-San representation that will help lead us back to Anthony Williams' testimony before the Constitutional Review Committee.

The moment immediately following the end of apartheid was full of hope. A multi-racial democracy was born with Nelson Mandela as its beloved leader. Much of the literature I cite in this paper was written in the warmth of this moment. One of the most representative

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²⁶ Adhikari, The Anatomy of a South African Genocide, 21.

²⁷ Ibid., 93.

pronouncements by a historian is Norman Etherington's call in 2003 for a "truth and reconciliation history." For him (and for many post-1994 South African scholars) fidelity to history should be tempered with empathy for suffering among today's communities. This kind of history is explicitly modeled after the Truth and Reconciliation Commission (TRC), established in 1996. The TRC (as poignantly and intelligently narrated in the film *Long Night's Journey Into Day*) brought together victims and perpetrators of apartheid-era violence in search of restorative justice. ²⁹ The TRC (and thus Etherington's history) aspires to a world where we tell the truth about the past as a means not to punish evil but rather to advance the common good. Did it work? One of the best answers was provided in June 1999 by the poet Antjie Krog:

Peculiarly, the word "reconciliation" still resounds in the land. It carries within it the full variety of survival strategies — among them choice, flight, amnesia, rituals, clemency debate, negotiation, brinkmanship, and national consensus. The goal is not to avoid pain or reality, but to deal with the never-ending quest of self-definition and negotiation required to transform differences into assets. Reconciliation is not only a process. It is a cycle that will be repeated many times.³⁰

I can think of no better way to describe the Khoi-San experience in the twenty-five years since apartheid than as a "quest of self-definition and negotiation." This quest (replete with amnesia and brinkmanship) transforms the history I outlined above into assets for the future.

One such asset is representation (in a very real sense) in institutions of power. Put as a simple question, are there Khoi-San representatives in Parliament? (Not really.) Are there Khoi-San writing Khoi-San history? Again, mostly not. I think the dearth of academics who identify as Khoi-San is particularly important to highlight.³¹ The only visible Khoi-San scholar is Yvette Abrahams. Abrahams, who has also worked extensively as an activist, says she "was born in

²⁸ Etherington, *The Great Treks*.

²⁹ Hoffmann and Reid, Long Night's Journey Into Day.

³⁰ Krog, Country of My Skull, 386.

³¹ Mohamed Adhikari kindly answered my inquiries on this topic in a personal email, 27 November 2018. I had reached out to Adhikari thinking that he himself might be Khoi-San, but he replied that "both my parents were born within spitting distance of Indian rice paddies."

Cape Town in the early 1960s to struggle [sic] parents of slave and Khoekhoe descent."32 Her advocacy was instrumental in the discussion of what to do with the remains of Sara Baartman, an early-nineteenth-century Khoikhoi woman who was displayed on tour in Europe. Baartman's remains were preserved by Georges Cuvier, the French naturalist, and displayed in the Museum of Natural History in Paris until they were buried in South Africa in 2002. Abrahams' role was determinative in some crucial decisions made in the context of the repatriation debate, so much so that she was singled out for criticism as "profoundly antiscience" in a 2006 monograph on Baartman by Clifton Crais and Pamela Scully. 33 Other Khoi-San voices are visible in the scholarly record, but in almost all cases the gatekeepers remain white academics.³⁴



Figure 1

³² See the brief profile of Abrahams provided by UCT News at https://www.news.uct.ac.za/images/userfiles/downloads/media/Bio YvetteAbrahams.pdf.

³³ Crais and Scully, Sara Baartman and the Hottentot Venus, 160.

³⁴ See Gabototwe, "The |Xam and the San Youth of Today." Gabototwe, a San man from Botswana, was invited to write a paper by the conference's (white) organizers Pippa Skotnes and Janette Deacon; see the introduction to Deacon and Skotnes, Courage of ilkabbo.

There is one way in which the Khoi-San are *very* visible in post-apartheid South Africa: the new Coat of Arms (Figure 1).³⁵ The figures are drawn (albeit with their rather prominent genitalia removed) from the Linton Stone, an example of San rock art now at the South African Museum in Cape Town. The motto beneath their feet — in the |Xam language Bleek and Lloyd documented — reads "!Ke e: /xarra //ke" (officially translated "diverse people unite"). The words of President Thabo Mbeki at the unveiling of the Coat of Arms on 27 April 2000 are illuminating:

Through this new coat of arms, we pay homage to our past. We seek to embrace the indigenous belief systems of our people, by demonstrating our respect for the relationship between people and nature, which for millions of years has been fundamental to our self-understanding of our African condition. ... Those depicted, who were the very first inhabitants of our land, the Khoisan people, speak to our commitment to celebrate humanity and to advance the cause of the fulfilment of all human beings in our country and throughout the world. ... [For the motto] we have chosen an ancient language of our people. This language is now extinct as no one lives who speaks it as his or her mother-tongue. This emphasises the tragedy of the millions of human beings who, through the ages, have perished and even ceased to exist as peoples, because of peoples [sic] inhumanity to others.³⁶

There is an unquestionable respect for the Khoi-San in Mbeki's words that exemplifies the spirit of post-apartheid politics. But Mbeki's speech also invokes a pervasive trope I alluded to earlier: allochrony. For Mbeki, the Khoi-San *belong to* the past. Putting them on the national Coat of Arms is quite literally an act of reverence for a people that is now tragically vanished. This dismissal of continuity reproduces the same hegemonic logic of allochrony we have seen before.

We can see this logic at play in many other representations of the Khoi-San. For instance, there is a veritable cottage industry built around the "surviving relics" of the Khoi-San: the records of the Bleek-Lloyd collection and the evidence used to interpret San rock art.³⁷ In both cases, scholars working under the auspices of the British colonial government in the 1870s wrote

³⁵ My presentation of this example will be rather cursory in light of its comprehensive treatment in Barnard, "Coat of Arms and the Body Politic."

³⁶ This address is available at https://www.sahistory.org.za/speeches-and-public-statements/address-president-thabo-mbeki-unveiling-coat-arms-27-april-2000.

³⁷ See as examples Bank, *Bushmen in a Victorian World* and de Prada-Samper, *On the Trail of Qing and Orpen*, respectively.

down the stories told by San people they met. In the case of Bleek and Lloyd, their research was (by the end) marked by a distinctively empathetic, generous, and collaborative spirit. For instance, their |xam informants were invited into the Bleek-Lloyd family home in Mowbray, which seems to have been a warm and welcoming environment. In the absence of direct testimony from Khoi-San, what often suffices for scholars today is an echo mediated through Bleek and Lloyd. An excellent illustration of this is the afterlife of "The Broken String." This is a story (or "lament") told by Diakwain to Wilhelm Bleek, who recorded it in his notebooks in the 1870s. Among other things, "The Broken String" has served (in its translated form) as the conclusion to Adhikari's 2011 monograph and the title of both a 2004 collection of stories — subtitled *The Last Words of an Extinct People* — and a 2010 film by Saskia van Schaik. 38 "The Broken String" proved so evocative that it was re-translated in 2009 by Harold Farmer (who praised its "innate poetry") and published in *Poetry* magazine. 39

Schaik produced *The Broken String* in order to tell the story of the Bleek-Lloyd collection in an accessible documentary format. The film accomplished this goal with aplomb. We must interrogate, though, what Schaik's chosen framing *elides*. Most significantly, in her film Schaik does not take the opportunity to interview any members of the coloured community. She makes this decision despite implicitly endorsing the idea of Khoi-San continuity by choosing to bookend her film with contemporary footage of a celebration among the coloured community of the Cape. Although her camera comes agonizingly close to the celebrants, Schaik neglects to include their voices in *The Broken String*. In this and other choices, Schaik uncritically succumbs to the trope we have observed throughout this paper: the Khoi-San as "living fossils." *The Broken*

³⁸ Adhikari, *The Anatomy of a South African Genocide*; Bennun, *The Broken String*; Schaik, *The Broken String: The Story of a Lost Language*.

³⁹ Diakwain and Farmer, "The Broken String."

String bills itself as telling "the story of a lost language" and presents San practices as existing since "time immemorial." Our only link to the Khoi-San, if we take Schaik at her word, is the unmediated access provided by the Bleek-Lloyd collection. In her film, Schaik lacks the empathy for her subjects that Bleek and Lloyd themselves exemplified. Schaik's timidity is painful not only because it elides the rich continuities that stretch through to the present day but also because it thus forecloses the case for Khoi-San redress. I focus on Schaik's film not to single her out for criticism but instead because *The Broken String* illustrates the frustrating position of the Khoi-San in post-apartheid South Africa. In Schaik as in Mbeki, the hegemonic logic of allochrony denies — even as it corrects for earlier dismissals of San genocide — the kind of continuity that is a necessary condition for redress.

Testimony (today)

At last, we return to the testimony at the heart of this paper. In the past few months, a remarkable archive has been created: the submissions of South Africans to the Constitutional Review Committee charged with considering land expropriation without compensation. ⁴⁰ The sessions of this committee — held at the Houses of Parliament in Cape Town and throughout the provinces — have been meticulously documented. ⁴¹ Apart from the (mostly) verbatim transcriptions and summaries, every session is also recorded as a video that is available on the Parliament of South Africa's YouTube channel (and in audio form on SoundCloud). ⁴² The immediacy and poignancy of video testimony is unparalleled; a historian watching these

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⁴⁰ The formal name is the "Joint Committee on Constitutional Review." Naming of this committee is not consistent even in official publications; in this paper, I use either "Constitutional Review Committee" or simply "committee."

⁴¹ What is not available publicly (to my knowledge) are the thousands more written submissions.

⁴² All of this information is usefully organized by the <u>Parliamentary Monitoring Group</u>, a non-governmental information service; for an illuminating report on their excellent work see Parliamentary Monitoring Group, "Getting Information to the People."

recordings is left longing for the same kind of access to the voices of Sara Baartman, Jan Tzatzoe, Diakwain, and countless other indigenous people of South Africa (and beyond). Yet I stress that the testimony before the Constitutional Review Committee is *also* a representation: by no means does it present some kind of unmediated access to the voices of Khoi-San people. We must attune our ear to the silences produced by the archive even as we interrogate the wealth of sources we do have. I therefore want to put this representation of the Khoi-San in dialog with the examples discussed previously and the long arc of Khoi-San history described in the first section. I will again highlight the tension between allochrony and continuity that undergirds today's discussion of the Khoi-San. In so doing, I will more explicitly address the questions I posed at the beginning of this paper: when, how, and why are Khoi-San land claims both expressed and received?

As we saw, the sole representative of the Khoi-San to testify before the committee was Anthony Williams, the CEO of Indigenous First Nation Advocacy South Africa (IFNASA).⁴³ IFNASA claims to advocate

the restoration of the Khoe and San Identity, Culture, Language, Land, Socio-economic empowerment, through Research and Policy Formulation in promoting Social Integration and Cohesiveness amongst All South Africans, which must based [sic] on Equality, Fairness and Justice for All.⁴⁴

In this claim, IFNASA is by no means unique. Indeed, it is one of a constellation of groups that have proliferated since at least 1998 in what a number of scholars have termed "Khoi-San revivalism." Probably the first group to demand restitution explicitly for the Khoi-San (as

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⁴³ I have searched to the best of my ability the available documents for other Khoi-San testimony but have found none. Unfortunately, an email to the committee secretary has not been answered. My suspicion is that there are written submissions from Khoi-San, but I doubt there is more oral testimony that is publicly available. As we will see later, though, there is no shortage of Khoi-San voices in other fora, including in the press and in activism.

⁴⁴ From IFNASA's "About Us" page, available at https://www.ifnasa.co.za/about-us/.

⁴⁵ See the recent (2018, 2016, 2014) Sato, "Khoisan Revivalism and Land Question"; Verbuyst, "Claiming Cape Town: Towards a Symbolic Interpretation"; Bam, "Contemporary Khoisan Heritage Issues." Perhaps the earliest

opposed to, say, the Griqua) was the Cape Cultural Heritage Development Organization, set up in 1996. The organization of a conference in 1997 led to the creation of the National Khoisan Forum (later National Khoisan Council) in 1998. 46 This body remains the primary representative of the Khoi-San in the government's eyes, though the number of specific groups and people with claims to tribal authority has grown enormously in the last twenty years. The legal status of Khoi-San claims became even more complicated with the involvement of the United Nations and the International Labour Organization (ILO) in the years following. The politics of indigeneity, particularly as enmeshed in the ILO's Indigenous and Tribal Peoples Convention of 1989 (ILO 169), complicate the advocacy of restitution for the Khoi-San. The existing mechanisms for redress (especially the Land Claims Commission) have a cut-off date of 1913 that prevents meaningful restitution for Khoi-San claims. Other bills have foundered in Parliament while government officials have made vague statements and promises that are difficult to follow through.⁴⁷ In general, it is safe to say that even the heady momentum of Khoi-San revivalism founders in the thicket of bureaucracy and politics that has characterized post-apartheid restitution debates.

The testimony before the Constitutional Review Committee of Anthony Williams, the CEO of IFNASA, should not be seen as unprecedented. Rather, it is part of a wider post-apartheid movement for Khoi-San land claims, albeit one that has made little headway and is confusing and fractious for everyone involved. We are now sufficiently prepared to explore Williams' testimony in detail. His main argument before the committee was that Section 25 of the constitution should be amended not only to provide for land expropriation, but also to recognize

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⁽²⁰⁰⁶⁾ influential writing on this topic is Besten, "Transformation and Reconstitution of Khoe-San Identities." See also the earlier (2001) but less articulate Bredekamp, "Khoisan Revivalism."

⁴⁶ Verbuyst, "Claiming Cape Town: Ethnographic Interpretations," 50.

⁴⁷ For a wealth of detail on this tangled history see ibid., 48–62.

the rights of the "Khoi-San people." Williams noted that IFNASA was the only organization representing these people that was speaking before the Constitutional Review Committee. Williams then invoked the Coat of Arms of South Africa as "direct proof that the so-called 'Coloured' people were the first nation people of Southern Africa," going on to say that "the socalled 'Coloured' people should not be referred to as 'black' people, because black people did not exist." Williams recommended that Section 25 should be amended, asserting that the bar against pre-1913 claims in Section 25(7) was "prejudiced against the indigenous first nation's dignity." After some prodding by Members of Parliament (MPs), Williams went on to make the more radical claim that Section 25 should be removed wholesale (not just amended) because the "indigenous first nation people" had not been "part of the conversation regarding land expropriation." The reactions of MPs in the Constitutional Review Committee were mixed, to say the least. Mncedisi Filtane of the Universal Democratic Movement (UDM, a small center-left party) "asked from which part of Southern Africa the Khoi-San people originated, and where was the evidence to prove that they were the first indigenous people be [sic] found." Floyd Shivambu of the Economic Freedom Fighters (EFF, a controversial and fast-growing far-left party) then asked "how one determined who the first indigenous people were, and from which part of South Africa they had originated."

One way to proceed from Williams' testimony would be to take an explicitly political approach, following the trajectory of the debate over land claims as a form of redress. On 4 December 2018, the National Assembly held a plenary session to consider the Constitutional Review Committee's report, which recommended

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⁴⁸ This and the following quotations are from the minutes of the Constitutional Review Committee, available at https://pmg.org.za/committee-meeting/27029/. See also the video recording at https://www.youtube.com/watch?v=Kj2HtjIpMfl — though unfortunately the first few minutes seem not to have been recorded.

That Section 25 of the Constitution must be amended to make explicit that which is implicit in the Constitution, with regards to Expropriation of Land without Compensation, as a legitimate option for Land Reform, so as to address the historic wrongs caused by the arbitrary dispossession of land, and in so doing ensure equitable access to land and further empower the majority of South Africans to be productive participants in ownership, food security and agricultural reform programs.⁴⁹

With 209 votes in favor and 91 against, the report was adopted by the National Assembly, thus initiating a process by which Section 25 of the Constitution will be amended. Debate was heated, however. On the one hand, Moloko Maila of the African National Congress (ANC, the ruling party) commended the committee's work to "correct the original sin of land dispossession" (10).⁵⁰ On the other hand, Thandeka Mbabama of the Democratic Alliance (DA, the main opposition) decried the "collusion between the wily EFF and the beleaguered ANC," even calling out EFF MPs as "rude, rabble-rousing red berets" (with trills to highlight the alliteration) "who surely have had no parental guidance whatsoever in their formative years" (17). Julius Malema of the EFF replied with equal force, claiming that any opposition to the amendment "is in defence of white privilege, which seeks to perpetuate landlessness amongst our people" (25). The opposition to the report was articulated more thoughtfully by Glynnis Breytenbach of the DA, who said that land expropriation without compensation

is a blueprint for chaos and economic disaster. It deliberately seeks to stoke racial tension, and by definition relies on force — an approach that has no place in a modern, constitutional democracy. ... No well-informed South African would voluntarily hand over their property to any government to become a tenant in their own country. No government should be trusted with this much power. The Constitution is designed to protect the rights of all South Africans against all governments, including now unthinkable future governments. ... The DA stands opposed to any abrogation of existing property rights. These are the bedrock of development and economic growth. Wholesale expropriation without compensation is nothing other than state-sanctioned theft. (62–3)

The political firestorm continues to rage over the issue of land expropriation without compensation (including Khoi-San land claims) and will likely play a significant role in the 2019

⁴⁹ From p. 28 of the final committee report, available at https://pmg.org.za/files/181115FinalReport.docx.

⁵⁰ See the unrevised Hansard for 4 December 2018, available at https://www.parliament.gov.za/storage/app/media/Docs/hansard/7f4fea57-df1b-4c32-boeo-79aff5653f18.pdf. Subsequent page numbers also refer to this document. See also the video recording of the session, available at https://www.youtube.com/watch?v=1ElN4QH3sZc.

elections. The only observation I would like to make about the political narrative I have presented here is that the wide range of views expressed in the press and in parliament is salutary. Democracy requires at a minimum that people who disagree express themselves confidently, and this is certainly happening in South Africa. In my opinion, the most likely outcome will be some sort of compromise. Indeed, I doubt anyone wants to abrogate constitutional rights wholesale just as no-one denies the very real injustices that persist in South Africa. Democracy at its best should be about working through disagreements like these.

As I believe this paper clearly demonstrates, a sensitivity to alterity and the *longue durée* is equally if not more important than the more conventional political analysis I just gave. Instead of tracing the political debates, we could try to understand some of the trends that underlie the discussion of Khoi-San land claims. For instance, one important concept is that of "strategic essentialism": stressing ideas of purity, continuity, and unalienable essences (often based on popular stereotypes) in order to achieve political or economic goals. Rafael Verbuyst observed many intriguing examples of strategic essentialism in his work with activist communities in Cape Town:

The constructed nature of Khoisan identity (as all ethnicities and identities) is not a secret which if revealed would discredit the whole endeavour; it can in fact become a source of humour and relativism ... I remember how (naively) surprised I was when talking to the master of ceremony after a traditional Khoisan !Nau ceremony had been completed in Botrivier and he told me that he also had to invent parts of the ceremony because much of the traditional culture had been "lost." Another activist concurred and told me that I, as a researcher, had to be aware of the fact that the Khoisan were in the process of "re-inventing" themselves.⁵¹

This last comment in particular echoes Antjie Krog's gloss of reconciliation as a "never-ending quest of self-definition and negotiation required to transform differences into assets." The candor of both Verbuyst and his interlocutors is a refreshingly direct demonstration of this quest.

⁵¹ Verbuyst, "Claiming Cape Town: Ethnographic Interpretations," 66.

⁵² Krog, Country of My Skull, 386.

At the same time, we shouldn't reduce the debates over Khoi-San land claims (and redress more generally) only to negotiations of identity and culture. Material conditions also matter. Just 1% of South Africa's 128 million hectares of land belong to the coloured community, which makes up about 9% of the population. 53 Activists make their frustration with this injustice (and its concomitants, poverty and lack of social mobility) quite clear, including through their votes for the EFF. One protester's sign outside of the committee's public sessions was particularly poignant: "KEEP THE LAND!!," she wrote, "Just give me a FOKEN JOB." 54 Williams' testimony, too, stresses "dignity," not just reparations. These sentiments were echoed in a September 2018 series of articles on the land claim debates in *The Daily Maverick* that concluded:

Our government's decision to give our country's most vulnerable communities a stake in the land that they have lost, but continued to service, will afford them greater protection from exploitation and a legacy to lift future generations out of poverty. But, most importantly, it will begin to restore the dignity they were stripped of. In due time, they won't have to look out car windows, marvelling at land that was once theirs.⁵⁵

I agree with Verbuyst in his argument that we should think about these real differences in people's lives alongside our discussion of strategic essentialism. As he notes, "linking the motivations of Khoisan activists primarily to identification strategies undervalues their attachment to land and the grievances they express." The policies that are created to address Khoi-San land claims should be guided by an overriding empathy for the suffering of others. In demonstrating this empathy, we should not just negotiate identities in the spirit of the Truth and Reconciliation Commission. Rather, we must take into account the imbrications of material *and*

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⁵³ This figure comes from the University of the Western Cape's Institute for Poverty, Land, and Agrarian Studies, available at https://www.plaas.org.za/sites/default/files/publications-pdf/No1%20Fact%20check%20web.pdf. On this point see also Zandberg, *Rehoboth Griqua Atlas*.

⁵⁴ See the image tweeted by the Democratic Alliance on 4 August 2018, available at https://inm-baobab-prod-euwest-1.s3.amazonaws.com/public/inm/media/image/2018/08/04/52238420DjvSBvNXoAANyTu.jpg.

⁵⁵ Louw, "Will the Land Ever Be Returned, and Dignity Restored?"

⁵⁶ Verbuyst, "Claiming Cape Town: Towards a Symbolic Interpretation," 85.

cultural politics.

Concluding thoughts

Can we formulate some answers to the questions provoked by Williams' testimony? I think so. First, I have suggested that many of the discussions concerning the Khoi-San today are undergirded by the tension between allochrony (Khoi-San as a vanished people, accessible only through records) and continuity (the Khoi-San as "living fossils"). In the first section, we observed how this tension came about by looking at the late-eighteenth century San genocide and its aftermath. We also saw how this tension plays out in representations such as Saskia van Schaik's 2010 film *The Broken String* and the Coat of Arms of South Africa. Second, we have understood that activists today deploy the political tactic of strategic essentialism. At the same time, I have pushed away from the reduction of strategic essentialism to the charges of crass opportunism that are often used to dismiss Khoi-San land claims. We have seen how concerns over both identity and material redress emerged from the apartheid-era cohesion of coloured identity and the subsequent politics of truth and reconciliation. These observations formed the ground on which my interrogation of Anthony Williams' testimony before the Constitutional Review Committee stood.

What are some things we can take away from all of this? First, the example of the Khoi-San shows how easy it is to steer from racist denial of genocide to the allochrony implicit in calling a people "extinct." Second, I have demonstrated how important it is to be historically aware, not just of causality but also of the *longue durée*. After all, at least some of the pushback to Khoi-San land claims is attributable to a regrettable presentism that the diffusion of valuable historical work is only beginning to address. This presentism is also complicit in a kind of teleology that histories of South Africa sometimes play into: one where apartheid is the end to which history is

driving, and thus one where segregation is the "highest stage of white supremacy."⁵⁷ Listening more attentively to the keen of eighteenth-century Khoi-San helps us interrogate the familiar, introducing much-needed perspective in today's political debates. Testimony, whether it is John Barrow's from 1801 or Anthony Williams' from 2018, plays a uniquely important role in a democracy invested in what Bonnie Honig calls "agonistic humanism" — that is, a "post-Enlightenment humanism of lament and finitude" that "find[s] in grievability a new social ontology of equality," an ontology that "threatens the polis' narrow citizenship ideology."⁵⁸

In some ways, this project has been driven by my simple, rather selfish impulse to *learn*. But I'd like to think that in this paper I've fallen on the right side of Richard Rorty's dividing line between "people busy conforming to well-understood criteria for making contributions to knowledge [and] people trying to expand their own moral imaginations." By engaging in this work, I hope to have contributed to the generous, hospitable, and empathetic exchange of ideas that I believe is fundamental to a functional democracy.

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⁵⁷ To borrow from Cell, *Highest Stage of White Supremacy*, who is himself rather facetiously riffing off of Lenin.

⁵⁸ Honig, *Antigone, Interrupted*, 17–35.

⁵⁹ Rorty, *Philosophy and Social Hope*, 127.

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