Discourses of Land and Justice in South Africa

Abstract: One of the ever-present issues that the world faces today is how to deal with both the legacy of colonialism and unjust, undemocratic and often violent rule. In the case of recently democratised countries, coming to terms with their past usually entails a period of reparation. What reparative justice means and what forms reparations should take are subjects of philosophical, sociological and political discussion. This is particularly so since wider issues and themes are implicated such as the meaning of territory, distribution of property rights, notions of equality and strongly-held identities. The historical legacy of land dispossession and violence on racial grounds, the emotive resonance of the suffering of a large portion of the population and the future implications for the well-being and economic development of the country make this a significant issue, not just in South Africa (the focus of this research) but in many other countries worldwide.

Taking a discursive ethical argument approach, derived from the work of Crawford, this paper examines the differing, sometimes conflicting understandings of justice in South Africa in the post-apartheid, globalised era. This is examined in relation to land politics and current policies and debates on the restitution and redistribution of land. Specifically, the paper will explore debates in the national public sphere, the conditioning influence of international organisations (such as the World Bank) and the emergent role of international civil society. The analysis conducted in this paper will be guided by insights derived from theories of democracy, globalisation and justice.