

Umzi ka Mama

**Family property transfer practices and the historical significance of title
deeds to African female heads of household in Fingo Village:**

A Participatory Theatre Approach

A thesis in fulfilment of the requirements for the degree of

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by

PHEMELO C. HELLEMANN

g07m3922

Supervisor:

Professor Julia C. Wells

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ABSTRACT

Many everyday stories and experiences of African women remain underrepresented and undocumented. For example, the omission of Fingo Village women's names from official deeds records silenced their voices. African women faced gender and racial discrimination that denied them fundamental human rights and limited their participation in urban life. Title deed records constitute one type of public record where African women's names were omitted for centuries by the colonial and apartheid governments. Under apartheid, African women occupied the social status of minors; hence, the government denied them urban land rights. This African feminist study enlists narratives of a sample of seven African female heads of households residing in Fingo Village who are also property owners. Fingo Village is an atypical environment where African people had a rare legal advantage of owning title deeds dating back to 1855.

This study employed an interdisciplinary approach by mixing oral history methodology and applied theatre methods to record, interpret and present Fingo Village women's narratives of family property inheritance and the significance of title deed documentation in the suburb. The multiple technique approach created opportunities for authentic dialogue between the researcher and the participants beyond the inherent limitations of public history oral interviews.

The traditional oral history interview and the participatory theatre methods helped uncover unconventional practices in family property relations. Though customary transfers of family homes to custodians were prevalent, title deed registration of family property was also acknowledged as a vital practice that empowered women legally. The researcher used participatory theatre techniques inspired by playback, image and forum theatre to enhance the researcher and participants' relationship. These methods encouraged the researcher and respondents' shared authority as they embarked on an extended participatory research project. In this regard, through dialogical and performance-based activities, the participants and the researcher became co-creators of untold Fingo Village stories. Moreover, the theatre techniques became interpretation and analysis tools that ensured that the participants' untold stories were well represented.

The first phase of the research involved engaging with the literature about the title deeds history of Fingo Village and conducting oral history interviews that served as data. In the second phase, the interviews were analysed and packaged in a documentary format. The third phase was a playback theatre inspired session in a 10-minute performance based on themes from the

participants' filmed interviews. Additionally, the performance was a catalyst for forum theatre activities that allowed the participants to interact with the performer and suggest solutions to the dilemma posed by the performer regarding family property use. The participants were decision-makers and family property relations experts within this imagined context. In the fourth phase, the image theatre adaptation and memory work activities were essential tools. The tools aided the visuals and information from an existing Fingo Village exhibition as additional resources that prompted dialogue and discussions. The exhibition encouraged participants to share their personal experiences and memories of the Group Areas Act (GAA) era.

The findings showed that the GAA era saw many families revert to communal tenure practices as a strategy to evade forced sales; as such, this gave rise to undocumented family property transfers. Additionally, the findings revealed that though customary practices are often patriarchal, there are circumstances favouring women as the preferred family property custodian. These are embedded in the social status of women who are traditional healers, firstborn daughters, and those from families with just daughters.

This study contributes to the growing literature that advocates for positive representation of African women's stories by using active research methodologies that strengthen partnerships and shared authority between the researcher and the public. This methodology could inspire other researchers to explore theatre techniques to create more profound and meaningful engagements with their participants. The links to the video materials accompanying this thesis are provided on the contents page.

Keywords: public history, oral history, participatory theatre, playback theatre, forum theatre, shared authority, African feminism, Group Areas Act, Fingo Village.

ABSTRACT in Setswana

Ditori di le dintsi tsa gale le gale tsa matshelo a bomme ba ma Aforika di santse di sa tlhaloswe le go kwala sentle. Go sa tlhagiswe ga maina a bomme mo ditokomaneng tsa ditetlelelo tsa makwalo a dithoto tsa lefatshe ke sekai se se bontshang fa mantse a bomme a ne a didimaditswe. Bomme ba maAfrika ba ne ba lebagane le kgatelelo ya boleng (gender) le bomorafe e edirileng gore ba ganelwe ditshwanelo tsa botho le go tshameka karolo mo matshelong a ditoropong. Ditetlelelo tsa makwalo a dithoto tsa lefatshe ke nngwe ya makwalo a morafe e eneng e sa tlhagisi maina a bomme ba maAforika makgolong a dingwaga tlase ga puso ya bolone le ya tlhaolele. Mo pusong ya tlhaolele, bomme ne ba tsewa jaaka bana; ka jalo, puso e ne e sa ba letlelele ditshwanelo tsa mafatshe a ditoropong. Netefatso e ya sedai sa maAforika se kwala ka dikanelo tsa setlhopo sa bomme ba Aforika ba ba supa ba eleng ditlhogo tsa malapa mo Fingo Village ebile matlo e le a bone. Fingo Village ke tshwantshetso ya lefelo le maAforika ba ne ba na le ditshwanelo tse di sa tlwaelegang tsa go nna le ditetlelelo tsa makwalo a dithoto tsa lefatshe mo dingwageng tsele tsa 1855.

Netefatso e edirisitse tsela e tlhakanyang ditegeniki tse di dirisang mekgwa was oral history le mekgwa ya applied theatre go gatisa, go ranola le go bontsha dikanelo tsa boswa jwa dithoto tsa lefatshe la losika la bomme ba Fingo Village le botlhokwa jwa ditokomane tsa makwalo a dithoto tsa lefatshe mo motsaneng o. Tsela e ya go tlhakanya mekgwa e dirile gore mobatli le batsayakarolo ba kgonne go nna le puisano e bonontlhotlho go feta ditlhaelelo tse di nnang teng mo dipotsolosong tsa public history.

Setso sa dipotsolotso tsa oral history le go mekgwa ya participatory theatre di thusitse go atolosa ditiragatso tse di sa tlwaelegang tsa ditsamaiso tsa dithoto tsa lefatshe mo masikeng. Le fa masika a mangwe a ne a dirisa setso go fudusa matlo a masika, ba bangwe ba bone kwadisa ga dithoto tsa lefatshe e le tiro e e botlhokwa tota mo go atiseng bomme ka molao. Mobatlisi o dirisitse mekgwa ya participatory theatre e e tlhotlheleditsweng ke playback, image and forum theatre go tiisa kgolagano ya mobatlisi le batsayakarolo. Mekgwa e e tlhothoeditse kabelano ya taolo gareng ga mobatlisi le baarabi jaaka ba tseweleditse botsayakarolo mo porojekeng e. Ga jana, ka ntlha ya puisano le ditiro tsa tiragatso, batsayakarolo le mobatlisi bane ba nna batlhami ba dipego tse di sa itsegeng tsa Fingo Village. Go feta moo, mekgwa ya bogogelo e nnile didiriswa tsa tlhanolosa le go sekaseka dipego tsa batsayakarolo go nenefatsa gore dipego ts bone di begwa sentle.

Kgato ya ntlha ya patliso e dirisitse dikgatiso tsa ditiragalo tsa makwalo a dithoto tsa lefatshe tsa Fingo Village le go dira dipotsoloso tsa oral history go kgobokanya tshedimosetso. Dipotsoloso dine tsa sekasikiwa le go kokwanya go dira lenaneo la filimi mo kगतong ya bodedi ya patlisiso. Kgato ya boraro e ne ele tiragatso ya metsotso e le lesome e tlhothoweditse ke mekgwa ya playback theatre eneg e theilwe ke ditlhogo tse ditswang mo dipotsolosong tsa batsayakarolo. Go tlaelelsa, tiragatso e nnile le seabe mo ditirong tsa forum theatre ka go letlelela batsayakarolo go dirisana le modiragatsi ka go fana ka dikakanyo tsa ditharabololo tsa mathata a a kaiwa ke modiragatsi mabapi le tiriso ya dithoto tsa lefatshe ya masika. Batsayakarolo ba ne banna batsayaditshweetso le baitsayanape ba dithoto tsa lefatshe la masika mo kakanyong ya seemo se. Tepateepantsho ya ditiragatso tsa image theatre le mmereko wa segopotso e nnile botlhokwa thata mo kgaolong ya bone. Di diriswa tse di ne tsa tsamaisana le ditshwantsho le tshedimosetso mo ponsthong ya Fingo Village go eetlelsa puisano. Pontso e ne ya dira gore batsayakarolo ba buiwe ka ditiragalo le megolo ya nako ya Group Areas.

Difitlhelelo di bontshitse fas nako ya GAA e dirile gore masika ka bontsi ba dirise setso sa go tlhakanela matlo jaana leano la go thibela thekiso ya pateletso; ka jalo, se se dirile gore dithoto tsa lefatshe tsa masika di seke tsa kwala fatshe. Go tlatsa go feta mo, difitlhelelo di bontshitse lefa seto se tlotla borre thata, go na le mo maemo a letlang gore bomme ba tlhopiwe jaaka badisa ba legae. Maeomo ao a fitlhelwa mo go bomme ba eleng dingaka tsa setso, maitibolo a ba setsana le mo masikeng aa tsetseng besetsana fela.

Netefatso e e tla na le seabe mo oketsegeng ga dikgatiso tse di buang ka kemelo e molemo ya ditori tsa bomme ba maAforika ka go dirisa mekgwa e e tiisang tirisano le kabo ya taolo magareng ka mobatlisi le morafe. Mokgwa wa go batlisisa o dirisitsweng mo o ka tlhotlheletsa babatlisi ba bangwe go dirisa mekgwa ya bogogelo go nna le dipuisano tse di kgotsofatsang le batsayakarolo.

Mafoko a a bothokwa: public history, oral history, participatory theatre, playback theatre, forum theatre, shared authority, African feminism, Group Areas Act, Fingo Village.

PREFACE

The smallest family will become a thousand people, and the tiniest group will become a mighty nation. At the right time, I, the LORD, will make it happen. - Isaiah 60:22 New Living Translation

I am a trained applied theatre practitioner, so the methodology presented in this study is a testament to how much I love, and value applied theatre processes of working. When the opportunity came for me to further my studies in the History Department, I knew I wanted to use some of the applied theatre techniques that I have come to master over the years. Starting this research was daunting because I wanted to ensure that the proposed methodology would be successful. Though different campuses across South Africa are encouraging interdisciplinary research approaches, the implementation is taking time.

Therefore, my meeting with Prof. Julie Wells started this research journey. Her encouragement and support made me believe that I could take on this research. She spent the last three and a half years nurturing and supervising my project. She also ensured that the grant Isikhumbuzo Applied History Unit (IAHU) received from the National Research Foundation (NRF) kept the project alive financially. I am forever grateful for her support and encouragement during this journey. Therefore, the contribution of the National Research Foundation (NRF) towards this research is hereby acknowledged. Opinions expressed and conclusions arrived at are those of the author and are not necessarily attributed to the NRF.

When it came to choosing the topic for my research, I was drawn to the issue of title deeds in Fingo Village. However, I wanted to know if there was a correlation between female-headed households and homeownership. The personal connection I have to the topic emanated from the women in my family. My aunts, mother, and grandmother all own properties, although they are village properties. So, growing up, I was surrounded by capable women who were leaders and decision-makers in the home. Even in my household, with my father present, my mom plays the head of household more significantly than my father, who works in Rustenburg and only comes home on weekends. Therefore, she managed the three properties they own together. I perceive her as an African feminist, even though she does not describe herself as one. Nonetheless, I learnt African feminism from her because she has demonstrated most of my life what empowerment in a household looks like. For that, I say 'ke a leboga mama (*thank you mama*) Linki Rinah Motingwa' for showing me African feminism.

So the decision to pursue a women-related study came naturally to me. When I met the women participants during preliminary interviews, I knew that I had made the right choice. Notably, I am indebted to Masixole Heshu, who helped me contact some of the women as he knew them from having grown up in Fingo Village himself. Without his inside knowledge of who the prominent women property owners are, I would have struggled to gain access to the Fingo Village community, which is already so wary of Rhodes University's student-researchers. I am saddened by the fact that some of the women I wanted to interview passed away before we could get a chance to record their stories. I wish they had more time to stick around to tell their stories, because one of them had an amazing life story, which I got a glimpse of during our preliminary interview. Nevertheless, the women I encountered were exceptional. I dedicate this thesis to them because, without their continued support and commitment to the project, the thesis would have been impossible to achieve.

Given that I did not have the necessary documentary-making skills and qualifications, I enlisted the help of Thingo Mthombeni, who captured my visions and the women's stories so well. She handled us with care and made sure that the women were not intimidated by the camera. We worked well together and became good friends through this project; thank you, Thingo 'Dr Gogo Mngomezulu' Mthombeni. A special mention must go to Eric Mwenda Gitonga, who agreed to do the newsreader voice-over for the performance. And to Ntomboxolo (Nox) Donyeli, enkosi for taking on the role of Nomathemba so well and for diligently working with me to process the data collected so we can turn into a script. Your talent and professionalism made the process worthwhile. Thank you to Dr Andrea Thorpe for encouragement and for proofreading my work.

When I started this journey, I did not imagine that I would do it while pregnant, during a pandemic. However, I managed to do it because I had a solid support system. A big thank you to my friends who cheered me along the way, my church connect group that prayed with and for me to finish this journey. My husband, Jonathan Hellemann has shown unwavering love and support by taking care of our baby and me when I was too absorbed in the thesis writing. He reminded me every chance he got that I was capable even when I felt like I was not winning. Thank you so much, 'my Sakhumzi', Jonathan, I am blessed to have you as a life partner. To Sis Nomzamo Ndayi, thank you for looking after not only my baby but me as well. You kept me fed and reminded me to rest, but most importantly, you sacrificed some of your weekends to look after my boy so I could finish writing my thesis: Enkosi, aunty.

To my baby boy, Kiapo Nalediyamoso Hellemann, thank you for being my ray of sunshine and bringing light to my world every day. You became my motivation to finish this degree. Your journey to turning one year old coincided with my journey to finishing this degree. Thank you, my 'bright morning star', for lighting my path.

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<https://www.youtube.com/watch?v=WKH4I1ea2Gw>.

Umzi ka mama methodology film

“Umzi ka mama Rhodes University PhD research project,” February 23, 2021, produced by Phemelo Hellemann and Thingo Mthombeni, methodology video, 16:51,
<https://www.youtube.com/watch?v=i4HPYRnFwok>.

Umzi ka mama fictional news audio

“Umzi ka mama Rhodes University PhD research project,” January 15, 2021, produced by Phemelo Hellemann and Thingo Mthombeni, news audio, 2:37,
<https://youtu.be/XJeR8bvDVes>.

ABBREVIATIONS

BAD - Bantu Affairs Department

ECAB - Eastern Cape Administration Board

GAA - Group Areas Act

GAB - Group Areas Board

NP - National Party

ULTRA- Upgrading of Land Tenure Rights Act 112 of 1991

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CHAPTER ONE - INTRODUCTION

Locating the problem: incomplete recording of African women's stories and issues of representation

For the longest time, historical research on black women in South Africa has either been preoccupied with political struggle and resistance writings or devoted to the stories of royal women. African women's political histories in South Africa pre-date protest movements of the 1960s, yet any other struggle for freedom from oppression has been largely invisible, as attention has been largely focused on political activists who fought to abolish apartheid.¹ Consequently, everyday stories and experiences of African women have remained underrepresented and undocumented. According to Belinda Bozzoli, there has been very little documentation of how oppressed women transcended institutions such as marriages, workplaces, and culture.² These institutions often restricted African women's participation as contributing members of society, but the limited documentation that exists around resistance to these systems is either fragmented or incomplete. As Lato Ntwape argues, the omission of women's stories from official records and scholarship silenced South African women's stories and denied them recognition in the history of South Africa.³

For instance, title deeds records constitute one type of public record that would have reflected names of female property owners, providing valuable tools for gathering information. These would have served as records of the private lives of women in their own homes, as well as representing an unexpected form of social empowerment. However, African women's names did not always appear in these records, making it difficult for researchers to report their stories accurately. For example, a survey conducted by Marianne Roux and Molly St Ledger for the Institute of Race Relations in Grahamstown in 1970 revealed that about 20% of the 5,500 non-European households living in the suburb had title deeds as legal documentation of their properties.⁴ The same survey revealed that about 40% of the households in Fingo Village were

¹ N Mkhize, "Women's resistance in South Africa", in *Gender Rights: turning point in human rights*, ed. B Nasson. (Cape Town: Institute of Justice and Reconciliation, 2009), 58.

² B Bozzoli and M Nkotsoe, *Women of Phokeng: Consciousness Life Strategy and Migrancy in South Africa, 1900-1983* (Johannesburg: Ravan Press, 1991), 1.

³ LF Ntwape, "A historiography of South African Women's History from c. 1990, A survey of monographs, anthologies and journal articles." (PhD thesis, University of Pretoria, 2016), 76

⁴ Here, non-European refers to Black, Indian and coloured people. M Roux and M St. Leger, *Grahamstown: Fingo Village* (Johannesburg: Institute of Race Relations, 1971), 2.

female-headed.⁵ However, it is not clear how many out of the 40% were title deed holders. Moreover, the survey did not mention or record the names of women property owners. It is fair in this instance to believe that though not noted in the survey, a small group of women household heads were homeowners at the time.

Rosalie Kingwill similarly carried out a study that examined several individual Fingo Village title deeds. Additionally, she conducted 32 oral interviews with informants to gather more information on title deed documentation.⁶ Out of the 32 participants, only 11 had formal title deed documentation. The remainder were undocumented, yet their respective properties had been in their families for generations. Her research encompassed experiences of both men and women. Although Kingwill conducted her research 51 years after Roux and St. Ledger, she likewise struggled to obtain a comprehensive record of black female property owners in Fingo Village. According to Kingwill, the “three successive Titles Commissions assigned to update the record in the 1960s, 1970s and 1980s” did not yield the desired outcome.⁷ To date, Fingo Village title deed records remain incomplete. Kingwill could only acquire property ownership records from the informants she interviewed.

Both Kingwill and Roux and St Ledger’s studies revealed the complexities of tracking black women’s property ownership histories, due to the fragmented nature of historical written records. Therefore, this problem makes Fingo Village a desirable case study. There remain many untold stories of how black women acquired property amidst oppressive colonial and apartheid policies and customary practices, and the study thus addressed this research gap. This research is about African women’s experiences, so it aptly drew on African feminism as a conceptual framework to guide the study.

African feminism, unlike western feminism and black feminism, offers a multifaceted view on the oppression that black women have faced and overcome in their daily lives. Black feminism is a theoretical framework that analyses African American women’s lives and experiences with an awareness of race, class and gender oppression. African feminism, on the other hand, is a framework that is specific to African women’s experiences as impacted by Africa’s political, cultural, socio-economic and environmental issues. Though there are numerous African

⁵ Roux and St. Leger, “Fingo Village”, 9 and 20. It is not clear which part of the 20% were women household heads.

⁶ RA Kingwill, “The map is not the Territory: law and custom in ‘African Freehold’: a South African case study.” (PhD Thesis, University of the Western Cape, 2013), 152.

⁷ Kingwill’s research used Fingo Village and Rabula as case studies, but only the Fingo Village findings are relevant to this study. Kingwill, “The map”, 151.

feminist scholars, Molaria Ogunoipe-Leslie is the most relevant for this study. The study draws productively from her symbolic “six mountains of oppressions” which African women face daily, namely: “colonial oppressions, traditional structures, backwardness, men, race, herself.”⁸ Ogunoipe-Leslie’s approach to African women’s oppression did not limit the analysis of African women’s experiences. In other words, it acknowledged their multi-faceted experiences of oppression, but it also noted how African women overcame these challenges. Thus, it did not perpetuate the victimhood stereotype that western feminists and African male authors often constructed.

Furthermore, when it emerged in the 1990s, African feminism addressed issues of representation and the invisibility of African women in academia.⁹ Earlier African feminist researchers writing in the 1990s took on research to uncover some of the omitted stories of African women, thereby recentring these narratives in African women’s history discourse. Simultaneously, they cautioned against biased writing that misrepresented African women in academia.¹⁰ Consequently, as African feminism evolved, it brought much-needed awareness into academic spaces by introducing concepts such as positionality and shared authority as guiding principles on representation. The concept of positionality in research also emerged as a principle for ethical research during the 1990s.

Positionality referred to a researcher’s racial and cultural bias. One’s responsibility as a researcher is to engage with these biases directly where “issues of race and culture are concerned”.¹¹ Positionality guided interactions between researchers and their participants, compelling researchers to develop a racial and cultural consciousness about the people they were researching. As Milner states, researchers should not racially and culturally misrepresent people of colour in their studies.¹² Misrepresentations create potential imbalances of power because they implicitly encourage stereotypes.

⁸ M Ogunoipe-Leslie, “African Women, Culture and Another Development” in *Theorising Black Feminisms: The Visionary Pragmatism of Black Women*, ed. SM James and AP Busia. (London: Routledge, 1993), 107. The analogy of the six mountains was inspired by Mao-Tse Tung’s conceptualization of the three mountains on a Chinese man’s back.

⁹ J Bennett, “‘Disappearance’ and feminist research in South African academy of humanities,” *Arts and Humanities in Higher Education* 15, no. 1 (2016): 98. <https://doi.org/10.1177%2F1474022215618511>.

¹⁰ Ntwape, “A historiography”, 80.

¹¹ HR Milner, “Race, culture and researcher positionality: working through dangers seen, unseen, and unforeseen,” *Educational Researcher* 36, no. 7 (2007):388. <https://doi.org/10.3102%2F0013189X07309471>.

¹² *Ibid*.

Patricia Collins writes extensively about why stereotypes in feminist theory are damaging to the image of black female-headed households. Therefore, confronting how intellectual scholarship presented black female-headed households was crucial. As a result, academics abandoned definitions that controlled the image of black womanhood, which “made racism, sexism, poverty, and other forms of social injustice appear normal.”¹³ African feminists became critical of well-meaning privileged western feminists and African male writers who claimed to provide African women a voice in their writings, noting how male scholars often lacked gender awareness, while western feminists did not have the cultural sensitivity to holistically articulate African women’s oppression.

Given this critique, it is illuminating to review Brown’s 1996 research on Rini Township in Makhanda, which focused on ten woman-headed households at a local level, functioning in an urban area where unemployment was widespread.¹⁴ Brown’s study recognised that female-headed households in Makhanda were essential spaces of female headship. However, she positioned the women as victims of poverty, since they were reliant on social grants for survival.¹⁵ This construction of women as victims of their circumstances was what Collins warned against regarding black women’s narratives. Collins noted the welfare recipient narrative as a negative stereotype that privileged feminists perpetuated when writing about underprivileged communities, rather than highlighting female headship and independence.¹⁶ Unlike Brown’s study, the *umzi ka mama* study deals with female headship in Fingo Village more positively. The researcher presented triumphant narratives that saw women overcoming situations meant to oppress them, presenting a powerful alternative to negative depictions that control the image of African women.

Additionally, Linda Schwartz’s 2006 research study on the coping strategies of Xhosa women living in Grahamstown with the “gendered burdens of HIV/ AIDS, sexuality, raising children alone, caring for extended family and of marital relationships” is also noteworthy.¹⁷ Schwartz’s research reveals the impact that top-down research methodologies have on researchers and

¹³ PH Collins, *Black Feminist Thought: knowledge, consciousness and the politics of empowerment* (New York: Routledge, 2009), 76 – 77.

¹⁴ B Brown, “Where are the men? An investigation into female-headed households in Rini, with reference to household structures, the dynamics of gender, and strategies against poverty.” (MA Thesis, Rhodes University, 199), 1.

¹⁵ Brown, “where are the men?”, i.

¹⁶ Collins, “Black Feminist Thought”, 82-90.

¹⁷ L Schwartz, “Grandmothers, mothers and daughters: transformations and coping strategies in Xhosa households in Grahamstown. MA diss., Rhodes University, 2006), 1.

participant partnerships.¹⁸ Arguably, top-down research techniques can cause misrepresentations because researchers often perceive themselves as knowledgeable subjects. In contrast, they see informants as people who need education. As Schwartz unwittingly reflects in her thesis,

They (the respondents) were ‘given a voice’ but perhaps also the respondents were made more aware of what it is that feminists theory seeks to do for women and men: to help them take cognisance of oppressive patriarchal beliefs ...¹⁹

As Ifi Amadiume explains, although recent scholars have written formally about feminism, African feminism existed before any literary documentation.²⁰ Thus, Schwartz’s reflection reveals how researchers in top-down research risk seeing respondents from underrepresented communities as subjects who need to be educated about feminism.²¹ African women have been “acting as feminists, even if not quite identifying themselves as such.”²² In a sense, they were aware of the oppression they faced. Therefore, there was no need for them to learn about feminism. Instead, they needed spaces that encouraged them to share their stories, thus positioning them as co-knowledge producers in academic research.

It has been uncommon for traditional research methodologies to allow researchers and informants to share authority in academic research. Hilda Kean argues that public history methodologies such as oral history often lacked authentic shared authority regarding historical knowledge. Shared authority entails finding collaborative ways of working with people and their life stories. Michael Frisch coined the term “shared authority” in the 1990s, to define both the method and ethics of oral history research.²³ He conceptualised this term because he recognised that privileged researchers’ oral history research employed top-down approaches that positioned the researcher as more knowledgeable than their participants.

Many historians took on the notion of shared authority and applied it and even extended it to ensure that their oral history or any public history research addressed power imbalances

¹⁸ By top-down research, the researcher means research that places the academic above the researcher as a knowledgeable subject.

¹⁹ Schwartz, “Grandmothers, mothers and daughters”, 127.

²⁰ I Amadiume, “African Women: Voicing Feminisms and Democratic Futures,” *Macalester International* 10, no. 9 (2001):48. <http://digitalcommons.macalester.edu/macintl/vol10/iss1/9>. .

²¹ Amadiume, “African Women”, 48.

²² *Ibid.*

²³ L Shopes, “Commentary: Sharing Authority,” *The Oral History Review* 30, no. 1 (2003): 103. <http://www.jstor.org/stable/3675354>.

embedded in research methods such as interviews. Daniel Kerr particularly stands out as an ambassador of shared authority in the field. He extended Frisch's concerns of ethics by emphasizing the importance of historical consciousness, which requires the researcher to get to know the participants more deeply by immersing themselves in their world. For Kerr, the immersion allows the researcher to form deeper connection in an ethically aligned manner, which can bring debates that capture a range of experiences.²⁴ This is the bottom-up approach that can help prevent presumptions and misrepresentations of participants' stories.

Schwartz and Kingwill's oral history methodologies limited informants' participation because they did not offer the participants and researchers the opportunity to negotiate the representation of stories. As Sitzia notes, researchers must offer participants a chance to decide what material is made public and how the researcher represents their stories, in order to demonstrate shared authority.²⁵

As Kerr further argues, shared authority is also about being aware of the kind of questions the researcher asks whether at the beginning of the research or the participants. The question one asks as guiding principles to foster shared authority in their work are what holds the researcher accountable to the research.²⁶ With the above concerns in mind, the researcher in this study asked the following question to guide the shared authority pursuit: How does a public history researcher limit power imbalances in research? This questions also served as reminder for the researcher to strive to attain what Steven High has noted as the community participation in research process.

High explains this as a process in which the researcher practices to "know with rather than to simple know about the research participants."²⁷ This phrase empahsises the importance of building solid knowledge sharing relationships with the participants as urged by Kerr. For the researcher to attain a better 'know with', it was essential to think about the research participants' roles beyond the oral interview stage, thus finding different ways of including

²⁴ D Kerr, "We know what the problem is": using oral history to develop a collaborative analysis of homelessness from the bottom up," *The Oral History Review* 30, no. 1 (2003): 31.
<https://www.tandfonline.com/doi/abs/10.1525/ohr.2003.30.1.27>.

²⁵ L Sitzia, "A shared authority: an impossible goal?," *The Oral History Review* 30, no.1 (2003):87 and 90.
<https://millennium.seals.ac.za/iii/cas/login?service=https://www.jstor.org/stable/3675353>.

²⁶ Kerr, "We know", 30.

²⁷ S High, "Telling stories: A reflection on oral history and new media," *Oral History* 38, no. 1 (2010): 103.
https://spectrum.library.concordia.ca/id/eprint/976907/1/Telling_Stories_pdf.pdf.

them in the research as it developed. The choice to use applied drama flows from the first question around how to allow women better participation. The researcher used Fingo Village as a case study to use applied theatre strategies to extend informants' participation beyond the interview phase.

The Fingo Village case study: black female heads of households' right to family property

Fingo Village is a 'suburb' situated in Makhanda in the Eastern Cape Province of South Africa. It is an area populated by a mixture of black and coloured residents. Though it is referred to as a village, Fingo Village is an urban area due to its proximity to town²⁸ In recent years, the area has also been home to the Fingo Festival conceptualised by Xolile Madinda. The festival gave upcoming artists a platform to showcase their talents outside the limitations of the National Arts Festival program.²⁹ Though the festival is no longer running, the area remains a hub of activity. Almost every corner has a small shop or a business operating. Philippa Irvine, Sinenhlanhla Memela, Zandile Dlongolo and Thembela Kepe describe the current Fingo Village profile as follows:

Currently, Fingo Village has a population of about 4015 people and an employment rate of 19% (Makana Municipality, 2016). However, the majority of people is either unemployed or earning less than R801 per month. It is, therefore, largely dependent on social grants.³⁰

As this description shows, living conditions in Fingo Village are challenging, given the socio-economic profile of Makhanda. These longstanding issues are made more difficult by the lack of adequate housing in the local townships and by poor service delivery.³¹ Purchasing a property remains an unattainable goal due to high unemployment levels and low-paying jobs. Moreover, social grants do not provide the required financial assistance to purchase or rent a house. Thus, the need to secure housing remains paramount, especially for women who remain vulnerable to poor tenure security conditions. Therefore, families rely on property transfer

²⁸ RA Kingwill, "Lost in translation: Family title in Fingo," *Acta Juridica* 1 (2011): 214.

<https://journals.co.za/doi/10.10520/EJC124847>.

²⁹ Grocott's Mail Reporters, "The 10th annual Fingo Festival", *Grocott's Mail*, July 1, 2019,

<https://www.grocotts.co.za/2019/07/01/the-10th-annual-fingo-festival/>.

³⁰ PM, Irvine, P Memela, ZN. Dlongolo, and T Kepe, "Navigating Community and Place Through Colloquial Street Names in Fingo Village, Makhanda (Grahamstown)," *Urban Forum* (2021):7.

<https://doi.org/10.1007/s12132-021-09416-w>.

³¹ "Xenophobia Outsider Exclusion: Addressing Frail Social Cohesion in South Africa's Diverse Communities," *Grahamstown Social Cohesion Profile*, (2017):11-12, accessed February 24, 2021,

https://freedomhouse.org/sites/default/files/Grahamstown_ZA_Community_Case_Study_FINAL.pdf.

practices as an alternative and accessible way to secure property or housing. However, property transmissions are not as simple as one might perceive.

The suburb's colonial and apartheid history, including the Frontier Wars and the Group Areas Act impositions, impacted property transmissions and landholding systems. As a result, Fingo Village stands as a unique place with a long history of dual land holding systems. Rosalie Kingwill writes expansively about Fingo Village as a distinctive place, where African landholding in communal tenure and western land ownership through title deed registration co-exist.³² Here, brief definitions of the two land systems offer context into the practices that accompany them. Ben Cousins defines communal tenure or land rights as rights given to a group of people who shared access and ownership of the land or property.³³ Kingwill termed it the "African freehold system". In this system, all people, including women, have "access to land rights", much like in the pre-colonial African environment.³⁴ African communities operated using this system before it was interrupted by land and territory wars that changed land distribution practices in South Africa. In this regard, as Kingwill points out, any property acquired within this system "can be seen in the adaptation of title to family property".³⁵ The family property was inclusive and served as a benefit for women in African communities. However, customary practices included their fair share of oppressive gender prescriptions in family settings.

According to Davenport and Hunt, before the colonial invasion, land systems in Africa were not subjected to a formal survey. Instead, traditional authorities such as chiefs and headmen administered land to people of the same social grouping.³⁶ Unlike the western system which provided exclusive rights to some, the African way guaranteed land use for all. As a result, the African land system before formalised sales and titling in 1855 did not endorse individualised occupation, but instead promoted shared communal living that benefited all people. Arguably, the communal system was most widely practised and popular in rural communities. However, as practices and societies evolved, communal tenure also became prevalent in urban areas such as Fingo Village, during and after the imposition of the Group Areas Act. Other than the benefit

³² Kingwill, "The map", 152.

³³ B Cousins, "Characterising 'communal' tenure: nested systems and flexible boundaries", in *Land, Power and Custom: Controversies Generated by South Africa's Communal Land Rights Act*, ed. A Claassens and B Cousins (Cape Town: UCT Press, 2008), 109.

³⁴ Cousins, "Characterising 'communal' tenure", 111.

³⁵ Kingwill, "The map", 267.

³⁶ Cousins, "Characterising 'communal' tenure", 111.

of gender inclusivity, communal tenure was free from market-related conditions of tenure, which strained family relations regarding property disputes.³⁷

The other prevalent landholding system is the title deed registration system. Unlike communal tenure, title deed registration focuses on individual ownership of property. Espen Sjaastad and Ben Cousins define a title deed as a formal document describing formal ownership between the object and the owner.³⁸ However, a title deed can confer a freehold or leasehold status. The latter refers to a rent agreement whereby the individual “owned the building” but rented the land on which the building stood for a specified period.

In contrast, a freehold grant was “an individual title of land ownership and any structures built on the property.”³⁹ Both title structures operated in Fingo Village, but the freehold title deed registration held historical significance in the suburb as a mode employed by the British. According to Kingwill, the introduction of the titling system constituted a systemic attack on the local people’s traditional and customary practices of land use.⁴⁰ Hence, it became the norm over the years, replacing pre-colonial communal tenure practices.

According to Mbongeni Magagula and Betty Mubangizi, the benefit of using title deed registration is that “it paves the way for housing beneficiaries to turn their properties into assets for the accumulation of wealth.”⁴¹ It is a system that serves the land market economy well, since those who participate in it are guaranteed some form of financial security. However, this individualistic approach monopolises ownership, giving the owner control of the property and wealth, which means he or she can sell the family home if desired.

Nonetheless, having a title gives one an economic advantage. Legally, it makes “property transfers between family members easier in the event of death.”⁴² For these reasons, as mentioned above, registering property has been a desirable approach for some families.

³⁷ Kingwill, “The map”, 31.

³⁸ E Sjaastad and B Cousins, “Formalisation of land rights in the South: An overview,” *Land Use Policy* 26 (2008): 1. <https://doi.org/10.1016/j.landusepol.2008.05.004>.

³⁹ *Ibid.*, v. The freehold agreements came out of an early confrontation between the Dutch and the Khoikhoi people (the Cape) in 1655. However, according to Kingwill, the English adapted to create a continental version of land registration that governed property ownership in South Africa. Kingwill, “The map”, 31.

⁴⁰ *Ibid.*, 107.

⁴¹ ME Magagula, and BC Mubangizi. “Government Housing Subsidy: Exploring Administration Processes in the Dispensation of Title Deeds in South Africa,” *Loyola Journal of Social Sciences* 33, no.2 (2019): 45, <http://search.ebscohost.com/login.aspx?direct=true&db=sih&AN=142990352&site=eds-live>.

⁴² Magagula, and Mubangizi, “Government Housing Subsidy, 45.

Kingwill's research established the complex nature of the dual land systems operating in Fingo Village. For her, the complexity lay in the differing core principles of African communal tenure, which embraced collective ownership and the occupation of a property.

For a long time, the two prominent systems in Fingo Village were the freehold system and the leasehold system. Kingwill did not clarify when communal tenure became common in Fingo Village. However, she acknowledged how the systems could not be reduced to simple binary choices, with one honouring customs and traditions, and the other conferring legal authority. In contrast, title deed registration promoted individual ownership.⁴³ Therefore, choosing one over the other could be detrimental to family relations. In this regard, her study revealed how title deed registration in Fingo Village had negatively impacted some families, while positively changing others for the better.⁴⁴

Because of this discovery, Kingwill developed a strong argument against titling family homes in an attempt to reconcile communal tenure practices in Fingo Village. She believed that it was not the best practice for families who revered the African freehold system. Nevertheless, since completing her research in 2013, she has revised her standpoint to acknowledge that titling is necessary to advance women's land claims. As a result, Ben Cousins and Kingwill teamed up with Donna Hornby and Lauren Royston to write a book reflecting land tenure security and the complex role customary practice played in untitled property regulation.⁴⁵ The book affirmed that untitled properties transmissions were subject to an ongoing debate. Researchers cannot easily resolve this issue, because many people's land and property stories remain untold, especially those of women.

Roux and St Ledger's survey and Kingwill's research were springboards that inspired the researcher to continue the conversation on untitled family property transfer amongst family members. As a result, the researcher seeks to document women's experiences of how family property transfers benefited or disadvantaged them as women heads of households. Therefore, it is crucial to explore how African women who lived in Fingo Village between 1970 and 1994 gained property. Kingwill's research provided this study with an adequate background into the complexities of tracking down and understanding the dual property transfer practices in Fingo

⁴³ Kingwill, "The map", iv.

⁴⁴ *Ibid.*, 155.

⁴⁵ D Hornby, R Kingwill, L Royston and B Cousins, *Untitled: securing land tenure in urban and rural South Africa* (Pietermaritzburg: UKZN Press, 2017).

Village. Moreover, Kingwill's study produced exciting findings on unusual family property transfer practices and gender relations. Consequently, this study set out to explore family property transfer practices in Fingo Village further.

As a result, the researcher:

- Formulated an active participant-based Public History research methodology using applied theatre techniques to incorporate women's stories in a shareable output, a performance and a documentary film.
- Developed a historical understanding of how black women in Fingo Village acquired family property in the face of severe legal and socio-cultural gender discrimination.
- Used personal stories of seven women heads of household residing in family property homes in Fingo Village as a sample to develop an in-depth understanding of the role of property ownership in giving women more agency over their lives.

Fingo Village women's narratives through the uses of oral history and theatre methods: an interdisciplinary approach

African feminists advanced scholarship in a progressive direction when they identified the gap in the documentation of women's histories. However, they also firmly believed in African women using methodologies that affirm their experiences and stories. Therefore, they urged feminist historians to revise and re-evaluate their research methodologies and approaches.⁴⁶ In this instance, the researcher revised the oral history interview method to include a video recording of the women, which became a documentary film that captured and narrated the women's stories. Additionally, the researcher used the film to help the women witness their own stories. Kerr also employed this strategy in his research project with the homeless group in Cleveland, Ohio in the United States of America. He opted to use video recordings instead of audio so that he could turn the video into a documentary that he could share with a larger audience.⁴⁷ This way of working not only addresses concerns of representation of narratives but also gets researchers to think about how they are going to disseminate participants' stories. For these reasons, video recordings were desirable and fitting for the *umzi ka mama* project.

⁴⁶ Ntwape, "A historiography", 88.

⁴⁷ Kerr, "We know", 35.

Moreover, the researcher was aware of shared authority concerns embedded in oral history interviews, and thus re-evaluated informants' participation in history research by utilising applied theatre strategies.

Briefly, applied theatre is an educational theatre practice that creates dialogue spaces and participation with its audiences.⁴⁸ Some practitioners categorise applied theatre under 'participatory theatre', as an umbrella term for other audience-centred theatre practices, while others associate it with popular theatre forms like forum theatre.⁴⁹ Practitioners like Dorothy Heathcote and Augusto Boal played an instrumental role in developing the principles of this method. Its core tenets involved participation that considered the ethical implications of participants. Thus, it concerned itself with issues of shared authority, active participation, and marginalised people's voices.⁵⁰

As Julia Wells notes, "public history practice as a methodology has long highlighted the importance of active participation with its intended audiences."⁵¹ In this study, applied theatre methods served fittingly as an approach that tested strategies positioning public history audiences as active participants. Informants' participation in the research helped move the research and informants' relationship beyond the oral history interview phase. In this regard, the researcher worked with communities to create "new spaces of co-production of knowledge" about unconventional family property transfer practices in Fingo Village.⁵² The study used applied theatre strategies in two performance event meetings. These meetings were new spaces of knowledge production, where the sampled women and invited audiences discussed standard family property transfer practices in Fingo Village, uncovering unconventional practices in the process.

The interdisciplinary research approach used oral history and theatre methods to record and present the respondents' stories creatively. Interdisciplinarity promotes the mixture of two fields of study that create new knowledge, professional roles and methodologies, drawing on

⁴⁸ F Rifkin, "The ethics of Participatory Theatre in higher education." *Higher Education Academy* (2013): 5, accessed August 15, 2020.

http://www.utopiaarts.co.uk/uploads/3/7/9/2/37925319/ethics_of_participatory_theatre.pdf.

⁴⁹ Rifkin, "Ethics of Participatory", 4.

⁵⁰ *Ibid.*, 5.

⁵¹ Wells, "'deep wounds'", 1. Public History developed between the 1960s and 1970s under the field of Social History. H Kean, "Introduction," in *The Public Historian Reader*, ed. P Martin and H Kean. (New York: Routledge, 2013), xvi.

⁵² Wells, "'deep wounds'", 21.

dual theoretical frameworks.⁵³ The researcher took on multiple roles at different phases of the research. More importantly, the informants became co-creators of knowledge and active participants, compared to the passive informants' role in traditional oral history interviews. Additionally, the participants acquired new communication skills through basic theatre techniques. According to Umut Erel, Tracey Reynolds and Erene Kaptani, "basic theatre techniques can empower participants to communicate their concerns more effectively in different areas of social life."⁵⁴

Other methodological considerations: the use of 'I'

The way the researcher wrote about the study was also a methodological consideration. Given that this study was an unusual one, it adopted Mark Fleishman's first-person writing in some instances. The researcher does so particularly when discussing the research project's methodological structure and analysis of research findings. Researchers like Fleishman used theatre techniques in historical content research. His mixed methodology approach abandoned a purist mindset. As a result, Fleishman served as an apt example of how researchers locate themselves within research objectively.⁵⁵ Writing in the first person is a common trait in drama and theatre research. In contrast, it is unusual in historical research for the researcher to use first-person writing.

Disciplines like history adhere to more orthodox academic writing methods, which Ken Hyland and Feng Jiang have described as more rigid and distant.⁵⁶ It was this distance that academics from traditional backgrounds revered. Hence, they tended to view the use of first-person pronouns in academic writing as informal. The reality, however, was that academic traits were constantly evolving across disciplines. Thus, the assumption that writing in first-person pronouns made historians objective was challenged. Increasingly, historians realised that the alleged objectivity of a researcher was unrealistic and rather presumptuous. It prevented historians from applying themselves to the topic they are researching.⁵⁷ From an applied theatre

⁵³ AF Repko. *Interdisciplinary research: process and theory* (Los Angeles: SAGE Publications, Inc,2008), 5-6.

⁵⁴ U Erel, T Reynolds, and Erene Kaptani. "Participatory theatre for transformative social research." *Qualitative Research* 17, no. 3 (2017): 300. <https://doi.org/10.1177%2F1468794117696029>.

⁵⁵ M Fleishman, "Remembering in the postcolony: refiguring the past with theatre." (PhD Thesis, University of Cape Town, 2012),44.

⁵⁶ K Hyland, and FK Jiang, "Is academic writing becoming more informal?," *English for Specific Purposes* 45, (2017):41. <https://doi.org/10.1016/j.esp.2016.09.001>Get rights and content.

⁵⁷ This is not to suggest that all historians do not use self-reflexivity in their writing, but rather to note how this is an uncommon trait in the field of history. Notably, oral historians are often self-reflexive in their work especially those like Daniel Kerr who often work with vulnerable groups. His self-reflexivity is demonstrated in his article as noted earlier, in which he notes how the idea that one is going to bring about change by

practice point of view, self-reflexivity is expected if not encouraged, while there is less inclination to use it in history writing. For example, it is common practice for an applied theatre researcher to keep a journal where they reflect on their research efforts and their roles, and they use the self-reflexive journal entries as evidence in their thesis write up. Arguably, using first-person in one's writing keeps one's positionality in check. Furthermore, using first-person pronouns in academic writing these days is viewed as a "key role" in constructing the writer's voice and authority.⁵⁸

Thus, this study strikes a balance between using the first-person pronoun in honour of drama-based research and academic writing, and the third-person mode of conventional history writing approaches. After all, as Hyland and Jiang state, using 'I' in writing shows that the author or writer has a "willingness to negotiate claims and a positive attitude towards subjectivity."⁵⁹ Thus, I used the pronoun to hold myself accountable as a historian seeking to write positively about black women. I have positioned myself in this study as a co-knowledge producer working with the participants and performers to ensure that I represent these stories' cultural aspects as accurately as possible. In so doing, I aim to write objectively about their experiences, while reflecting and challenging my assumptions formulated along the way. Therefore, I am herein demonstrating how first-person writing does not necessarily interrupt the flow of arguments and the quality of the knowledge produced.⁶⁰

Research questions

The following questions are guiding questions that the researcher asked to narrow the focus of the research:

- How can an African feminist perspective help in understanding the role of customary practices and tradition in women's rights to property and inheritance in South Africa?
- How did black women in Fingo Village acquire family property in an African patriarchal society?

researching vulnerable groups is often problematic as he had to confront his own presumptions about the homeless community's narratives beyond the economic oppression lens. Kerr, "We know", 40.

⁵⁸ R Lorés-Sanz, "The construction of the author's voice in academic writing: The interplay of cultural and disciplinary factors," *Text & Talk* 31, no. 2 (2011):174. <https://doi.org/10.1515/text.2011.008>.

⁵⁹ Hyland and Jiang, "Is academic writing", 42.

⁶⁰ Milner, "Race, culture and researcher", 391.

- Does registering the family property in their names improve or affect their lives in any way?
- How do black women view themselves in the roles that African culture ascribes to them?
- What are some of the tensions or internal conflicts the women in Fingo Village face regarding customary practices and family property inheritance versus formal family property registration practice?
- What are people's current views or opinions on the missing title deeds in Fingo Village, and what legal knowledge do they possess regarding property registration processes?
- How can theatre-based research methodologies help facilitate genuine conversations about customary practices that advantage or disadvantage women's land and property rights?

Definition of key concepts and terms in the study

Female-headed households

A 'female-headed household' refers to an alternative family model. This model stands in contrast to the traditional male-headed home. Unlike the heterosexual male-headed household, female-headed households exist with or without a male counterpart. However, female-headed households have been commonly associated with women who are not married, single mothers who live with their children, and divorced women, widowed or separated from their partners.⁶¹ Society and academics often view female-headed households as broken family structures. There has been a widespread belief that female-headed homes at best present a leadership structure that was "unusual and problematic."⁶² Additionally, societies have often believed that this unusual structure undermined the fulfilment of the male role as a provider. Nonetheless, female-headed households stand as places of authority and autonomy for women.

⁶¹ Wojtkiewicz, McLanahan and Garfinkel, "The Growth of Families Headed by Women", 19-20.

⁶² PH Collins, "Intersections of Race, Class, Gender, and Nation: Some Implications for the Black Family Studies," *Journal of Comparative Family Studies* 29, no.1 (1998):30.

<https://millennium.seals.ac.za/iii/cas/login?service=https://www.jstor.org/stable/41603544>.

Customary practices

‘Customary practices’ refer to people’s cultural beliefs and knowledge systems and their unique characteristics that govern people’s social interactions and lives.⁶³ Various cultural groupings follow customary practices discretely and differently. Historically, those who belong to a particular cultural grouping shared a region and co-existed by relying on shared language, customs and traditions that governed their citizenship. Accordingly, cultural citizenship describes the encompassing nature of citizens who share a territory informally as a “practice of empowerment rather than a domination strategy.”⁶⁴

Consequently, cultural groupings have used customary practices to determine relations for marriages, land use, and inheritance, amongst other social interactions. As Ben Cousins explained, customary practices were “handed down relatively unchanged from the past.”⁶⁵ These practices unify power relations amongst each other and with other groups around their territory. However, the practices are not rigid. On the contrary, families have often adjusted or adapted some aspects of their practices depending on the changing patterns in family structures.⁶⁶

Before colonialism, customary practices were undocumented and unregulated because of varying cultural groupings. When colonial forces arrived in Africa, however, they regulated these practices and turned them into customary law. The law consisted of rules and regulations gathered from existing practices. Nevertheless, colonial forces manipulated and misinterpreted the information gathered to favour western views of gender and land regulations.⁶⁷ Yet this does not suggest that patriarchal practices were not present in African societies. Throughout the thesis, the researcher focuses on customary practices rather than customary law as a governing body of rule, because there are frequently differences between what the law says and what people practise in their homes.

⁶³ C Himonga and C Bosch, “The Application of African Customary Law under the Constitution of South Africa: Problems Solved or Just Beginning,” *South African Law Journal* 117, no. 2 (2000): 310.

<https://heinonline.org/HOL/Print?collection=journals&handle=hein.journals/soaf117&id=317>.

⁶⁴ Cultural citizenship is a term coined by Rosaldo (1989). Youkhana, “A Conceptual Shift”, 14.

⁶⁵ B Cousins, “The ‘living customary law of the land in Msinga, KwaZulu-Natal,” in *Untitled: securing land tenure in urban and rural South Africa*, ed. D Hornby, R Kingwill, L Royston and B Cousins (Pietermaritzburg: UKZN Press, 2017), 153.

⁶⁶ Cousins, “The living customary”, 153.

⁶⁷ N Erlank, “Gendering Commonality: African Men and the 1883 Commission on Native Law and Custom,” *Journal of Southern African Studies* 29, no. 4 (2003): 938.

<https://millennium.seals.ac.za/iii/cas/login?service=https://www.jstor.org/stable/3557395>.

Inheritance

‘Inheritance’ refers to the transferral of family assets or objects from one person to another. Thus, inheritance involves the division and transmission of assets such as family property between generations.⁶⁸ Traditionally, African societies did not legally formalise or record inheritance transfers, as established above.⁶⁹ However, the colonisation of Africa impacted these practices. According to Davenport and Hunt, the Dutch were the first to introduce a registered inheritance system in South Africa as an imported practice from their home countries. They legally appointed the eldest sons to take over the running of their father’s estate as a ploy to keep land in the lineage during land and territory disputes in the 18th century.⁷⁰ Therefore, inheritance maintained ownership within the family, and it grew family wealth. Consequently, inheritance positioned the male property heirs to gain economic security, which benefited them because they “accumulated new assets and received affirmation of their rights to assets.”⁷¹

The Dutch inheritance system associated land inheritance rights with patriarchal ownership; thus, it prescribed male primogeniture. As a result, in the guise of culture and tradition, societies commonly accepted and embraced sons as the rightful heirs of their deceased father’s property.⁷² Consequently, men inherited family property and their father’s social status as heads of the household.⁷³ In South Africa, male primogeniture practices from both European and African customs affected African women’s access to land directly. The effects are still prevalent today.

Family property

According to Roux and St. Ledger, ‘home’ refers to people related or unrelated by blood, living together in one house.⁷⁴ The family exists within a structure known as a household where the occupants of the home reside. The term ‘household’ has two meanings: one addresses the

⁶⁸ Kingwill, “The map”, 229.

⁶⁹ Cooper, “Women and Inheritance”, 641.

⁷⁰ TRH Davenport and KS Hunt, *The right to the land: documents on Southern African History* (Cape Town: David Philip Publishers, 1974), 6.

⁷¹ E Cooper, “Women and Inheritance in Sub-Saharan Africa: what Can Change?,” *Development Policy Review* 30, no. 5 (2012): 644. <https://onlinelibrary.wiley.com/doi/abs/10.1111/j.1467-7679.2012.00592.x>.

⁷² This is known as customary law of succession. E Knoetze, “Westernization or promotion of the African woman’s rights? customary intestate succession in South Africa”, *SPECULUM JURIS*, 20, no. 1 (2006): 105-106. <https://africanlii.org/content/knoetze-e-%E2%80%98westernization-or-promotion-african-women%E2%80%99s-rights%E2%80%992006-1-speculum-juris-105>.

⁷³ Knoetze, “Westernization or promotion”, 105-106.

⁷⁴ M Roux and M St. Leger, *Grahamstown: Fingo Village* (Johannesburg: Institute of Race Relations, 1971), 5.

physical site of where the building is a house; the other is the metaphysical understanding of the makeup of the people residing on the property. As a physical site, a household could be a compound consisting of multiple houses, and thus a house becomes a family property.⁷⁵

As a metaphysical space, the family home is where people from the same lineage locate their ancestral roots. However, as Kingwill notes in Xhosa culture, there is no precise terminology for family property.⁷⁶ In Xhosa culture, people refer to the family property as either *ikhaya* or *umzi*. Nevertheless, the property holds significance as a central place where members “perform family ceremonies that bring together all lineage members, reinforcing their family identity.”⁷⁷ The study uses the term *umzi* to refer to a household.

Participation in theatre

In research, ‘participation’ refers to the informants’ involvement in a project. It is a strategy that gives research participants agency in research, and it positions them as decision-makers.⁷⁸ In theatre, participation can either be active or passive depending on the style of performance a researcher pursues. Richard Schechner pioneered the term “participation” in theatre to articulate how the performers and the spectators break “usual agreement that keeps boundaries between the performer and the audience separate.”⁷⁹ In traditional theatre settings, audience members passively participate in theatre performances by being spectators. However, in applied theatre practices, audience members actively engage in the performance by voluntarily enrolling in the performance or through theatre activities planned by a facilitator.

In their role as participants, the audience enters the performance space as equals who join in to tell the story. Still, their roles are not fixed or limited by script, nor is their participation in keeping theatre/play aesthetics.⁸⁰ Instead, by breaking this usual agreement, they create a new one. The new relationship allows the two to engage in legitimate participation, whereby the

⁷⁵ Roux and St. Leger, “Fingo Village”, 5.

⁷⁶ Kingwill, “The map”, 234.

⁷⁷ *Ibid.*

⁷⁸ KC Chinyowa, “Participation as ‘repressive myth’: a case study of the Interactive Themba Theatre Organisation in South Africa,” *Research in Drama Education: The Journal of Applied Theatre and Performance* 20, no. 1 (2015): 14. <https://doi.org/10.1080/13569783.2014.975109>.

⁷⁹ R Schechner, *Environmental theatre: an expanded new edition including “six axioms for environmental theatre* (New York: Applause, 1994), 40.

⁸⁰ Schechner, “Environmental theatre”, 43-44.

audience responds to the scene, dialogue, or activities relating to the play authentically, providing their views and approaches to issues raised in the performance.⁸¹

Interpretation

‘Interpretation’ refers to an act of educating or engaging in historical information or archives with a public audience.⁸² The first step is collecting as much information as possible through document-based research, then using it to formulate an interactive, stimulating experience for an audience. Then, as Tilden suggests, information helps the facilitator plan and structure activities that prompt participation and provoke discussion.⁸³ In this regard, interpretation is a collaborative storytelling activity that allows the historian or researcher to discuss, explore and possibly understand historical events and materials.

Chapter summaries

Chapter Two presents a theoretical framework and a review of western feminism, black feminism and African feminist theory. This review is a comparative analysis that covers the main points of each school of feminism. Additionally, it explores the assumptions that each framework makes about female-headed households against the evolution of feminist theory. Notably, the chapter does not provide a comprehensive history of the evolution of feminism. Instead, it focuses on selected moments and feminists scholars whose views are most relevant to this study.

The third chapter provides a historical review of the formation of Fingo Village in what was then Grahamstown (now called Makhanda). In this regard, I explore various assumptions and perceptions around Fingo identity. I also provide insight into the British Cape Liberal ideals, which were part of the assimilation strategies that offered the amaMfengu equal opportunities as the English had to buy property. Therefore, Fingo Village stands as a unique place where Africans held freehold title deeds.

Chapter Four looks at the exclusion of black women in 20th-century urban land/ tenure policies and practices in South Africa. The chapter explores policies and acts such as influx control, the Group Areas Act, the Native Land Act and pass laws. These laws limited black women’s

⁸¹ J Kidd, “The costume of openness: heritage performance as participatory cultural practice,” in *Performing heritage: research, practice and innovation in museum theatre and live interpretation*, ed. A Jackson and J Kidd. (Manchester: Manchester University Press, 2011), 205.

⁸² F Tilden, *Interpreting our heritage* (North Carolina: The University of North Carolina Press, 1977), 5.

⁸³ Tilden, “Interpreting”, 6.

movement in urban areas. In light of this, the chapter looks at Belinda Bozzoli Mmabatho Nkotoe's study on women of Phokeng offers insight into female-headed households' housing security strategies and participation in urban life in earlier years of the 20th century. The Cape Town case study by Rebecca Lee highlights unique property relations practices in multi- and inter-generational female-headed households in the middle years of the 20th century. Lastly, Rosalie Kingwill's research on Fingo Village, which recorded the experiences of Africans who inherited family property in the latter part of the 20th century and well into the 21st century adds to the existing 'women rights as human rights' paradigm.

In Chapter Five, the study articulates the methodological considerations and analytical strategies employed. The researcher notes how theatre strategies as research tools serve as creative ways to process personal histories and memories. As a result, the chapter contextualises the proposed interdisciplinary methodology between history content and drama strategies within art-based researchers and practitioners' global and local repositories. Their experiences affirm the research design and methodological choices this study makes.

Chapter Six explains the methodological approach employed by the researcher in the *umzi ka mama* research project. Thus, the researcher reflects on how forum theatre, playback theatre and image and memory work activities engaged the audience and research participants in an interactive interpretation of Fingo Village history. The reader can expect brief biographies and detailed reporting on the four research phases used as data collection and analysis processes.

Chapter Seven focuses on the Group Areas Act (GAA) era as a pivotal point in Fingo Village history. It was during this time that residents and freehold title deed holders faced the threat of eviction. The researcher located the historical significance of Fingo Village title deeds in this era. Here, image and memory work together with an existing exhibition on historical moments and events in Grahamstown's Fingo Village were essential participatory research tools. The discussions from this event revealed the longstanding mistrust between the local housing department and title deed holders caused by the haphazard implementation and amendments of the GAA.

Chapter Eight addresses themes from the oral interviews and the forum theatre activity. First, the women spoke about the unconventional ways they came to acquire legal documentation for their homes. Subsequently, the women participants voiced their views on why legal systems of homeownership in Fingo Village still matters, through the forum theatre activity. For this group of women, the legal titling of family property is vital as assurance. Hence, they

shared their knowledge about the legal routes they followed to gain tenure security regardless of good family relations.

The women presented in Chapter Nine demonstrated unconventional narratives. Their narratives highlight some of the gender-inclusive customary practices in family property transmission in Fingo Village. With communal tenure practices at the core of the discussion, the women shared stories of how they became family property custodians. Their narratives provide insight into exceptional instances within the Xhosa culture that give families opportunities to advance women's access to family property.

The conclusion of the thesis offers reflections and summaries of the research. Furthermore, I highlight unresolved questions that the study could not address. I also offer a short ode as a tribute to the women to honour them for allowing me to come into their homes. Finally, my concluding remarks reflect on the strengths and successes of the proposed methodology.

CHAPTER TWO - LITERATURE REVIEW OF FEMINISM: EXPLORING WESTERN, BLACK AND AFRICAN FEMINISM

This section explores feminist theories analysing women's agency in society and their power to participate as active citizens. Feminism is an academic discourse derived from women's actions and reactions to social ills that are informed by policies and practices favouring men. This review is structured as a comparative analysis, dealing with the core principles of each school of feminism. Such an analysis highlights how middle-class western feminist academic thinking revealed a limited understanding of African women's experiences as heads of households. Therefore, the researcher proposes African feminism as an alternative framework to contextualise the challenges female household heads face. In addition, the chapter offers a brief discussion on how feminist thinking shaped oral history practices in the 20th century.

Each version of feminism makes inevitable assumptions about female-headed households; therefore, the focus is on pinpointing similarities and differences against the evolution of feminist theory. However, providing a detailed history of feminism and ideas about female-headed households is beyond the scope of this study. It is a topic that has been covered extensively by those specialising in the origins of feminism. As a result, much of the work engaged with here follows the evolution of feminism to highlight the challenges women faced through the ages and to build a case why African feminism provides a better lens for this study. Therefore, I draw on a few moments highlighted from the existing, most relevant resources on the emergence and development of female households globally and locally.

An overview of western feminism, black feminism, and African feminism's core principles

According to Patricia McFadden, feminism is a school of thought that challenges the system which privileges and empowers men, known as patriarchy.¹ Feminist scholar bell hooks states that patriarchy as a system of oppression convinced women that their home role was valueless in monetary value and social status.² In contrast, patriarchy positioned men as providers,

¹ P McFadden, "Contemporary African feminism: Conceptual challenges and transformational prospects." Open Society Initiative for Southern Africa, (Jul, 2011) at <http://www.osisa.org/buwa/womens-rights/regional/contemporary-african-feminism-conceptual-challenges-and-transformational>.

² B hooks, *Feminists Theory: From the Margins to the Centre*, (London: South End Press,1984), 43.

significantly impacting “definitions of masculinity and headship in households of all types.”³ Traditionally, the role of head of the household was reserved for men. They earned this privilege at birth. Family law practices emanating from Europe and North America were responsible for the construction of a male-headed household. Htun and Weldon explain that men’s birth status assigned them more power to own, inherit, and manage the family property.⁴ One of the most noticeable effects of male-headship was that men controlled the running of the house, including having complete control over women.

Therefore, feminism challenged men’s control over women. Sandra Acker describes feminism as both a movement and a theory that opposes women’s oppression.⁵ Referring to the term as a movement broadens the scope to include all activities that encompass either activism or everyday action that brings about change. The theory itself captured women’s awareness of the discriminatory nature of a patriarchal society. It also included activist movements that called out sex and gender discrimination that made women’s everyday living conditions unbearable. Hence it is worth noting, as Acker states, that feminism is a word concerning itself with “understanding gender inequalities as a guide to action.”⁶ Subsequently, in some instances, the approach governs action, whereas in others, a philosophy influenced the movement.

Activist feminism was about women acting and fighting against oppression. As Nancy Richard states, this approach advocated for women’s rights, because even though societies were evolving, so “many women still did not live easy or free lives.”⁷ Unlike men, women only had power and choices in small ways or small spaces. Nevertheless, as feminism developed, women realised that they had to be active participants in their everyday lives. However, making choices in a patriarchal society was not always easy. Hence, women in the west fought for their right to make choices. These choices came about in various forms, which influenced western

³ PH Collins, “Intersections of Race, Class, Gender, and Nation: Some Implications for the Black Family Studies,” *Journal of Comparative Family Studies* 29, no.1 (1998): 31. <https://millennium.seals.ac.za/iii/cas/login?service=https://www.jstor.org/stable/41603544>.

⁴ M Htun, and SL Weldon, “State, Power, Religion, and Women’s Rights: A Comparative Analysis of Family Law,” *Indiana Journal of Global Legal Studies* 18, no. 1 (2011):145. <https://www.repository.law.indiana.edu/cgi/viewcontent.cgi?article=1439&context=ijgls>.

⁵ S Acker, “Feminist theory and the study of gender and education,” *International Review of Education* 26, no. 2 (1987):420. <https://millennium.seals.ac.za/iii/cas/login?service=https://www.jstor.org/stable/3444244>.

⁶ Acker, “Feminist theory”, 420.

⁷ N Richards, “Feminism on paper, feminism in practice” in *Feminism is..South Africans speak their truth*, ed. J. Thorpe. (Johannesburg: Kwela Books, 2018), 288-289.

feminist theory that operated within three prominent perspectives: radical, liberal, and social feminism.

Western feminism

Acker argues that the three traditional forms of feminism originated in the west between the 18th and 20th centuries. Therefore, their theoretical underpinnings represented women's concerns from countries like Britain, Germany, France, Australia, New Zealand, the United States of America, and Canada.⁸ Given that there is an extensive history of this development, highlighted here are the most relevant articulations of these three perspectives.

The evolution of feminism saw the movement become an avenue for fighting women's rights and gender equality worldwide. The grounding principle of these feminisms was the opposition of sex and gender oppression experienced by women. These three perspectives of western feminism shaped women's rights and empowerment globally regarding decision-making and power relations in and outside the home environment. Thus, they advocated for western women's emancipation. However, each school located oppression differently.

Radical feminism

The first wave of feminism, as Richard Evans explains, was pioneered by Mary Wollstonecraft (1759-1797), followed by a wide range of practitioners who were passionate about the emancipation of women.⁹ In the west, the political unrest brought on by the French Revolution during 1789-1793 saw women play a critical role in the fight against gender injustice and inequality. This uprising became a platform for women to voice their grievances regarding male domination practices, poor living conditions and economic exclusion in urban areas. Up until this point, western women were not allowed to work outside of the home. Previously, men alone had jobs, which meant they participated outside the family environment. Patriarchal societies relegated women to the limiting roles of housekeeper, child-bearer, and supportive wife. Accordingly, a male-headed household upheld patriarchal values that undermined women's agency, positioning women as powerless subordinates whose worth lay in their reproductive contribution to the family household.¹⁰

⁸ Acker, "Feminist theory", 420. The countries mentioned here are what I am referring to when I speak about the 'west' in this thesis.

⁹ R Evans, *The Feminist Women's Emancipation Movement in Europe, America, and Australasia 1840-1920* (London: Routledge, 2013), 13.

¹⁰ Davison, "Agriculture, Women", 159.

According to Sandra O'Connor, it was prevalent in the 18th and early 19th century for western women and men to operate in "separate spheres."¹¹ This meant that the public and professional spheres were reserved for men, while the private, home sphere was for women. Patriarchal ideologies led women to believe that they were valueless in the workplace, keeping them in gendered family roles and dependent on men.¹² Women joined the uprising in France to challenge unequal gender relations and practices in society. The women involved in the French Revolution took a more radical approach by starting bread riots and street battles, demanding attention for their voices and concerns.¹³ The political unrest in France started a wave of other revolts, which began to filter into the colonies.

As a result, women organised themselves into clubs to fight the struggle against women's rights to jobs, education, and political rights.¹⁴ As Allen argues, "the very conception of patriarchy as a historical phenomenon, contingent on time and place, provided the basis for the emergence of a feminist critique of male supremacy."¹⁵ Women advocated relentlessly for the eradication of male dominance and the recognition of women, by introducing female power, thus disrupting the patriarchal system. Their fight for authority and agency dismantled the notion that only men can be leaders and heads of households.

Evans explained that the unrest received backlash, seeing "the women's clubs dissolved, and women arrested" for their defiance.¹⁶ This moment in history represents the beginning stages of feminism as a radical activist movement, representing a fundamental stepping-stone in recognising women's rights. White middle-class women were at the forefront of these riots, demanding equal recognition as citizens.

Men who discredited women's equality used the biological determinism argument. This viewpoint relied on so-called 'scientific' logic that promoted gendered roles and division of

¹¹ SD O'Connor, "The History of the Women's Suffrage Movement," *Vanderbilt Law Review* 49, no. 3 (1996): 658.

https://heinonline.org/HOL/AuthorProfile?base=js&search_name=O%27Connor,%20Sandra%20Day&1=1617628897.

¹² hooks, "Feminist Theory", 43.

¹³ Evans, "The Feminist", 15.

¹⁴ *Ibid.*, 15.

¹⁵ AT Allen, "Feminism, Social Science, and the Meaning of Modernity: The Debate on the Origin of the Family in Europe and the United States, 1860-1914," *The American Historical Review* 104, no. 1, (1999):1087.

<https://doi.org/10.1086/ahr/104.4.1085>.

Allen's article only focuses the discussion on the origins of feminism from 1840, while Evans's book offers the reader an earlier account of feminism. It is worth noting that I am using both sources to find middle ground between when feminism developed as a movement and when it developed as a theory.

¹⁶ *Ibid.*, 16.

labour.¹⁷ According to the Sociobiology Study Group of Science for the People, biological determinism operated from scientific claims that Intelligent Quotient and physical skills and strengths determined human participation in societies. Therefore, biological determinism became:

a powerful form of legitimation of past and present social institutions such as aggression, competition, domination of women by men, defence of national territory, individualism, and the appearance of a status and wealth hierarchy.¹⁸

This view overtly discriminated against women for centuries. Thus, it played a role in advancing men's domination over women. Men dismissed the idea that women can do the same jobs as men do, based on their differing physical strength and skills. Therefore, this era saw radical feminists emerge as a group that was outspoken about women's oppression. They viewed men as the main problem and source of oppression towards women.

For radical feminists, challenging the male monopolisation of power and knowledge was essential in eradicating men's control over women.¹⁹ Therefore, their writings focused on "formulating new ways of theorising women's relationship to men."²⁰ One of the earlier writers who tried to theorise women's relationship with men was Theodor G. Hippel. According to Evans, Hippel took note of the women's complaints and responded to them in his book titled *On the Civil Improvement of Women*, published in 1794.²¹ Reflecting on the importance of Hippel's book, Evans states that,

the book set the tone on developing feminism theory and that Hippel was not afraid to criticise the French Revolution leaders through his writing by calling them out for 'ignoring the female population as citizens who are equally entitled to equal education, equal access to jobs and political rights on the basis that all human beings are equal.'²²

However, Hippel's 'new way of theorising' about women included contradictions that reduced women's challenges to their physical differences and abilities. He posited that biological determinism was the reason behind women's oppression. However, as noted by Evans, "Hippel

¹⁷ EM Miller, and CY Costello, "The Limits of Biological Determinism," *American Sociological Review* 66, no. 4 (2001):592. <https://millennium.seals.ac.za/iii/cas/login?service=https://www.jstor.org/stable/3088924>.

¹⁸ Sociobiology Study Group of Science for the People, "Dialogue. The Critique: Sociobiology: Another Biological Determinism," *BioScience* (1976): 182, <https://millennium.seals.ac.za/iii/cas/login?service=https://www.jstor.org/stable/1297246>.

¹⁹ Acker, "Feminist theory", 422.

²⁰ M Maynard, "Beyond the 'big three': the development of feminist theory into the 1990s," *Women's History Review* 4, no. 3 (1995): 260, <https://doi.org/10.1080/09612029500200089>.

²¹ Evans, "The Feminist", 13.

²² *Ibid.*, 14.

did not seem to sense the contradiction in his belief in the equal abilities and the differing natures of the male and female sexes...Nevertheless, his book was an important one.”²³

The above observation suggests that Hippel’s new feminist approach was “promoting a view of the essentialist difference between male and female.”²⁴ His shortfall was that he focused on challenges women face concerning men, according to their biological differences. In so doing, he did not refer to patriarchy as a system that oppressed women culturally and socially. For the first wave of radical feminists, biological determinism was the main point of discrimination between men and women. As a result, radical feminism believed that “female superiority is physiological, and they rejected rationality and logic as devices of men.”²⁵ However, one of the biggest criticisms of radical feminists was that they “portrayed women as the inevitable victim of evil men.”²⁶ Thus, writers like Hippel overlooked social factors as additional contributing oppressions.

To some extent, Evans’s sentiment on the importance of Hippel’s book offered insight into social tensions inherent in men theorising women’s experiences. Hippel had a particular bias and privilege. As Robinson notes, male feminists also perpetuated women’s biological stereotypes and misrepresented women socially and economically.²⁷ Therefore, their biases promoted essentialist denunciations that defined women according to sex differences. Distortions were possible because male feminists wrote on behalf of women without acknowledging that their experiences of women’s issues were innately limited. Notably, this was the same issue faced by scholars from privileged backgrounds who failed to acknowledge their positionality vis à vis the participants in their research – even if they were all women.

However, these limitations and experiences played a role in influencing the second generation of radical feminists in the 1960s to adjust their attitudes and writings to include a range of factors that limit women’s freedom. As Mary Maynard noted, they “included a class dimension in their work, where appropriate.”²⁸ This generation of writers acknowledged other forms of domination, but still blamed men for class oppression. According to Robinson, the third generation emerged in the 1990s. They acknowledged that race played a role in the scope of

²³ *Ibid*

²⁴ V Robinson, “Radical Revisionings?: The Theorizing of Masculinity and (Racial) Feminist Theory,” *Women’s Studies International Forum* 26, no. 2 (2003):131. [https://doi.org/10.1016/S0277-5395\(03\)00016-5](https://doi.org/10.1016/S0277-5395(03)00016-5).

²⁵ Acker, “Feminist theory”, 422.

²⁶ *Ibid*.

²⁷ Robinson, “Radical Revisionings?”, 133.

²⁸ Maynard, “Beyond the ‘big three’”, 264.

oppression; thus, they included discussions about African American women's experiences in emancipation politics. Therefore, radical feminists engaged with race to address concerns about the limitation of their framework regarding race issues.²⁹

Liberal feminism

By the 1860s, feminism began to evolve beyond the fundamental standpoint of the feminist movement during the French Revolution. Liberal feminism emerged in the 1860s during the Enlightenment period. Unlike Hoppel, whose attempts to advocate for women's equality were limited, this approach identified a broader scope of oppressions faced by women. Liberal feminists believed that laws and policies kept women oppressed; hence they needed to change to embrace women's rights. Therefore, liberal feminism focused on "concepts of equality, justice and equal opportunity of women."³⁰ In this regard, women's rights advocacy governed their activism and theory.

The Enlightenment period, according to Evans, saw the rapid development of liberal religious groups, particularly the Protestant Church groups who engaged with "ideas of reason, progress, natural law, the fulfilment of the individual, the beneficent power of education and the social utility of freedom from restriction and equal rights."³¹ In this regard, the Protestant faith encouraged individual salvation and freedom. On this premise, women exercised "free love and complete independence as sex and gender identifying humans."³² Women were encouraged to find freedom as individuals by exercising power and decision-making authority over their careers and education opportunities, starting within the family environment. This prominent social shift took more than a few years to come into existence because the idea of independent women proved difficult for most employers, churches, and men in general. For example, as Allen argues, churches saw women's advancement as a problem because it disrupted men's role as the household head.³³ The assumption was that if women obtained rights, they could acquire jobs and earn an income, meaning they would become less dependent on men.

In the public sphere, women became bolder in demanding political rights and participation. They became active in political life, striving for the same "full and free expression" that men enjoyed.³⁴ Voting was crucial to these aims, so they started campaigns demanding voting rights

²⁹ Robinson, "Radical Revisionings?", 131.

³⁰ *Ibid.*, 260.

³¹ Evans, "The Feminist", 18.

³² *Ibid.*, 17.

³³ Allen, "Feminism, Social Science", 1095.

³⁴ Holton, "Feminism and Democracy", 12.

for middle-class women in the latter part of the 19th century. The women's suffrage movement took place in Europe and America. In Britain specifically, the movement emerged from the Enlightenment period.³⁵ Much like women's evolution of women's right to work, women's right to vote took time to materialise.

In America, abolitionist movements gave women a voice. Through them, women "won the right to speak in public" and used their voices to lobby for voting rights.³⁶ Western societies denied women voting rights for several reasons, which all followed patriarchal thinking. One line of reasoning argued that women did not need to vote because their husbands were their representatives. By extension, patriarchal norms asserted that "women were subordinate to men by nature, almost certainly less intelligent, and biologically less suited to the rigours of business and politics."³⁷ Once again, biological determinism became a mitigating reason for those who opposed and ruled against women's voting rights. Women's hormones were believed to affect their behaviour, making them too emotional to participate in politics.³⁸ Nonetheless, women activists began to perceive the weakness of this 'scientific logic.'³⁹ Biological determinism was nothing more than false scientific reasoning designed to impose and uphold gender constructs, which oppressed women.

The Enlightenment period saw liberal theorists such as John Stuart Mills produce writings that tackled women's social oppression, grounded on political theory that challenged men to see and treat women as equals.⁴⁰ Evans acknowledges that Mills' work offers many examples and scenarios of oppression and prejudices experienced by women, such as the prohibition to vote, own or inherit property, or pursue a professional career, while articulating men's complicit attitude towards their "unearned power given to them by society."⁴¹

Once women gained voting rights, the fight for equality continued to include property rights. As Gun Lidestav explains, property rights in the west followed gendered inheritance practices that favoured men.⁴² Patrilineal inheritance practices were standard, and they excluded women

³⁵ SS Holton, *Feminism and Democracy: Women's Suffrage and Reform Politics in Britain, 1900-1918* (Cambridge: Cambridge University Press, 2003), 9.

³⁶ O'Connor, "History of Women", 658.

³⁷ *Ibid.*

³⁸ Miller and Costello, "Limits of biological determinism", 593-594.

³⁹ *Ibid.*, 596.

⁴⁰ Evans, "The Feminist", 19.

⁴¹ *Ibid.*

⁴² G Lidestav, "In Competition with a brother: Women's Inheritance Positions in Contemporary Swedish Family Forestry", *Scandinavian Journal of Forest Research* 25, no. 9 (2010): 15. <https://www.tandfonline.com/doi/full/10.1080/02827581.2010.506781>.

and girls from gaining family wealth. The 19th century saw a trailblazer named Caroline Norton challenge the English legal system, which denied women divorce and property rights. As Mary Poovey explains, Norton was the first English woman to be vocal about the unfairness of divorce legislation in 1857, contesting how these laws ignored women's share in family property, while acknowledging men as equal inheritors.⁴³ Under the legal advisement of Barbra Bidchon, Norton "convinced the reformist Law Amendment Society to take up the issue of married women's property."⁴⁴ Following her divorce case, the parliament made provisions and amendments in the property bill for divorced women to share in the property acquired in marriage or to keep and manage the property they brought into the marriage.⁴⁵ Women's property rights became attainable in 1857 in Europe, and divorced women like Norton became heads of their own households and property owners.

Much like other women's rights advancements, property rights evolution was slow because although laws changed, people's attitudes and everyday practices did not always match the reformed laws. Even in the 20th century, women, especially those in rural areas and agricultural domains, still fought for land rights, as men continued to inherit family property and land. There exists a strong correlation between men's access to land and the social status assigned to them. In a study of Swedish family forestry, for example, Lidestav sheds light on the patrilineal nature of land and property inheritance in Sweden.⁴⁶ Such patrilineal practices have advantaged men economically, while excluding women from accessing family wealth and economic independence.

Liberal feminists relentlessly challenged laws and policies that restricted women's property rights and inheritance rights, working to eradicate modes of control that kept women dependent on men. Despite this strong focus on transforming policies, 19th century liberal feminists had shortcomings. The most significant criticism was that liberal feminist "ignored the impact of patriarchy, power, and the systematic subordination of women by men and the effects of racism and class."⁴⁷ Furthermore, their views represented white middle-class women, who were far more privileged than the average lower-class or African woman. For developing countries like

⁴³ M Poovey, "Covered but Not Bound: Caroline Norton and the 1857 Matrimonial Causes Act," *Feminist Studies* 14, no. 3 (1988): 474, <https://millennium.seals.ac.za/iii/cas/login?service=https://www.jstor.org/stable/3178061>.

⁴⁴ *Ibid.*

⁴⁵ *Ibid.*

⁴⁶ Lidestav, "In Competition with a brother", 15.

⁴⁷ Acker, "Feminist theory", 425.

South Africa, it would take many more years for African women to achieve financial freedom and voting rights as women in the west had done.

Social feminism

Social or Marxist feminists believed that the capitalist economy limited and oppressed women through exploitative labour market systems that underpaid women.⁴⁸ Therefore, they opposed unfair economic conditions that kept women financially dependent on men, another mode of power and control. The French Revolution gave rise to economic and political disruptions in the 18th century, forcing societies to evolve, albeit slowly. By the time the Industrial Revolution took place between 1820 and 1840, middle-class women were ready to participate in the workforce.⁴⁹ Industrial Revolution developments in Europe and America caused broader economic modifications.

The Industrial Revolution resulted in urban migration, as men moved from rural to urban areas looking for work, transforming women's family life.⁵⁰ Female-headed families became the norm as men often worked away from home. Before this migration, it was common for women to run farms successfully, providing them some agency in rural areas, despite the persisting patriarchal family structure. They kept livestock, did some food farming, and cared for their children.⁵¹ In the 20th century, however, women moving from rural to urban areas became a common occurrence. Unlike in the rural areas where women participated in agricultural production, women in urban areas had no jobs. They adjusted to a new form of family life, but their roles were limited to household chores and childminding. It was clear that some women wanted to join the workforce because their husbands' income was insufficient. Consequently, family roles were under construction once more. Social and economic conditions forced men and women to compete for equal work opportunities.⁵²

Western women had achieved what they had fought for in the 18th century, which was the right to work, but this did not mean that the fight for equality was over. Participation in the working-class economy shifted western women's status significantly. As if limiting women's participation in the economic market was not enough, property rights and inheritance rights were also used as modes of control to keep women dependent on men. Hence, western women demanded the right to equal work and pay, education and the right to vote. These were essential

⁴⁸ Evans, "The Feminist", 19.

⁴⁹ *Ibid.*, 21.

⁵⁰ Evans, "The Feminist", 25.

⁵¹ *Ibid.*

⁵² Acker, "Feminist Theory", 423.

rights that later accelerated gender equality in the west. The reality was that women were not only fighting to have equal rights, but they were also fighting not to be controlled by men.

The latter part of the 20th century saw many changes regarding women's rights and financial independence. Women became more vocal about their grievances against discriminatory practices that denied them "economic independence, social status, and rights."⁵³ Drawing on a Marxist interpretation of capitalism, social feminists in the 60s and 70s theorised how men expropriated women's right to be the head of the house by taking their right to valuable labour.⁵⁴ Social feminists were critical of the types of jobs available for women, noting that although women had the right to employment, they found themselves doing menial and low-paid work.

For middle-class women, this meant that widows, unmarried women and women without property had to resort to domestic work and needlework as primary sources of income.⁵⁵ Middle-class women in Europe challenged trade and industry restrictions on women's skills, training and educational capacities.⁵⁶ Women rallied to a social and political movement that redefined women's position in the family and economy. Indeed, this moment introduced new nuances in power relations between men and women.

Moreover, social feminist theorists opposed girls' education that promoted domestic tasks, perpetuating the gendered division of labour. Instead, they developed a political economy perspective, expecting women to do the same jobs as men.⁵⁷ Accordingly, countries like Canada and Britain invested in educating the girl-child in scarce skills to allow them to explore alternative employment by the 1980s.⁵⁸

During this time, attending school was desirable for middle-class girl-children to escape sexual and social labour divisions. Unfortunately, most schools still ascribed to teaching philosophies that encouraged gender differentiation. As Acker affirms, the purpose of the social division of labour was to control women's economic dependency and maintain control over class differentiation.⁵⁹ The patriarchal capitalist system failed to control women's participation in

⁵³ Htun and Weldon, "State, Power, Religion", 146.

⁵⁴ Allen, "Feminism, Social Science", 1101.

⁵⁵ Evans, "The Feminist", 25

⁵⁶ *Ibid.*, 28.

⁵⁷ Acker, "Feminist Theory", 426.

⁵⁸ *Ibid.*

⁵⁹ *Ibid.*, 427.

the workforce. Instead, it resorted to managing women according to classifications which maintained power and dominance over resources and economic viability.

This control extended to women's access and ability to buy property, which areas they could live in, and which schools their children could attend. In America, African American families became synonymous with unemployment, residential, and migration stereotypes that served as a mode of control, to advance the white economy and politics.⁶⁰ Domestic work and industry jobs were no longer desirable for the privileged middle class, but were reserved for lower-class and underprivileged communities, because of the growing employment patterns in the white capitalist labour market.

Arguably, the focus of most feminists' movements at the time was equality for privileged middle-class women. With little or no class consciousness, they assumed their own needs and interests were applicable to all women. As Mills suggested, the kinds of employment granted to women needed to go beyond domestic work to include professions such as "physicians, advocates or members of Parliament."⁶¹ These professions presented more financial independence than domestic work. The view was that a woman working in these professions could support and run a household independently because she had the financial means to do so. As a result, in the latter part of the 20th century, as Stuart states,

it was not unusual for white women to enter into permanent or semi-permanent unions with men because they believed they are better off financially independent from men and they did not want to lose their independence and become subordinated to men.⁶²

The view explored above narrates a reality of how society and feminist writers celebrated western female heads because they defied the odds and systems of oppression to achieve economic independence. Their independence was written about as a triumphant decision and choice to be applauded. Accordingly, white female-headed households in the 20th century became beacons of gender equality, fostering the idea that a woman can make decisions about the family.

Consequently, entering into the middle class became a popular aspiration, entailing improved living conditions. While middle-class feminist groups fought for expanded career options, their fight for equality barely included lower-class women. The limitation of their approach was that

⁶⁰ Collins, "Intersections of Race", 28.

⁶¹ Evans, "The Feminist", 30.

⁶² Stuart, "Female-Headed Families", 33.

middle-class issues were not the same as those experienced by lower-class women. The following section explores this limitation in detail.

Politics of representation: black and African feminism as alternative perspectives on female-headed households

Broad consensus amongst scholars affirms that the term ‘feminism’, irrespective of its varying perspectives, remains relevant, describing a social justice movement that exposes women’s oppression. With the progression of feminism, scholars and researcher working in the field of oral history also began to embrace feminist thinking in their work. By the 1990’s there was a growing trend on how historians ought to respond to women’s issues in research.

Practitioners such as Selma Leydesdorff, Luisa Passerini and Kristina Minister were paving the way for feminist oral history practices in a western context. Leydesdorff and Passerini were co-editors together with Paul Thompson of an international yearbook of oral history and life stories titled *Gender and Memory*, which set to put women’s stories at the fore.⁶³ According to Joan Sanger, feminist historians “aimed use oral history to empower women by creating a revised history.”⁶⁴ It meant that they were working tirelessly to document women’s stories as they were previously omitted from historical writing. Minister was one of the few feminist historians at the time who was experimenting with exploring how a feminist frame could help improve oral history interviews relations between female researchers and participants. Her contribution is in a collection of scholarship contributions titled *Women’s words: the feminists practice of oral history*.⁶⁵

Arguably, the developing trends at the time were about women’s memory, public and private life and how these can be excavated thus making women’s stories visible. One of the notions that came up repeatedly in the scholarship of that time was that there were differences between how women and men remember events. This view was informed by early oral history feminists like Sherna Gluck who was involved in the field of women’s oral history since 1972.⁶⁶ Therefore there was a consensus that when it came to oral history interviews, women

⁶³ S Leydesdorff, L Passerini and P Thompson, *Gender and memory* (New York: Oxford University Press, 1996), 1.

⁶⁴ J Sanger, “Telling stories: feminist debates and the use of oral history” in *The oral history reader*, ed. R Perks and A Thomson. (New York: Routledge, 1998), 92.

⁶⁵ K Minister, “A feminist frame of the oral history interview,” in *Women’s words: the feminist practice of oral history* (eds.) SB Gluck and D Patai. (New York: Routledge, 1991), 27.

⁶⁶ Gluck and Patai, “Women’s words”, 1.

participants articulated their stories and events with more details than men.⁶⁷ Hence, the feminists historians pushed for more recording of women's stories. This meant that there were more efforts to document women's home environment stories as well as their public life participation as demonstrated in the examples in the preceding headings.

Though the abovementioned feminist oral historians paved the way for women's stories of resistance, empowerment and early feminist oral history practices, their framing of women's memory as different to men was reductionist and favoured biological determinism arguments, which are known to be sexist in nature. Joan Sanger posited a different view regarding gender and memory as she was writing a few years after the forementioned scholars. Her view was that women's memory in oral history interviews is not influenced by gender alone but rather by race, class and ethnicity as contributing factors that impact ones' experiences.⁶⁸ Sanger therefore, believed in embracing a feminist framework that considered the way researchers interpreted women's stories of domesticity, motherhood, and activism. For her, this ethical consideration was necessary because it made the researcher consider how dominant ideologies such as politics, religion, and culture shaped women's thinking.⁶⁹

Although feminist oral historians were putting western women's stories at the fore of history research, they were theorising women's experiences withing the three traditional schools of feminism. Notably, the three core schools of thought included limited representation of African American and African women's experiences. Therefore, western feminism represented concerns of the middle-class group with little consideration of how this approach excluded those living in rural areas, the lower class, and communities of people of colour. Expanding on this, Evans states that governments lacked consciousness regarding how lower-class groups related to equality before the law and work options.⁷⁰ Similarly, western theorists also lacked the cultural context necessary to analyse African and African American women's experiences.

Black feminism: an American perspective

Though the 18th century saw the beginning of various feminist movements, it was not the era of racial inclusivity. During this era, feminist activism did not encompass African American issues because it favoured and represented white middle-class women's issues. Perhaps they

⁶⁷ Leydesdorff, Passerini and Thompson, "Gender and memory", 3.

⁶⁸ Sanger, "Telling stories", 87.

⁶⁹ *Ibid.*, 91.

⁷⁰ Evans, "The Feminist", 29.

were not interested in challenging the system because they benefited from its policies of racial segregation and discrimination in the west. As Victoria Robinson explains, early feminist movements were under attack for engaging with race, class, and sexism as universal challenges that affect all women in the same way.⁷¹ Much like western feminism, black feminism acknowledged patriarchy as an oppressive system limiting women's participation in society. However, their perspectives differed when it came to issues of class and race.

Black feminist thought rejected the 'universal sisterhood' ideal of feminism because it did not attack the institutionalised racism, economic oppression, and social restrictions that African American women faced. Therefore, racial oppression became a much-welcomed addition in feminist discourse to the sex/gender and class oppressions identified by western feminism. It took two centuries of theory development and activism to articulate African American women's issues in sufficiently complex ways. Tackling representations of African American female-headed households was a necessary part of American feminist theory development and history.

Maria Stewart was an enlightened African American woman, writer and thinker who discussed African American women's struggles in the 19th century. According to Collins, Stewart was the first woman of colour to introduce a black feminist perspective.⁷² She wrote about African American womanhood in the 1830s, thus bringing to light the issues of poverty and the rejection of oppressive stereotypes and images perpetuated by the white gaze.⁷³ Writing in the 19th century as an African American intellectual, Stewart was ahead of the time. She advocated for recognising the citizenship of women of colour and understanding how their everyday experiences were influenced by racial and gender oppression. By articulating a black feminist perspective, intellectuals like Stewart demystified the notion that women do not oppress and exploit one another.⁷⁴ The reality was that African American women experienced racial bias from white women. Thus, they were not perceived as equal, because they did not have the same power and agency in public and private spaces as privileged middle-class women. Surprisingly, until her speech in 1833, no one had written about African American women's experience of injustice or articulated any definitions of African American womanhood, identity, and independence.

⁷¹ V Robinson, "Radical Revisionings?: The Theorizing of Masculinity and (Racial) Feminist Theory," *Women's Studies International Forum* 26, no. 2 (2003):131. [https://doi.org/10.1016/S0277-5395\(03\)00016-5](https://doi.org/10.1016/S0277-5395(03)00016-5).

⁷² Collins, "Black Feminist Thought", 3.

⁷³ *Ibid.*

⁷⁴ hooks, "Feminist Theory", 44.

The early 20th century feminist movements experienced evolutions and challenges alike. Though social feminism made headway in women's rights and representation, it gave little attention to theorising African American and lower-class women's experiences. The irony was that white middle-class women relied heavily on African American women for labour as slaves. Middle-class women were thus free from family role responsibilities, granting them time to embark on socio-political fights that birthed feminist movements and scholarship. Evans's critique of social feminism justifiably acknowledged the bias in white feminist ideology. For him, this approach promoted white middle-class women's political and economic agenda of preserving the societal status of the middle class⁷⁵

In the latter part of the 20th century, black feminists coined the inclusive term 'triple jeopardy' to critically articulate black women's experiences.⁷⁶ Triple jeopardy refers to the triple layers of oppression that women face, which are class, race, and sex. The term validated race as a layer of oppression, which was previously omitted from the double jeopardy theorising done by western feminists in earlier centuries. Patricia Collins's book, *Black Feminist Thought* (1990) is therefore, a critical text in the analysis of western feminism's shortfalls. Collins is among other feminist thinkers and historians that foregrounded the work that influenced African feminism. As Sue Morgan notes, early feminist historians re-wrote history through the insertion of women's stories by writing the female historical subject anew.⁷⁷ Therefore, it is fitting to lean into her work on the image of the female head of household for the development of the argument towards African feminist framework. The most extensive critique that Collins brought forward involved the stigma attached to African American female heads of household, which she argued served as a controlling image of African American women.⁷⁸

Western feminists wrote positively about households headed by privileged women. They viewed this type of household as representing beneficial change in middle-class family patterns, reflecting gender equality and progress towards middle-class women's financial freedom. Subsequently, western feminists perceived these women as capable heads of households. In contrast, western thinking saw African American female-headed households as

⁷⁵ Evans, "The Feminist", 32.

⁷⁶ DK King, "Multiple Jeopardy, Multiple Consciousness: The Context of a Black Feminist Ideology," *Signs* 14, no.1 (1988):46. <https://millennium.seals.ac.za/iii/cas/login?service=https://www.jstor.org/stable/3174661>.

⁷⁷ S Morgan, "Theorising Feminist History: a thirty-year retrospective," *Women's history review* 18, no. 3 (2009): 385. <https://www.tandfonline.com/doi/pdf/10.1080/09612020902944437?needAccess=true>.

⁷⁸ Evans, "The Feminist", 79.

victims of structural poverty and unregulated behaviour. According to Collins, certain definitions control the image of African American womanhood, which “make racism, sexism, poverty, and other forms of social injustice appear normal.”⁷⁹

She notes the images as follows:

mammies, matriarchs, welfare recipients, and hot mommas. The Mammy image describes a submissive slave-like character. The matriarch refers to a head of household character but in a negative light. Welfare recipients are single black mothers due to teenage pregnancy. The hot momma or hoochie character is linked to deviant black female sexuality.⁸⁰

These symbols appeared in literary works and artworks as stereotypical descriptions that negatively depicted African American women’s experiences and everyday interactions. Smith argues that such images fed into patriarchal culture, doing very little to portray African American women in a positive light.⁸¹ Collins explains how African American women fought against racial segregation and gender discrimination, while consistently being denied equal housing, school, and work opportunities, usually accessible to white middle-class women and African American men.⁸²

According to King, women of colour relentlessly fought their low status and stereotyping in their homes, work, civil society movements, organisations, and intellectual scholarship.⁸³ Through their efforts, explains Collins, African American women reconceptualised discourses of oppression and activism.⁸⁴ They did this on their terms, reclaiming African American women’s writings produced before the 1970s.⁸⁵ The literature produced in the latter part of the 20th century carried new African American knowledge that moved away from controlling images to a writing of self-definition that celebrated African American women’s stories and histories. As hooks notes,

No other group in America has so had their identity socialised out of existence as have black women. We are rarely recognised as a group separate and distinct from black men or a present part of the larger group ‘women’ in this culture... When black people are

⁷⁹ *Ibid.*, 76 – 77.

⁸⁰ *Ibid.*, 82-90.

⁸¹ Smith, “Black Feminist Criticism”, 188.

⁸² *Ibid.*, 26.

⁸³ King, “Multiple Jeopardy”, 45

⁸⁴ Collins, “Intersection of Race”, 16.

⁸⁵ *Ibid.*

talked about the focus tends to be on black men; and when women are talked about, the focus tends to be on white women's discussion on black womanhood.⁸⁶

Women of colour were tired of existing in the periphery and shadows of white feminism and black men's racial struggles. Therefore, they theorised their journeys and established activist groups that reclaimed their social identities in and out of academia. According to Collins, black feminists started including indigenous knowledge systems of African American women in the discourse. They acknowledged the "minds and talents of grandmothers, mothers, and sisters who have alternative ways of thinking, documenting, and interpreting their experience."⁸⁷ This approach addressed silenced women's stories often left out of feminist discourse and feminist history writing. Arguably, the more African American feminist history developed, the more the scholars moved away from comparative methodologies and analysis which that write about African American women as opposites of African American men in gender discourse.⁸⁸

Smith posits that black feminist thought endorsed self-interpretation and self-definition, which helped challenge traditional stereotypes assigned to women of colour.⁸⁹ For instance, the African American matriarch image was under reconstruction. Black feminists redefined this image in a new, positive light, not only for African American women but also for other women of colour across the globe. Seeing her anew, Collins correctly urged theorists to celebrate the African American matriarch for her ability to keep the family together. However, she warned against romanticising her role as a submissive and supportive partner to an African American man.⁹⁰ For African women, their perspective on the 'matriarch' was more nuanced, as multiple factors impacted female-headed households, other than stereotypes in literature.

Collins's view of the African American matriarch serves this study well as a framework for understanding the stereotypes that befall African and African American women. From this view, Collins managed to give meaning to how scholars ought to write about 'black' female heads of households. Although there are fundamental differences between colonised societies and the west, there are similarities in how race and gender oppressions affect women from marginalised groups. As a result, it is noteworthy to mention that differences might lie in

⁸⁶ Hooks, Quoted in King, "Multiple Jeopardy", 45.

⁸⁷ "Collins "Intersection of Race, Class, Gender and Nation", 16 – 17.

⁸⁸ Morgan, "Theorising Feminist History", 385.

⁸⁹ Smith, "Towards a Black Feminist Criticism", 188.

⁹⁰ Collins, " Intersection of Race, Class, Gender and Nation", 94.

recognising that African women's issues and oppression are intensified by Africa's long history of political, economic and cultural invasions. The proceeding section elaborates further. In this instance, Molaria Ogundipe-Leslie's six symbolic mountains of oppression serve as additional factors in understanding African women's experiences.

Six mountains on her back: an African feminist perspective

Though the idea of 'triple jeopardy' offered a critical framework for underrepresented women's experiences, it was inadequate in fully articulating African women's challenges, since African women's challenges were far more complex. African American feminism lacked a culturally diverse view when applied to African women, limiting analysis to an individual black woman's experience, instead of seeing their experiences as part of a collective determined by culture and tradition. Perhaps in an American context, African American women had the consciousness to see themselves as "being free and open-minded, having the ability to imagine themselves and their communities in new and liberated ways."⁹¹ Nevertheless, in an African context, black women were still learning how to navigate oppression experienced in African culture, traditions and customs in the 20th century.

Accordingly, Pinkie Mkgwe criticised black feminists for being cultural neo-imperialists. In her view, because African American women had overcome some of the challenges that African women still faced, they saw themselves as enlightened sisters who brought knowledge to the less enlightened African sisters in a third world.⁹² The challenge here as Morgan notes, is that when researching African women, African American feminist researchers would often focus on histories of "colonial wives, female missionaries, nurses, travellers and educators" without engaging with the cultural aspects of agency beyond the colonial rhetoric.⁹³ Morgan names a few female historians that have missed the mark regarding representing stories of black women in history scholarship. She notes them across a range of topics such as religions like Rastafarianism, Islam and other gender discourses that reduce Asian and African women's experiences to nationalist discourse.⁹⁴ By extension, they had the colonial influence of western

⁹¹ P McFadden, "African Feminist Perspectives of Post-Coloniality," *The Black Scholar* 37, no. 1 (2007):37. <https://doi.org/10.1080/00064246.2007.11413380>.

⁹² Mkgwe, "Post-Feminism Africa(n)", 192.

⁹³ Morgan, "Theorising Feminist History", 394-395. Morgan names a few female historians that have missed the mark regarding representing stories of black women in history scholarship.

⁹⁴ *Ibid.*, 395-396

thought that views historical knowledge and experiences through a western lens. As Mekgwe asserts, the careless assumption that African women needed liberation, without an understanding of their social, political, economic, and cultural context, committed the same offence as white feminism.

Mazama defines culture as a system of “shared perceptions, attitudes, and pre-dispositions that allow people to organise experiences in certain ways.”⁹⁵ Cultural identity was the epicentre of black knowledge and definitions in African feminism. However, as Mekgwe cautioned, cultural identity was not a complete form of belonging because it remained unfinished.⁹⁶ After all, it is not fixed or uniform, because Africa consists of various ethnic groupings. Within this definition, African culture served as a system of shared experiences of black Africans.⁹⁷ Arguing from an Afrocentric view, Mazama posits that African society operated from a core value system advocating collective unity over individualism.⁹⁸ Therefore, African women’s experiences were viewed not as individual cases, but rather as collective narratives relatable to women across Africa.

The Afro-centric view did not exclude African women in the diaspora. As Amadiume states, African women, whether in Africa or Europe, offered diverse voices articulating their cultural experiences.⁹⁹ Their writings provided exciting and sophisticated ways of understanding feminist discourse in Africa. Amadiume recounts how African women became vocal and active at local and international levels as they attended conferences and joined human rights and civil rights groups that put them at the forefront of tackling abuse, violations, and social injustices.¹⁰⁰ African women actively moved from places of silence to places where they spoke and made their voices heard. They gave black female heads of households a voice. Despite the criticism of African American feminism, its developments have led many scholars to find intersecting notions of other feminisms such as African feminism. African feminism builds on African American feminism as much as it has built on western feminism. Therefore, this section

⁹⁵ A Mazama, “The Afrocentric Paradigm: Contours and Definition,” *Journal of Black Studies* 32, no. 4 (2008):388. <https://doi.org/10.1177%2F002193470103100401>.

⁹⁶ Mekgwe, “Post-Feminism Africa(n)”, 193

⁹⁷ *Ibid*, 193

⁹⁸ Mazama, “The Afrocentric Paradigm”, 389.

⁹⁹ I Amadiume, “African Women: Voicing Feminisms and Democratic Futures,” *Macalester International* 10, no. 9 (2001):49. <http://digitalcommons.macalester.edu/macintl/vol10/iss1/9>.

¹⁰⁰ Amadiume, “African Women”, 59-60.

presents African feminism as a guiding framework for the *umzi ka mama* study with consideration towards Collins' image of the black matriarch as an overarching concept.

The African feminist perspective as an intersecting theory for female-headed households in Africa offered a more varied way of understanding why these types of households are valuable in Fingo Village. Thus, Ogundipe-Leslie's six symbolic mountains explained the different layers of oppression black African women face. Ogundipe-Leslie explained the 'mountains' as follows: "colonial oppressions, traditional structures, backwardness, men, race, herself."¹⁰¹ These oppressions pinpointed by Ogundipe-Leslie form part of a broader context in which African feminism questions intersecting oppressions of race, class, gender, and sexuality.¹⁰² Moreover, these mountains of oppression help theorise the cultural perspective of African patriarchy and its structures and practices.

Colonial oppression

In writing about the colonial oppression that African women faced, Ogundipe-Leslie says that colonial oppression came from outside forces that were not African-based.¹⁰³ The subjugation imposed on African people by western policies and practices brought divisions and an 'us' and 'them' narrative. Ogundipe-Leslie adds that this divide made the capitalist system thrive. It split African women and men's roles along gender lines to create "roles and positions within the production process", which "brought out the basic sexist tendencies in pre-capitalist Africa."¹⁰⁴ In this new world order, African women found themselves in disempowering positions that left them economically dependent on men.

Colonial forces also changed African family practices, which governed family relations for decades. With the invasions came introductions of new laws and policies that opposed gender equality. For example, "the imported land law cemented a patriarchy's system that conferred the land title and inheritance rights to male family members only."¹⁰⁵ These regulations

¹⁰¹ M Ogundipe-Leslie, "African Women, Culture and Another Development" in *Theorising Black Feminisms: The Visionary Pragmatism of Black Women*, ed. SM James and AP Busia. (London: Routledge, 1993), 107. The analogy of the six mountains was inspired by Mao-Tse Tung's conceptualization of the three mountains on a Chinese man's back.

¹⁰² PH Collins, *Black Feminist Thought: knowledge, consciousness and the politics of empowerment* (New York: Routledge, 2009), 69.

¹⁰³ Ogundipe-Leslie, "African women, culture", 107.

¹⁰⁴ *Ibid.*, 108 and 109.

¹⁰⁵ ¹⁰⁵ African Union, African Development Bank and Economic Commission for Africa, "Framework and guidelines on land policy in Africa. *Land Policy in Africa: A Framework to Strengthen Land Rights, Enhance Productivity and Secure Livelihoods* (2010): 8, Accessed May 30, 2019, <https://www.afdb.org/en/documents/document/framework-and-guidelines-on-land-policy-in-africa-27129>.

interfered with African land use by making land and gender relation synonymous. They formalised customary practices that made chiefs and headmen in charge of African land regulations. Women had no say in land use, except in the case of royal women. Colonial policies cemented African women's class oppression and limited their economic participation, thus keeping them disadvantaged and disempowered.

African women in western societies engaged in training and skills-based empowerment, but instead of accepting this as the norm, African women participated in economic structures that were somewhat independent of men. Ogundipe-Leslie adds that women played an essential role in art, often generating income from music, dance, visual, and plastic art. These strategies equipped them with business knowledge, equal pay and benefits, education, and access to purchase a house or land.¹⁰⁶ Therefore, these are some of the positive examples of African women's stories that African feminists like Amadiume have unearthed to highlight rich African stories of gender equality and awareness outside the imposed colonial narrative.

Racial oppression

On the issue of racial oppression, African feminists have commonalities with African American feminists. They share sentiments around the construction of race as an ideology that divided people and taught them that western culture was more acceptable and noble than African culture. Thus, in Africa, race construction succeeded in legitimising white domination through education. Western education sold western culture to Africans.¹⁰⁷ Subsequently, western education perpetuated an African inferiority complex. As King narrates,

ethnic groups, women and blacks possess ineradicable physical attributes that function "systematically and clearly to define from birth the possibilities to which members of a group might aspire." In the first formal typology of the race-sex analogy, Helen Hacker identifies four additional dimensions on which the caste like status of blacks and women are similar: (1) ascribed attributes of emotionality, immaturity, and slyness; (2) rationalisations of status as conveyed in the notions of appropriate "place" and the contented subordinate; (3) accommodating and guileful behaviours; and (4) economic, legal, educational, and social discriminations.¹⁰⁸

King's observations and explanation of how racism operated show how African people's systemic oppression transcended political, intellectual, and economic status. For example, in South Africa, the apartheid system was based on discriminatory policies and practices that

¹⁰⁶ Amadiume, "African Women", 59-60.

¹⁰⁷ Amadiume, "African Women", 49.

¹⁰⁸ DK King, "Multiple Jeopardy, Multiple Consciousness: The Context of a Black Feminist Ideology," *Signs* 14, no.1 (1988):44. <https://millennium.seals.ac.za/iii/cas/login?service=https://www.istor.org/stable/3174661>.

oppressed people of colour but elevated the social, economic, and political status of white citizens.

Apartheid policies excluded black South Africans from acquiring land and property. As a result, South Africa's past socio-economic and political conditions continue to affect the lives of women of colour in South Africa today. Safura Abdool Karim reflects on the apartheid policies and practices that made it difficult for women of colour to acquire land and property:

(Black) families were unable to own the land because of their race and classification as 'natives'. In addition to 'natives' being unable to own land, women had a legal status akin to minors and could not hold property rights. As a result, land tenure rights could only be registered in the name of men.¹⁰⁹

These observations reveal how the apartheid government undermined black women's social status in the home.¹¹⁰ Additionally, industrialisation and the apartheid migrant labour system disrupted black family life and affected gender relations. Women of colour moved to cities in search of better economic opportunities, but they had little status in urban areas, in contrast to rural areas where it was common for them to operate as heads of households most of the time. The South African government continued to deny women of colour rights and citizen privileges in urban areas through discriminatory laws and policies.¹¹¹

As Nomalanga Mkhize, a South African feminist historian explains, among the most damaging laws introduced were the pass laws. This legislation required women to carry special permits to enter cities and towns when looking for work; as a result, it limited their "income-generating activities."¹¹² However, South African women changed history when they rallied together on the 9th of August 1956 in an anti-pass law campaign.¹¹³ The protest was influential in positioning women in the political resistance movements in South Africa. As Mkhize explains, however, women's liberation movements subsided from the 1960s onwards because the National Party (NP) government imposed severe measures to deter women activists from

¹⁰⁹ SA Karim, "Court case to have major impact on land ownership for black women", *Blog, Groundup*, March 13, 2017, <https://www.groundup.org.za/article/court-case-have-major-impact-land-ownership-black-women/>

¹¹⁰ For this section, the researcher used the term 'black South African' to avoid confusion with the broader African context that the researcher is discussing.

¹¹¹ King, "Multiple Jeopardy", 44.

¹¹² N Mkhize, "Women's resistance in South Africa", in *Gender Rights: turning point in human rights*, ed. B Nasson. (Cape Town: Institute of Justice and Reconciliation, 2009), 43.

¹¹³ JC Wells, *We Have Done with Pleading: Women's 1913 Anti-pass Campaign* (Randburg: Ravan Press, 1993), 39.

participating in liberation struggle campaigns.¹¹⁴ As a result, women's politics lagged, and their concerns fell under the umbrella of democratic movements primarily focused on ending apartheid.¹¹⁵ Therefore, women's issues went unresolved until South Africa attained democracy.

Traditional structures as oppression

In Africa, male-headed households have thrived under the banner of customary practices, which are traditional structures governing African communities. Traditional structures are one of the six mountains of oppression articulated in African feminism. Ogundipe-Leslie states that African women existed in structures that took male supremacy for granted in African societies.¹¹⁶ As this study demonstrates, African customs and practices have historically favoured men and automatically put them in positions of power and authority over women.

Customs and traditions are social entities that are always under construction. They operate based on social practices that bring order to a group of people. There is some documentation of socio-cultural African practices, but others are passed on from one generation to the next through informal education; hence their origins before colonisation are difficult to trace.

Customary practices have included the prescription of gender roles that influenced how women got treated in public and private spaces. In the private space, women occupied a subordinate status under the leadership of men. The expectation was that women had to follow their husbands' rules because they paid lobola, a bride price for them; therefore, they ought to submit to the husband's rulership. A woman lived together with her children in a household or family property. The home usually, if not always, carried a patrilineal obligation. It often became a male-headed household, known as '*umzi ka baba*', translated as 'my father's household'. This is a common term people used informally to refer to their family property. Thus, all the ritual and customary practices performed in the home followed a patrilineal perspective.

Women had to adapt to the new family unit by adhering to its cultural practices and traditions. Some African women found themselves at the mercy of patriarchal practices that positioned them as passive agents rather than active agents. For example, inheritance and land are "highly gendered in many sub-Saharan African societies."¹¹⁷ As a result, under certain cultural

¹¹⁴ Mkhize, "Women's resistance", 57. The measures put in place involved harsh torture in forms of physical violence and sexual harassment.

¹¹⁵ *Ibid.*, 58.

¹¹⁶ Ogundipe-Leslie, "African women", 112.

¹¹⁷ E Cooper, "Women and Inheritance in Sub-Saharan Africa: what Can Change?," *Development Policy Review* 30, no. 5 (2012): 641. <https://onlinelibrary.wiley.com/doi/abs/10.1111/j.1467-7679.2012.00592.x>.

traditions and practices, women were often denied the right to own or inherit property.¹¹⁸ It was another control mechanism that maintained power over African women. Elmarie Knoetze states that historically, African customary practices supported the practice of “male primogeniture, which generally excluded women from succession and inheritance.”¹¹⁹ Most African cultures practice patrilineal land/property inheritance similarly. This practise stemmed from the ideology that “men are naturally superior to women in essence and all areas.”¹²⁰

Like liberal feminists concerned with changing legal systems, African women activists challenged laws of succession and inheritance practices in various African countries. As a result, several campaigns and women’s rights platforms in countries like South Africa addressed women’s rights arising from unfair customary practices. According to Meg Samuelson, when South Africa transitioned to democracy in 1994, it tackled unfair practices and policies that disadvantaged women.¹²¹

As June Bam explains, human rights discourse in South Africa saw the constitution operate on the principle that “the law equally protected every citizen.”¹²² Therefore, the South African constitution proved to be more progressive regarding gender equality as a fundamental principle, unlike most countries that were yet to acknowledge this tenet legally. Women in traditional leadership roles challenged gender discrimination in customary practices by amending the 1998 Customary Marriages Act to include women’s rights to status, property and decision making within the family unit.¹²³ Though the constitution changed, as Mekgwe argues, the change in family practices was not rapid enough to the extent of dismantling patriarchal practices that disempowered women.¹²⁴ However, men still occupied positions of influence regarding education, law and religion, while women fought for their voices to be heard.

¹¹⁸ According to Kaori Izumi, gender-based violence is violence that is aimed at individuals or a group based on their gender and it physical and emotional harm. K Izumi, "Gender-based violence and property grabbing in Africa: a denial of women's liberty and security," *Gender & Development* 15, no. 1 (2007): 12-13.

<https://www.tandfonline.com/doi/full/10.1080/13552070601178823>.

¹¹⁹ E Knoetze, “Westernization or promotion of the African woman’s rights? customary intestate succession in South Africa,” *SPECULUM JURIS* 20, no. 1 (2006): 105-106.

http://specjuris.ufh.ac.za/sites/default/files/SpeculumJuris_2006_Part_1.pdf.

¹²⁰ Ogundipe-Leslie, “African women”, 112.

¹²¹ M Samuelson, *Remembering the Nation, dismembering women?: stories of the South African Transition*. (Pietermaritzburg: Inter Park Books, 2007), 2.

¹²² J Bam, “Gains on the gender and human rights front”, in *Gender Rights: turning point in human rights*, ed. B Nasson. (Cape Town: Institute of Justice and Reconciliation, 2009), 61.

¹²³ C Albertyn, “Rights at work: the transition to constitutional democracy and women in South Africa” in *Land, nation-building, and transformation: The South African experience in perspective*, ed. C Jenkins and M Du Plessis. (Cambridge: Intersentia, 2014), 103-104.

¹²⁴ Mekgwe, “Theorising African feminism(s)”, 193.

Men as oppressors

According to da Silva, patriarchal discourse constructed African women into stereotyped images, as a “supreme mother, self-sacrificing and suffering willingly and silently.”¹²⁵ Such widely accepted stereotypes persistently positioned women as victims of oppression.

Just as African American women warded off racial stereotypes, African women fought to dismantle gender stereotypes. African feminists challenged African male writers’ representations and conceptualisations of African women. Da Silva suggests that African male writers perpetuated African patriarchy by downgrading African women’s status to the “mythical role of mother, mama Africa.”¹²⁶ The ‘mama Africa’ role romanticised and idealised African women as sexual objects, despite their other abilities. Drawing on perceptions around the number of children born to African women, this stereotypical role was used to determine women’s value and status in society.

Furthermore, Ogundipe-Leslie argues that most African men did not want to relinquish their power over African women because they did not want them to enjoy the same sexual freedom as men.¹²⁷ Hence, African women are more vulnerable to human rights violations and gender-based violence at the hands of men. Consequently, institutions such as marriage became places of oppression where African women became men’s property and objects of their affection, abuse, and satisfaction. Fathers, brothers, husbands, and any men in society believed they had the right to tell women how to dress, behave in public, and perform their gender roles. Therefore, gender campaigns such as the Commission on Gender Equality in South Africa educated, promoted, and investigated complaints around gender-based violence issues.¹²⁸

The challenge in Africa was that many men opposed and perceived feminism or any women’s rights advocacy and empowerment as a western product. This view was an attempt to discredit African feminism as a movement. Nevertheless, various efforts from both activists and theorists put women’s representation at the forefront in democratic South Africa. As Guy-Sheftall states, demanding women’s rights and empowerment is not a western issue but rather a universal one.¹²⁹ Many have realised that feminism in Africa is a tool for social awareness and consciousness. Embracing gender equality continues to be a learning process for both men and women in Africa.

¹²⁵ Da Silva, “African Feminism”, 131.

¹²⁶ *Ibid.*, 133.

¹²⁷ Ogundipe-Leslie, “African women”, 113.

¹²⁸ *Ibid.*, 64.

¹²⁹ Guy-Sheftall, “African Feminist”, 33.

Backwardness as oppression

Ogundipe-Leslie lists 'backwardness as oppression' as one of the six 'mountains' African women encounter. She explains backwards thinking and practices as by-products of colonisation and neo-colonialist living. Her view is that backward thinking kept African women trapped in "poverty, ignorance and the lack of a scientific attitude to experience and nature."¹³⁰ African women lived and survived in a society that kept them in categories of victimhood. These categories did not celebrate their knowledge systems or value their economic and political contributions, nor did they believe that women's living conditions could change. John suggests that this 'mountain of oppression' offers a historical perspective that provides a non-linear understanding of Africa's unchanging nature and tradition.¹³¹ Both colonialism and African patriarchy suffered stagnant social change regarding eschewing gender roles that oppressed and disempowered women. Hence, there was very little that changed in most post-colonial African societies.

This resistance to change directly and indirectly prevented African women from knowing or learning possibilities beyond constrained gender roles. Not only did colonialism indoctrinate them to believe that they are inferior because of their race, but it also made them feel inferior as women. As Ogundipe-Leslie argues, colonialism and African patriarchy created feelings of inferiority and dependency.¹³² These feelings affected how people thought of themselves, thus leading to the oppressed accepting the ruling class's ideas without question. The impact of colonialism on African societies caused many beneficial practices to be lost. Traditions such as female primogeniture, which came up in the Fingo Village case study, played a significant role in elevating women's status through family property transfers. But because African people adopted western ideologies, which only encouraged male primogeniture as the norm, female primogeniture became rare. This example shows how the deterioration of African people's views and living conditions damaged African women's status and position in society.¹³³

Amadiume states that "patriarchy is culturally oppressive," meaning that patriarchy thrives on rules and practices that pass as a culture.¹³⁴ Yet, cultural aspects that benefit women were

¹³⁰ Ogundipe-Leslie, "African women", 113.

¹³¹ John, "Culture, difference", 87.

¹³² Ogundipe-Leslie, "African women", 109.

¹³³ John, "Culture, difference", 87.

¹³⁴ Amadiume, "African Women", 57.

ignored. Women were involved in upholding patriarchal values while refusing to see how those same values oppressed them and their fellow sisters.¹³⁵ Arguably, African women did not see patriarchy as oppressive because some were gatekeepers of this systemic oppression. The longer African cultural practices went unchallenged, the more non-transformative African cultures became.

African feminists urged African women to be free mentally and intellectually, not because they viewed African cultures as backward or barbaric. They wanted African people to adopt the thinking that offers more balanced knowledge and a development approach that embraced meaningful participatory citizenship for women.¹³⁶ In this instance, society needed to view female-headed households as empowered spaces not defined by lack or poverty standards. As in pre-colonial times, female-headed households were liberated spaces in matriarchal societies. They gave African women a platform to exercise power, control, and make decisions without seeking permission from men. The more society saw them as spaces of empowerment, the more the negative narrative and the stigma attached to them diminished. This activism required both intellectual and practical work on the ground. As will be demonstrated later, the women in this study demonstrated this type of activism in their homes.

Herself

As noted before, African women have long been indoctrinated to believe that they were inferior to their white female and African male counterparts. Because African women believed that they were subordinate to men, they catered to their needs. Ogundipe-Leslie says that African women subconsciously oppressed themselves because they developed their “own negative self-image” coupled with “reactions of fear, dependency complexes and attitudes to please people.”¹³⁷ They unintentionally embraced the negative image of themselves. They also enforced and projected this negative self-image onto daughters, sisters, and sisters-in-law. For example, African women in abusive relationships found it difficult to leave because their mothers and mothers-in-law often advised them to stay to avoid bringing shame to the family and the husband. Such accounts socialised women to believe that self-sacrifice was crucial in

¹³⁵ Another term used to refer to women who uphold patriarchal values is patriarchy princesses. Nneka Otika explains that patriarchy princesses are women who defend patriarchal practices because they benefit from them in terms of getting adoration and attention from men who see them as ‘good and submissive’ girls. N Otika, “Patriarchy Princesses And Their Love Of Benevolent Sexism,” *Blog*, Medium, May 25, 2018, <https://medium.com/@nnekaotika/patriarchy-princesses-and-their-love-of-benevolent-sexism-b09d1b6d1654>.

¹³⁶ Amadiume, “African Women”, 57.

¹³⁷ Ogundipe-Leslie, “African women”, 114.

relationships. Society perceived it as an honour for wives to please their husbands' families while disregarding their own needs and aspirations.

Chimamanda Ngozi Adichie captures the essence of Ogundipe-Leslie's observations of why African women oppress themselves and each other. She states:

We teach girls to shrink themselves, to make themselves smaller. We say to girls, and you can have ambition, but not too much. You should aim to be successful, but not too successful. Otherwise, you would threaten the man. Because I am female, I am expected to aspire to marriage... I am expected to make my life choices, always keeping in mind that marriage is the most important. Now marriage can be a source of joy and love and mutual support, but why do we teach girls to aspire to marriage, and we don't teach boys the same? We raise girls to see each other as competitors, not for jobs or accomplishments, which I think can be a good thing, but for the attention of men. We teach girls that they cannot be sexual beings in the way that boys are.¹³⁸

The above quote narrates most African girls' socialisation process and their journeys to womanhood. To free themselves consciously, African women had to reimagine themselves in the post-colonial African context. As McFadden states, African women wrote themselves anew because "they had every reason to want something different in Africa in the 21st Century."¹³⁹ Therefore, African feminists discarded patriarchal stereotypes and reconstructed new images that celebrated African women's diversity and capabilities, while portraying agency and choice. As Amadiume states, it is vital to write about African women as knowing subjects.

Finding new ways of representing African women's stories in a non-shameful and positive way was a crucial form of activism.¹⁴⁰ Indeed African feminist writers found a way to do feminism on their terms by coming up with methodologies and theories that spoke directly to an African context, free from hegemonic white feminist analytical frameworks.¹⁴¹ Pumla Gqola, a prominent South African gender scholar, re-imagines a new, empowering image of a young black woman in South Africa in the figure of *Mshoza*.¹⁴² She describes this character as a progressive black woman who is brave, carefree and does not conform to the stereotypically terrible 'township girl' image.¹⁴³ Writers like Gqola do not deny the challenges African women

¹³⁸ C Ngozi-Adichie, *We Should All Be Feminist*, (London: Fourth Estate, 2014), 27-28 and 32.

¹³⁹ Guy-Sheftall, "African Feminist", 34.

¹⁴⁰ Amadiume, "African Women", 49 and 56.

¹⁴¹ Guy-Sheftall, "African Feminist", 34.

¹⁴² PD Gqola, "Ufanele uqavile: black women, feminism and postcoloniality in Africa," *Agenda: empowering women for gender equity* 50 (2001):19.
<https://www.tandfonline.com/doi/abs/10.1080/10130950.2001.9675990>.

¹⁴³ Gqola, "Ufanele uqavile", 19. Gqola's article provided a detailed discussion on the development of this image and its origins, which the scope of this chapter does not allow for me to cover.

faced. However, they also do not make African women victims of their circumstances. Gqola successfully created a symbolic figure granting young African women a level of agency and independence. This new image showed what it meant to write positively about African women.

Conclusion: a new image of *umzi ka mama*

The mountains are not overwhelming, even if they are monumental and strenuous, and we (*Sic*) are not passive.¹⁴⁴

In the above quotation, Gqola refers to Molaria Ogundipe-Leslie's metaphor of six mountains of oppression that African women carry on their backs daily. Even though the mountains are oppressive, African women have actively challenged them, as has been described above. Though only prevalent since the 1990s, African feminism has tackled challenges of representation and the invisibility of African women in academia.¹⁴⁵ These new perspectives have debunked inferior narratives that misrepresented African women stories. The establishment of African feminism unlocked silenced African women writers and activists, who accounted for African women's consciousness.

In this regard, African feminists such as Ogundipe-Leslie offered a nuanced perspective that made theorists see African women's experiences anew. Additionally, her perspective helped show how African women's oppressions do not happen in isolation, thus providing a robust intersectional perspective. Because African women were not passive in the fight against oppression, their experiences and living conditions must be analysed and understood as narratives of agency. However, as Sanger notes, feminist oral history researchers should not pretend to know everything about the women they are studying, instead they should use the feminist framework to allow women participants the space to "name their own struggles and tell their stories."¹⁴⁶ Therefore, in heeding the need for positive representations of urban African women's lives, culture and traditions, this oral history study explores the stories of selected women in Fingo Village. The focus is on how these women survived experiences of discrimination and disempowerment in a modern setting such as Fingo Village.

Given that the women in the study are heads of household, throughout the thesis, the term *umzi ka mama* (mother's house) is continually used to refer to the female-headed household

¹⁴⁴ *Ibid.*, 12.

¹⁴⁵ J Bennett, "'Disappearance' and feminist research in South African academy of humanities," *Arts and Humanities in Higher Education* 15, no. 1 (2016): 98. <https://doi.org/10.1177%2F1474022215618511>.

¹⁴⁶ Sanger, "Telling stories", 95-96.

structure. Notably, the term *mama* is not used in the stereotypical ‘mama Africa’ sense as employed by African male writers. Instead, the term is used as a title to show respect, like ‘Ms’ or ‘Mister’ in a formal setting. Like the new meaning of *mshoza*, denoting a young and carefree African girl, *umzi ka mama* is a re-imagined construction of an African female-headed household. Thus, the women’s stories are documented positively, and their experiences are written about in celebration of their abilities.

Returning to Sanger’s view on how feminist oral historians should consider how dominant ideologies such as politics, religion, and culture shape women’s experiences, the six mountains of oppression extend the scope in terms articulating African women’s oppression in an African context. Considering Ogundipe-Leslie’s ‘six mountains of oppression’, the study analyses how the sampled women functioned under prevailing sexism, difficult socio-economic conditions and political limitations imposed by the apartheid government, customary practices, domination by men and other oppressions as noted. Although this section criticised western feminist oral historians for their limited representation of African women’s experiences in most of the 20th century, there are a few South African feminist historians that provided scholarship on African women’s stories. The continued growth and development to better gender awareness gave insightful contributions in the 21st century that propelled research such as this one. Drawing on contributors like Rosalie Kingwill, Janet Hodgson and Theresa Edlmann, the next chapter reviews colonial and apartheid land policies that excluded African women from participating in urban life. Furthermore, a historical review showing the steady progress South African women made in the fight against oppression in the public sphere is also necessary to forge correlations between the roles the women occupied in private and public spheres.

CHAPTER THREE - HISTORICAL REVIEW OF THE FORMATION OF FINGO VILLAGE IN GRAHAMSTOWN

The chapter is a historical review of the formation of Fingo Village in then Grahamstown in the 19th century. In this regard, the researcher explores various assumptions and perceptions around Fingo identity from prominent Fingo researchers such as Rosalie Kingwill, Poppy Fry and Alan Webster. Herein, the theory on belonging serves this discursive review as an intersecting framework, connected to the researchers' above-mentioned views on the amaMfengu people's quest for land use in the Zuurveld. Therefore, it is mandatory to give insight into the British Cape Liberal ideals. These were part of the assimilation strategies that gave the amaMfengu people equal opportunities as the English to buy property. As a result, Fingo Village stands as a unique place where Africans held freehold title deeds.

According to Nira Yuval-Davis, belonging is about understanding social and political status, value and constructing the inclusion and exclusion of citizenship.

¹ Eva Youkhana's explanation of belonging follows the same line of thinking. She suggests that belonging also implies a boundary of a space where a group with similar cultural and social identity live.² Helen Bradford explains that the African way of land and belonging did not follow western land ownership regulations pre-colonisation.³ Boundary making and formal registration of land only came after colonial invasions in Africa. They enforced land regulation practices that interrupted African land holding systems.

Pre-colonisation, Africans followed land ownership that focused on social relationships whereby kinship, language, and political authority inform territory and social formations.⁴ Africans mainly used their land for farming and keeping livestock.⁵ However, clans saw land as a temporary territorial space rather than a permanent boundary because they moved around a lot.⁶ It was common practice for African people's migration patterns not to follow fixed boundary movements. Kingwill states that African land practices focused on social relations,

¹ N Yuval-Davis, "Belonging and the politics of belonging," *Patterns of Prejudice* 40, no. 3 (2006):197-198. <https://doi.org/10.1080/00313220600769331>.

² E Youkhana, "A Conceptual Shift in Studies of Belonging and the Politics of Belonging," *Social Inclusion* 3, no. 4 (2015): 10. <https://doi.org/10.17645/si.v3i4.150>.

³ H Bradford, *A taste of freedom: The ICU in rural South Africa, 1924-1930* (Johannesburg: Ravan Press, 1987), 96.

⁴ *Ibid.*

⁵ RA Kingwill, "The map is not the Territory: law and custom in "African Freehold": a South African case study." (PhD Thesis, University of the Western Cape, 2013), 233.

⁶ Kingwill, "The map", 233.

with no naming of ownership involved. Western traditions prioritised family and property, which inherently monopolised ownership.⁷ Therefore, the two systems clashed with one another.

Consequently, as territory wars rampaged on in the Cape colony, the African way became less prominent. Given that the war over territory in the Cape was in full force, many clans and local people were displaced. Subsequently, they had to look for new places to call home. As Dare Arowolo explains, western civilisation in the forms of laws and rules overrode indigenous people's belief systems and customary practices.⁸ Therefore, new laws, based on western landholding regulations, were instrumental in expropriating land from the local people.

When the British gained sovereignty over the Cape Colony in 1814, they had jurisdiction to dispose of the land as they saw fit.⁹ They spent most of the 19th century creating “new social and spatial mapping of the Cape Colony”, including the annexure of the Transkei border and Ciskei into Crown land.¹⁰ Though the British had gained the Ciskei and Transkei regions, they left the various chiefs to run their own communities in their own way. Additionally, the British also had the authority to create territorial boundaries that set rural and urban divisions into motion. The colonial government subsequently classified land in South Africa into two categories: urban areas and rural land. Kenneth Little defines ‘urban land’ as a significant settlement area “characterised by business, trading, factories, industrial plants”, not excluding churches and residential areas.¹¹ On the other hand, ‘rural land’ refers to land designated for agricultural production, such as farming and livestock.¹²

Urban areas became synonymous with occupation by westerners, while rural areas became reserves for African citizens. Each area followed set land policies designed to govern and regulate access to land. The Framework and Guidelines on Land Policy in Africa document defined land policies as follows:

⁷ RA Kingwill, “Papering over the Cracks: An Ethnography of Land Title in the Eastern Cape,” *Kronos* 40, no. 1, (2012):242. <https://millennium.seals.ac.za/iii/cas/login?service=https://www.jstor.org/stable/24341942>.

⁸ D Arowolo, “The effects of western civilisation and culture on Africa,” *Afro Asian Journal of Social Sciences* 1, no. 1 (2010): 1-2. <http://mail.onlineresearchjournals.com/aajoss/art/53.pdf>

⁹ JN McLachlan, “History of the dispossession of the rights in land of pastoral indigenous communities in the cape colony from 1652 to 1910,” *Fundamina* 25, no. 1 (2019): 118. <https://journals.co.za/doi/pdf/10.17159/2411-7870/2019/v25n1a5>.

¹⁰ Kingwill, “The map”, 94.

¹¹ K Little, *African women in towns: an aspect of African Social revolution* (London: Cambridge University Press, 1973), 8.

¹² J Davison, *Agriculture, Women and Land: The African Experience*, (New York: Routledge, 1998), 1.

assets of agreed principles to govern the ownership or access to use and management of land resources to enhance their productivity and contribution to social, economic, political and environmental development and poverty alleviation.¹³

Notably, imported western views influenced land policies and cemented them as land use regulations, as stated in the above quote. Consequently, the western method disrupted the customary African tenure, because it introduced policies that made the land a state-owned entity favouring the western population. Westerners maintained geographical boundaries based on politics of belonging by deciding whether Africans stood inside or outside imagined western boundary lines and communities.¹⁴ In this instance, the state used boundaries to control citizenship, political importance, and social value and status.¹⁵ It created an ‘us’ versus ‘them’ divide, limiting African people’s land use for decades. It determined their fate for generations to come. The European way focused on proof of ownership in title deeds, permits, certificates, contracts, licenses, guarantees, or policies determining the value of formal ownership.¹⁶ The state control over land regulations led to “dualistic land tenure and land administration regimes.”¹⁷ Therefore, for a long time, communal tenure practices were employed in rural areas, while urban areas followed formal tenure practices.

In rural settings, customary traditions often played a role in determining women’s rights to land. Though African women were “under the authority of men” with no power to control land, cattle and even their children, they accessed land through their husbands.¹⁸ Arguably, the African practice had little to do with ownership, as it was more concerned with communal usage rights. Davenport and Hunt note that land systems in Africa were not subject to a formal survey because chiefs and headmen distributed land.¹⁹ The African land system followed the essence of shared communal living that benefited all members of the family.

¹³ African Union, African Development Bank and Economic Commission for Africa, “Framework and guidelines on land policy in Africa. *Land Policy in Africa: A Framework to Strengthen Land Rights, Enhance Productivity and Secure Livelihoods* (2010): xiii. Accessed May 30, 2019, <https://www.afdb.org/en/documents/document/framework-and-guidelines-on-land-policy-in-africa-27129>.

¹⁴ Yuval-Davis, “Belonging”, 204.

¹⁵ *Ibid.*, 199.

¹⁶ E Sjaastad and B Cousins, “Formalisation of land rights in the South: An overview,” *Land Use Policy* 26 (2008): 1. <https://doi.org/10.1016/j.landusepol.2008.05.004>.

¹⁷ African Union, African Development Bank and Economic Commission for Africa, “Land Policy in Africa”, 6.

¹⁸ T Nhlapo, “Women’s Rights and the Family in Tradition and Customary Law” in *Putting Women on the Agenda*, ed. S Bazilli. (Johannesburg: Ravan Press, 1991), 113.

¹⁹ Davenport and Hunt, “The right”, 31.

In this way, African women acquired some land-use rights, even if they were always subject to their husbands. As Janet Hodgson and Theresa Edlmann note, women had “certain land rights” in the pre-colonial Xhosa tradition.²⁰ However, these rights were not about ownership. For example, husbands had the authority to allocate land to their wives to use for farming, and widows continued to have land privilege as long as they stayed in their marital homes.²¹ Consequently, these examples of African women’s land rights are used by some to argue that African customary practices were not inherently sexist.²² This argument posits those African practices became sexist as colonial influences became more apparent in Africa, thus introducing principles of greed and domination.²³ The researcher acknowledges that the African way gave women usage rights. However, this access was limited and still very patriarchal, because women did not have complete control and decision-making power.

Unlike the African way, the western land acquisition was more rigid. It followed a formalised land tenure and reserve system. This type of land regulation linked property to the market; thus it became a regulatory system that made financial transactions and property synonymous.²⁴ Notably, it was more prevalent in urban areas.

After considering the role western landholding systems played in changing African tenure systems, the researcher explores the formation of Fingo Village with the theory of belonging as a guiding framework. Given that this theory acknowledged identities as narratives that construct belonging, exploring Fingo identity is imperative.²⁵ The exploration links amaMfengu people’s motives for participating in British ideologies with their strategies to find a place for themselves amidst territory battles that unfolded in the Zuurveld. According to Julia Wells, the Zuurveld was the original eastern extension of the Cape Colony, geographically mapped out from Port Elizabeth to the Fish River.²⁶ Therefore, Fingo Village lies in this area,

²⁰ J Hodgson and T Edlmann, *Zonnebloem College and the genesis of African intelligentsia: 1857-1933* (Cape Town: African live, 2018), 75.

²¹ Hodgson and Edlmann, “Zonnebloem College”, 75.

²² Nhlapo, “Women’s rights and the family”, 113.

²³ *Ibid.*

²⁴ ME Magagula, and BC Mubangizi. “Government Housing Subsidy: Exploring Administration Processes in the Dispensation of Title Deeds in South Africa,” *Loyola Journal of Social Sciences* 33, no.2 (2019): 43, <http://search.ebscohost.com/login.aspx?direct=true&db=sih&AN=142990352&site=eds-live>.

²⁵ Yuval-Davis, “Belonging”, 204.

²⁶ JC Wells, *The return of Makhanda: exploring the legend* (Scottsville: University of KwaZulu-Natal Press, 2012), 75-76. The scope of the frontier war is too large to be explored in this context, but the brief mention of the war timeline provides a context to understand the nature of the 19th century policies and settlement patterns and how those affected black land ownership and its formalisation.

in a town called Makhanda, formerly known as Grahamstown. As a result, the researcher uses the Zuurveld and Grahamstown's former names, as historical designations that other researchers use in their writings, to avoid confusion.

Assumptions and perceptions around Fingo identity: a contested history on amaMfengu's motivation for land acquisition

The identity narratives can shift and change, be contested and multiple. They can relate to the past, to a myth of origin; they can explain the present and, probably above all, function as a projection of a future trajectory.²⁷

The above quote by Nira Yuval-Davis captures the essence of the complex nature of Fingo identity. There are multiple explanations of the origins of amaMfengu and their migration to the eastern part of the Cape Colony. One well-known view suggests that amaMfengu found in the Zuurveld were refugees from the Mfecane war caused by Shaka of the Zulu kingdom.²⁸ The group fled from KwaZulu-Natal to the Eastern Cape Colony in search of new land. According to Alan Webster, John Ayliff, and John Whiteside were the first to present this view of the amaMfengu people's origin.²⁹ It has subsequently become the oldest and commonly accepted perspective on Fingo history. Webster was one of the early critics of this view, presenting a different account of what brought the amaMfengu people to the eastern Cape Colony.

Webster argued that amaMfengu had no 'Zulu' origins but were simply captive Xhosa from the 1835 war. The British turned them into labourers and soldiers fighting wars for the Colony.³⁰ Moreover, he notes how the name 'Fingo' holds contradictions, as some see it as offensive. Some have noted it as a misspelt word by the British. Webster himself posits that the name 'Fingo' was "misspelt from the isiXhosa word 'Mfengu', derived from the verb 'ukumfenguza', meaning 'to wander about seeking service'.³¹ Webster drew his definition of Whiteside's publication on the history of the AmaMbo, while Kingwill referenced Jeffrey Peires, a renowned historian, as the source of the definition of 'Mfengu'. However, Kingwill's

²⁷ Yuval-Davis, "Belonging", 202.

²⁸ A Webster, "Land expropriation and labour extraction under Cape colonial rule: the war of 1835 and the 'emancipation' of the Fingo." (PhD diss, Rhodes University, 1991), 132.

²⁹ Webster, "Land expropriation", 1.

³⁰ *Ibid.*, pg. 3. Refer to the Webster full thesis to get a detailed description of this arrangement that the Fingo people supposedly found themselves in.

³¹ *Ibid.*, pg. 132.

definition includes a vital detail that aids in understanding why amaMfengu ended up in the Eastern Cape Colony. According to Kingwill, the term 'ukumfenguza' means to "wandering around homelessly looking for work", with "homelessly" being the operative word.³² As a result, the connotations of amaMfengu as people seeking work and land became prevalent.

Therefore, both views serve as evidence of how "constructions of identity in certain historical contexts are forced on people."³³ As Poppy Fry states, the history of the Fingo people's political identity and belonging has been manipulated by the British to maintain the British puppet narrative throughout history.³⁴ Many historians, therefore, have tried to formulate debates around Fingo people's identity, but,

their description of the British manipulation of Fingo-ness, however, is problematic in its rejection of any agency on the part of the Fingo themselves, and in its characterisation of Fingo identity as something of essentially foreign (British) origin".³⁵

In this regard, although Webster tried to present an alternative explanation for the presence of the amaMfengu in the Zuurveld, his view was limited. It provided a narrow scope that did not explain how the amaMfengu identified themselves differently from the local Xhosa people. Unlike Webster, Kingwill acknowledged that the term amaMfengu did not necessarily describe a singular cultural identity. For Kingwill, the name was an "umbrella term for people who became collectively associated with a new identity, but who still retain their previous ethnic identities."³⁶ Using Peires's work to explain the compositions of the amaMfengu people, Kingwill posits that the term referred to various ethnic groups. These groups included Zulu refugees from the north of Mzimkhulu River and ethnicities from south-east Africa of the amaHlubi, amaBhele, and amaZizi clans.³⁷ Subsequent research on the origins of the amaMfengu people revealed that some of the latter groups, emanating from the east, prefer the name amaMbo.³⁸

³² Kingwill, "The map", 96.

³³ Yuval-Davis, "Belonging", 202.

³⁴ P Fry, "Siyamfenguza: The Creation of Fingo-ness in South Africa's Eastern Cape, 1800–1835," *Journal of Southern African Studies* 36, no. 1 (2010): 26. <https://doi.org/10.1080/03057071003607303>.

³⁵ Fry, "The Creation of Fingo-ness", 26.

³⁶ RA Kingwill, "The map is not the Territory: law and custom in "African Freehold": a South African case study." (PhD diss, University of the Western Cape, 2013), 96.

³⁷ Kingwill, "The map", 96.

³⁸ *Ibid.*

It is from this view that Fry's take on Fingo identity emerges. Fry argues that the Fingo people created their grouping out of the need to form new social organisations outside the "complex webs of lineage elders and chiefdoms that characterised the political geography at the time."³⁹ Some of the amaMbo were scattered as part of various British resettlement schemes; hence, there is evidence of them in Peddie and surrounding areas. However, Fry posits that regardless of where the amaMfengu came from, historians should not dismiss their participation in land acquisition as passive. What was evident was that the different groupings of amaMfengu were all looking for a place to call home. Hence, their migration was not limited to the Zuurveld, because some travelled as far as Tsitsikama.⁴⁰

In sum, Fingo identity is indeed complex because there are varying stories of where they originated. However, the designation operates as a plausible umbrella term for different groupings, which all had one thing in common: they were looking for the next place to settle. There is no denying that western forces in the Cape changed how local people acquired land. The territory wars did not make land acquisition simpler. Accepting the view that there were different groups of amaMfengu, one can see how their search for land led them to different parts of the Eastern Cape. Their quest for land saw them enter varying alliances with the British through fighting or with missionaries. Therefore, the amaMfengu people became resourceful in making alliances that benefited their respective clans. The earlier accounts delineate the Peddie, the Tsitsikama Fingo/Mfengu and the Shaw's Farmerfield Methodist Mission villages and Grahamstown community land developments in the middle of the nineteenth century.⁴¹

Simplifying the Fingo people's role in acquiring land security runs the risk of presenting them as passive citizens unable to make decisions and political choices. Therefore, Fry argues that amaMfengu did not just acquire land because of the political advancements of the British. They also actively participated in fighting for the British because their primary concern was gaining land. Arguably, to varying degrees, all the various Fingo groupings standard migration patterns

³⁹ P Fry, "Allies and Liabilities: Fingo Identity and British Imperialism in South Africa's Eastern Cape, 1800-1935." (PhD diss., Harvard University, 2007), 72.

⁴⁰ See C Jannecke, "Constituting Community: The Contested Rural Land Claim of the Tsitsikama' Fingo/Mfengu' and Clarkson Moravian Mission in South Africa," *Kronos* 32 (2006):192-215. https://hdl.handle.net/10520/AJA02590190_622.

⁴¹ There are other areas where Fingo location were present like Fort Beaufort and Kingwilliams town. See Webster, "Land expropriation and labour", 142. Also see F Vernal, "'A Truly Christian Village': The Farmerfield Mission as a novel turn in Methodist evangelical strategies, Eastern Cape, South Africa, 1838-1883," *South African Historical Journal* 61, no.2 (2009): 407-428. <https://doi.org/10.1080/02582470902859690>.

coincided with three distinct but interlacing British discourses—an emancipist theology of wage labor and market-oriented production, a redefinition of civil and political society in the metropole, and the rationalisation and legitimisation of colonial rule in the Cape. These three strands of thought came together in the development of Cape Liberalism—an ideology which emphasised a non-racial Imperial identity, the primacy of rule of law, and equality of opportunity for “civilised” South Africans. Although their interests and those of the British colonial government were by no means synonymous, they overlapped sufficiently for both parties to trust in the other’s “reasonableness” in the potential for a shared future.⁴²

The above quotation highlights the British assimilation agenda that unfolded under Cape liberalism. The British implemented their strategy with various amaMfengu groups, whom they saw as civilised Africans, because they had become allies in their conquest battles across the Zuurveld. However, all the scatterings of amaMbo are beyond the scope of this study. In this thesis, the researcher only focuses on the amaMfengu people who settled in Grahamstown after fighting with the British soldiers in the 1835 war. As a reward, the British granted them land rights to recognise their service to the British administration.

As a result, the amaMfengu group in Grahamstown benefited greatly from the growth of Cape liberalism, which pushed for Africans to have the same land rights as their English counterparts. Fry posits that Cape liberalism was responsible for the amaMfengu receiving land grants. Cape liberalism operated from non-racial principles, which meant that the amaMfengu became British equals fighting on the colonial side.⁴³ The British saw the Fingo people as deserving members of English society, because they had shown a “good disposition and made remarkable advances towards civilisation.”⁴⁴ Consequently, the British pursued assimilation strategies with amaMfengu, in the name of civilisation.

In this context, ‘civilisation’ meant adopting British education systems, religion, and policies, to maintain white domination in Africa. From this perspective, one can see how the view of Fingo Village as a British assimilation project is applicable. The British saw themselves as bringing civilisation to the local people by introducing them to European practices such as land titling. According to Roux and St Ledger, Lieutenant-Governor George Cathcart drafted a plan

⁴² Fry, “The Creation of Fingo-ness”, 26.

⁴³Fry, “Allies and Liabilities”, 10. Some of the rights that black people benefited from included voting rights.

⁴⁴ Davenport and Hunt, “The right”, 35.

in 1843 to give amaMfengu in Grahamstown formal land rights and privileges.⁴⁵ It was Sir George Grey who executed this plan when he commissioned the land titles in 1855.⁴⁶ The policies in place involved land ownership through purchase for £1 for an individual plot or land rental with an annual payment.⁴⁷

For the Grahamstown group, the prospects of gaining land became a reality. Therefore, they assimilated to buying registered land and property through a system of title deeds. Adopting the western land systems and procedures became a vital part of their survival. Though some reject this idea of the amaMfengu being British allies, there is no evidence to suggest whether this group of amaMfengu ever declined or resisted the pressures to fight for the British. Therefore, the researcher cannot engage in this argument. However, Fry revealed that land title acquisition was part of the Fingo agenda. As she explains below,

the Fingo seem to have had their own agenda in mind during both the War of the Axe and the War of Mlanjeni. Certainly, part of the Fingo agenda involved the earning of wages and the accumulation of captured cattle, as well as the protection of existing assets. The wars of 1846-47 and 1850-53 reflected not only an imperial (or colonial) policy, but also the ambitions, the cultural imperatives and the power of those who identified themselves as Fingo.⁴⁸

This demonstrates the amaMfengu's ability to adapt as the system changed, showing their agency as a people and their ability to make political decisions beyond the passive narrative presented by the British. The land was an essential asset to the amaMfengu, and they acted accordingly to secure it. Kingwill argues that

the evolution and construction of the formal system of title had to happen in the shadows of which African freeholders adapted an alternative normative approach drawing on 'customary' concepts of family and ownership⁴⁹

There was no stopping the British expansion, as Kingwill explains. Because European laws held more power in recognising "legitimate landowners and their rights to succession and inheritance," African communities had no choice but to adapt.⁵⁰ The options offered by western

⁴⁵ Roux and St. Ledger, "Fingo Village", 3.

⁴⁶ *Ibid.*

⁴⁷ *Ibid.*

⁴⁸ Fry, "Allies and Liabilities", 116.

⁴⁹ Kingwill, "Papering over the cracks", 242.

⁵⁰ *Ibid.*, 243.

laws fulfilled the Fingo people's need to secure land. According to Roux and St. Ledger, Sir George Grey had issued 320 title deeds by August 1855.⁵¹ Mr George Cyrus recorded these grants as part of the royal grant under Queen Victoria.⁵² The need for formal recognition of land ownership and succession became the amaMfengu's saving grace against apartheid segregation laws in the 20th century, which are covered in the next chapter.

Formation of Fingo Village and landholding formalities

The desire for British expansion in the Cape Colony led to the 1819 battle for territory between the Xhosa and the British troops in Graham's Town.⁵³ All land conquered in this battle became under the control of the British monarchy, and thus had to follow the tradition of the royal grant system.⁵⁴ Wells explains that the battle was the Xhosa people's final attempt to clear the Zuurveld of intruders, the western farmers. However, the struggle ended in the devastating loss of Xhosa land to the British.⁵⁵ Their victory led to the arrival of the 1820 British settlers in this newfound British territory. Their appearance is described as follows:

About 4000 settlers were chosen from 90 000 applicants. Thirty-six per cent were men, 20 per cent women and 44 per cent children. The group had various wealthy leaders of 'gentle' men and women, who brought their own indentured servants and requested separate land grants.⁵⁶

The settlers needed land to inhabit. According to Davenport and Hunt, "the abled-bodied British male settlers had the opportunity to purchase 100 acres of land at £10 per family of four."⁵⁷ From these observations, it is evident that only men could participate in land sales, which, by assumption, excluded women from purchasing land. As expected, this resulted in more formal land titling legalities. Kingwill posited that the British laws on land ownership implemented and emphasised an "unusually high degree of legal, physical and spatial

⁵¹ Roux and St. Leger, "Fingo Village", 3-4.

⁵² *Ibid.*

⁵³ The place is named after Colonel John Graham, a British commanding officer appointed to expel African people from the Fish River land in 1812. Wells discusses his role extensively in her book, Wells, "The return of Makhanda", 92.

⁵⁴ "A royal grant" is a covenant whereby the king or other person in authority rewards a loyal subject by granting him an office, land, exemption from taxes, or similar". "Hebrew Roots/The Law and the Covenants/Covenant," Wikibooks, accessed February 25, 2021, https://en.wikibooks.org/wiki/Hebrew_Roots/The_Law_and_the_Covenants/Covenant.

⁵⁵ Wells, "The return of Makhanda", 155.

⁵⁶ A Lester, "Reformulating Identities: British Settlers in Early Nineteenth-Century South Africa," *Transactions of the Institute of British Geographers* 23, no. 4 (1998): 517. <https://rgs-ibg.onlinelibrary.wiley.com/doi/abs/10.1111/j.0020-2754.1998.00515.x>.

⁵⁷ Davenport and Hunt, "The right", 7.

governance.”⁵⁸ This governance set out to maintain British supremacy. To formalise the new arrivals’ land ownership, the government granted them a perpetual quitrent title, which gave them the legal authority to claim African people’s land.⁵⁹ According to Davenport and Hunt, a quitrent title is a system that allowed occupation of the property for fifteen years subject to renewal for a rental fee set annually by the British government.⁶⁰

For this group of settlers, the English administration adopted the quitrent system adapted from the local Dutch version already in place in the Cape.⁶¹ However, the British government was not happy with this Dutch system because it included too many conditions. The quitrent system only operated between 1813 and 1840. Nevertheless, as Davenport and Hunt explain, coming up with new land policies was a slow process, because the colonial government took time to appoint a new land board.⁶² Nevertheless, after establishing a new board in 1840, the “British government launched a concerted effort to standardise the land laws of the British Empire.”⁶³ Consequently, the British government adopted the freehold title system as the preferred option. As noted by Kingwill, the freehold option was market-related and less controlled by the government due to its private property status.⁶⁴

Furthermore, as explained by Kingwill, the new land policy also included the alternative option of leasing land to colonial citizens.⁶⁵ Moreover, part of tightening land tenure involved surveying land in the Cape to established clearly defined areas. In 1838, the British administration in Grahamstown established “separate residential areas for black people.”⁶⁶ The white settlers had expressed that they felt unsafe due to the Xhosa and Khoi people’s growing numbers.⁶⁷ They had come out of a terrifying sixth frontier war, during which the Xhosa burnt their houses, and this encounter contributed significantly to their fear of having Africans living

⁵⁸ Kingwill, “Papering over the Cracks”, 243.

⁵⁹ Davenport and Hunt, “The right”, 7.

⁶⁰ *Ibid.*, v.

⁶¹ Kingwill, “The map”, 94. The Dutch were the first to assert their sovereignty over the Cape under the Dutch East India Company, which assumed the right to distribute land under various land titles ranging from loans to leases. Davenport and Hunt, “The right”, 1.

⁶² *Ibid.*, 1.

⁶³ McLachlan, “History of the dispossession”, 118.

⁶⁴ Kingwill, “The map”, 108.

⁶⁵ *Ibid.*, 94.

⁶⁶ C Manona, The history of black Grahamstown, Doc. 10120, Cory Library, Rhodes University, Grahamstown, South Africa, 1.

⁶⁷ Manona, “Black Grahamstown”, 2.

close to them.⁶⁸ The implementation of these areas took shape in 1848 when the municipal commissioner divided areas in Grahamstown, namely Fingo Village and later on Old Municipal location and Tanti location.⁶⁹ According to Kingwill, Fingo Village initially was “officially known as ‘Fingo Location’ before it was renamed, thus distinguishing it from the mushrooming ‘Fingo Locations’ all over the Cape Colony.”⁷⁰ The area was subsequently renamed Fingo Village.

Fingo Village had 320 freehold title deeds issued to male African owners in 1855.⁷¹ As explained previously, a freehold title deed grants one legal and individual ownership of the “land and any structure built upon it.”⁷² The freehold title deed gave African owners individual ownership of property, thus attaining private property status. According to Kingwill, issuing freehold title deeds was part of Grey’s strategy to deplete local chiefs of their power and authority over the land and the people.⁷³ By so doing, Grey altered land regulation from communal to western tenure, which changed how local people accessed land in Grahamstown indefinitely. It meant that the assimilation ideals were gaining momentum as more of the Mfengu people obliged to the land sales under Grey.

As Kingwill posits, freehold land sales attracted more Mfengu people to adopt and defend colonial interests willingly. However, they “lost sight of their customary social structures” and practices in the process.⁷⁴ Indeed, for most of the 19th century, amaMfengu were dependent on the British for land acquisition. As Fry suggests, “Fingo individuals utilised war between the British government and the Xhosa chiefs as a means to secure their place in the colonial hierarchy as well as an avenue to express their antipathy towards the Xhosa worldview.”⁷⁵ However, by the beginning of the 20th century, they rekindled some of their previous African customary practices. Their independence evolved over several generations, and they later came to align themselves with Xhosa practices, while embracing some western ideals of formal registration of family property.

⁶⁸ The sixth frontier war between the British and the Xhosa took place between 1834 and 1836, which saw Xhosa warriors attack the colony and kill 24 settlers. This was the most devastating loss for the British at the time. Lester, “Reformulating Identities”, 524.

⁶⁹ Manona, “Black Grahamstown”, 2.

⁷⁰ Kingwill, “The map”, 95.

⁷¹ Manona, “Black Grahamstown”, 2.

⁷² Davenport and Hunt, “The right”, v.

⁷³ Kingwill, “The map”, 107.

⁷⁴ *Ibid.*

⁷⁵ Fry, “Allies and Liabilities”, 111.

The original 1855 Fingo Village freehold properties were spread out between six streets parallel to one another. These properties are located on Russell Road, Mission Road, Orsmond Terrace, Victoria Street, Raglan Road, now Dr Jacob Zuma Drive, Wood Street, Godlonton Road and Powell Street. The aerial map in Figure 1 below shows the divisions accordingly.⁷⁶ According to Irvine, Memela, Dlongolo and Kepe,

When Fingo Village was first established, the streets were named in honour of prominent colonial figures in the military or gave legitimacy to the British presence in the region. Raglan Road, an arterial road connecting the township with the city centre, was named for first Baron Raglan, FitzRoy James Henry Somerset, a military figure in Britain and brother to Lord Charles Henry Somerset, Governor of the Cape Colony from 1814 to 1826 (South African History Online, 2011). Victoria Road and Albert Road are named after Queen Victoria, Queen of Great Britain and Ireland, and her husband, Prince Albert. Other names include prominent British subjects who arrived with the 1820 settlers.⁷⁷

Later on, in 1860, more plots were added to extend Fingo Village. An additional 194 leasehold plots were added to the Old Municipal Location.⁷⁸ The 194 Old Municipal location leasehold plots have different street names: A Street, B Street, C Street, and H Street, as seen in the map below.⁷⁹ The whole area is now Fingo Village. Fingo Village has had two landholding systems, freehold and leasehold, and these have operated in Grahamstown since the 19th century.

Fingo Village was not the only township where black people could reside. However, the Fingo Village plots were more prominent than all other location plots in Grahamstown; hence the area became desirable. The Tanti location had 360 leasehold plots established in 1870.⁸⁰ The landholding system in other locations followed a leasehold method requiring residents to pay a set amount to the municipality. As defined earlier, a leasehold status is a rent agreement that recognises the individual's legal authority over their property but does not give them rights to the land on which the property stands for a determined period.⁸¹

⁷⁶ PM Irvine, P Memela, ZN. Dlongolo, and T Kepe, "Navigating Community and Place Through Colloquial Street Names in Fingo Village, Makhanda (Grahamstown)," *Urban Forum* (2021):9. <https://doi.org/10.1007/s12132-021-09416-w>.

⁷⁷ Irvine, Memela, Dlongolo, and Kepe, "Navigating Community", 9.

⁷⁸ Manona, "Black Grahamstown", 2.

⁷⁹ Irvine, Memela, Dlongolo, and Kepe, "Navigating Community", 8.

⁸⁰Manona, "Black Grahamstown", 2.

⁸¹ Davenport and Hunt, "The right", v.

Fingo Village Official Street Names

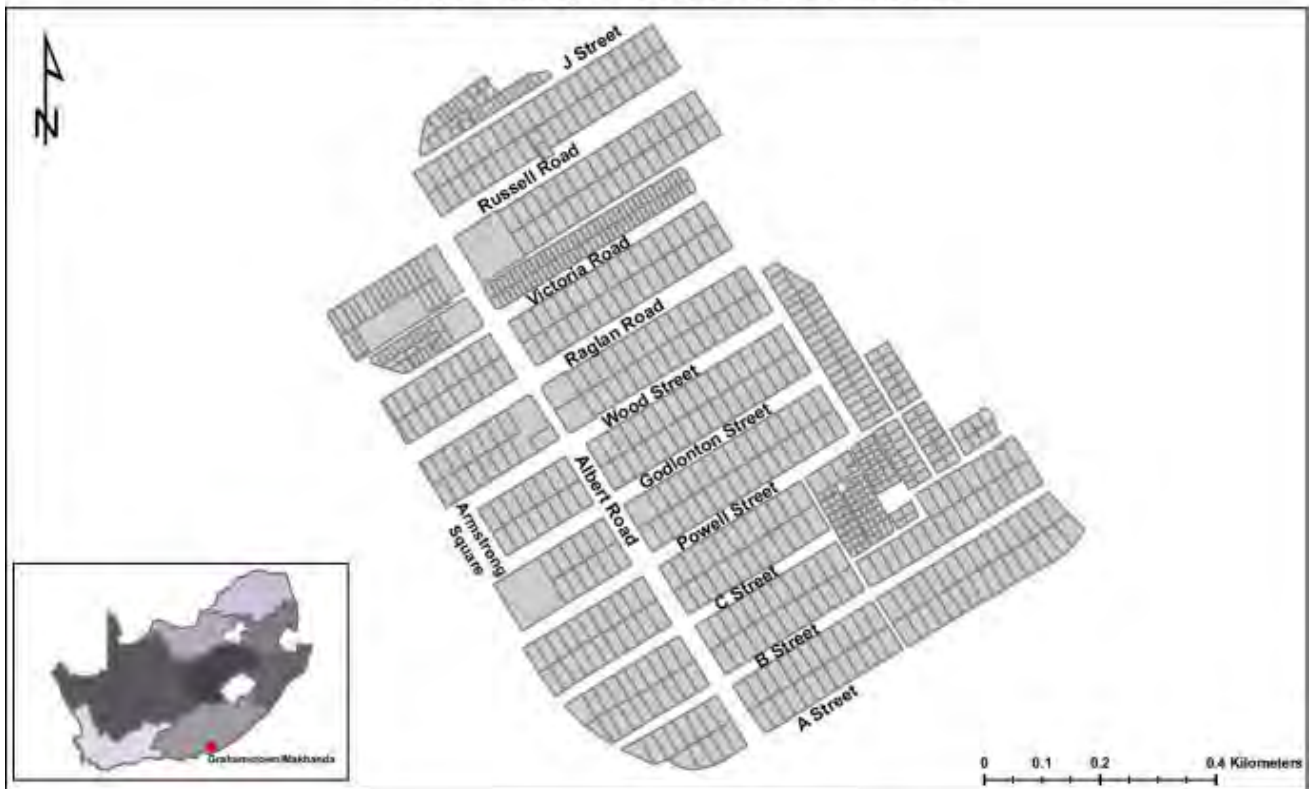


Figure 1: Aerial view of original Fingo Village properties presented by Irvine, Memela, Dlongolo, and Kepe in their paper. Image by the authors

Leasehold agreements suggest a temporary occupation of the land. According to Glenda Nevill, a leasehold usually has a land rental period of 50 to 99 years or more.⁸² A period of 99 years is the most extended term possible for real estate. After that, owners must renew the lease. In Fingo Village and other Grahamstown townships, the leasehold status was valid for 99 years.

As Nevill further explains, leaseholds in state-owned land scenarios tend to benefit the state or councils. As a result, as main landlords, the state or government councils want to hold on to land as an asset, while assigning land development responsibilities to the property owner.⁸³ In this way, the more the land is developed, the more valuable it becomes. Therefore, the Grahamstown municipality benefited greatly from the rent collected from the African townships, so it was inevitable that they would prefer leasehold over freehold structures.

There was pressure from the municipality to increase the number of leasehold plots in Fingo Village. As Manona notes, in 1941, the Grahamstown Town Clerk and the Treasurer motivated

⁸² G Nevill "Leasehold could replace ownership," *Property24*, July 06, 2006, <https://www.property24.com/articles/leasehold-could-replace-ownership/3588>.

⁸³ Nevill "Leasehold".

to have more Fingo Village properties surveyed. The idea was to have some plots converted into municipal land, but this recommendation was unsuccessful.⁸⁴ However, the officials later brought this issue up again, as overcrowding and the need for land became a growing concern in black communities. The municipality established further African locations like Makanaskop and Xolani. Later on, the municipality added sixty-five municipal plots with a leasehold status in Fingo Village in the old cemetery area known as Ndacama, meaning ‘I give up’.⁸⁵ Again, these plots did not compare in size to the old Fingo plots.

By 1879, land rights allocation extended to the rest of the Cape, leading to the Native Locations Act 40, 1879, promulgated in Cape Town. Unlike Fingo Village, the title deed plots issued in Cape Town, on behalf of Her Majesty Queen Victoria, had divided portions and districts set aside for black people.⁸⁶ Additionally, the British administration established the Cape Native law commission in 1883. The aim was to make land titling for Africans a long-term objective to ensure those territories occupied by different African groups had formal title deeds.⁸⁷

The original Fingo Village plots had a freehold tenure system that guaranteed ownership, unlike the 99-year leasehold of the additional municipal plots. Those Fingo Village residents with freehold title deeds were fortunate enough to escape the Group Areas Act evictions, because they had legal titles, which protected their land and properties. Roux and St Ledger reaffirmed that legal titles protected property owners’ status.⁸⁸ As a result, male owners and their descendants have enjoyed this right for more than 100 years to date.

Similar to the freehold plots Grey sold to men who fought with the British, the lease plots were only available to African men for purchase. According to Herbert Jackson, African women were still not eligible to acquire leasehold rights under the leasehold system, unlike their male counterparts.⁸⁹ The colonial government recognised them as minors; acquiring or holding land even under the leasehold system was impossible because they were not heads of families.⁹⁰ As a result, women who owned or held land during the 19th century hardly appeared on record.

⁸⁴ Davenport and Hunt, “The right”, 4.

⁸⁵ *Ibid*, 5-6.

⁸⁶ Davenport and Hunt, “The right”, 36.

⁸⁷ *Ibid.*, 37.

⁸⁸ M Roux and M St. Leger, *Grahamstown: Fingo Village* (Johannesburg: Institute of Race Relations, 1971), 4.

⁸⁹ HS Jackson, “The system of 99-year leasehold in South Africa.” (PhD diss., Watersrand University, 1987), 29.

⁹⁰ Jackson, “The system of 99-year”, 29.

However, the name which stands out is Princess Emma Sandile. She was the first African woman to have formal title deed documentation under the colonial administration.

Titled and entitled: Princess Emma Sandile on record

As mentioned previously, western civilisation made land and gender relations inextricable. The Dutch inheritance systems favoured male primogeniture, and British land titling did not recognise women as eligible landowners. As Ogundipe-Leslie notes, colonisation affected African women's roles in land use by bringing out the basic sexist tendencies already present in African societies.⁹¹ Therefore, colonial laws disempowered African women and forced them to depend on men as heads of households entirely.

However, one woman, Emma Sandile, defied the colonial system and standard practices at the time. Princess Emma was the eldest daughter of a Xhosa chief named Sandile.⁹² During the seventh and eighth frontier wars, she was kidnapped by the British and became a pawn in the British strategy to maintain land ownership and political power over the Xhosa people.⁹³ Beyond this narrative, she was well-known for being the first African woman to have individual land ownership under the British administration. She was also known as a teacher. Through an arrangement with the Anglican church, Princess Emma moved to Grahamstown in July 1865 to become a teacher at St Phillip's mission school in Fingo Village.⁹⁴

Princess Emma's education and land grants were part of the British government's determination to push Cape liberal ideas on royal African children. The British state and the Anglican church established Zonnebloem College in 1857 in Cape Town.⁹⁵ At this college, royal African children were taught liberal and Christian ideals, so they would become loyal citizens of the British Empire.⁹⁶ This was a crucial influence in Princess Emma Sandile's life history.

⁹¹ M Ogundipe-Leslie, "African Women, Culture and Another Development" in *Theorising Black Feminisms: The Visionary Pragmatism of Black Women*, ed. SM James and AP Busia. (London: Routledge, 1993), 108 and 109. D Driver, "Emma Sandile, letters and land submission: South Africa 1860 -1883" in *Women writing Africa: the southern region*, ed. MJ Daymond, D Driver, S Meintjes, L Molema, C Musengezi, M Orford, and N Rasebotsa (New York: The Feminist Press, 2003), 91.

⁹³ Driver, "Emma Sandile", pg. 92.

⁹⁴ Hodgson and Edlmann, "Zonnebloem College", 88.

⁹⁵ *Ibid.*, xv.

⁹⁶ *Ibid.*

Princess Emma Sandile was among the first group of African royal children to study at Zonnebloem college in 1857. According to Janet Hodgson and Theresa Eldmann, as a strategy to maintain British dominance, Sir Grey granted land to these college students to “cement the pupil’s loyalty to the British.”⁹⁷ Princess Emma Sandile became the first black woman to own land in South Africa formally, with Grey signing her trust deeds to her two farmlands near the Keiskama River and Hobbs Drift in the eastern area of the Cape Colony in 1859.⁹⁸ The deed issued showed that the land carried a freehold status. Though the land was in her name, Princess Emma’s property was registered under a trust with Colonel John Maclean and Charles Brownlee as trustees who managed the legalities.⁹⁹ Hereby, Princess Emma was subjected to passivity as she had no decision-making powers in the management of her land. However, her second piece of land would see her take a more proactive approach to acquire and managing it.

Nevertheless, Princess Emma’s land grants set legal precedence regarding African women’s land ownership, thus making her the “first black woman to obtain individual ownership of land under the colonial system.”¹⁰⁰ The farmland she received through Zonnebloem College was her first property. It is unclear what happened to Princess Emma’s first plot, but it was evident from the letter she wrote in 1882 that she no longer had it and was desperate for new land. She gained additional land after the death of her husband, Chief Stokwe Ndlela, of Mqwathi clan.¹⁰¹ According to Hodgson and Eldmann, Emma adapted to the customs and obligations of the Mqwathi clan in the rural area by joining her co-wives in communal tasks and land cultivation activities, but she still maintained her colonial identity.¹⁰² Princess Emma put a claim through to Magistrate Charles Levey in 1882 requesting a claim over the land Stokwe had promised her.¹⁰³ The letter reveals Princess Emma’s struggle for land rights, as a widow accused of plotting to kill her husband, who was subjected to property grabbing ploys by one of her husband’s close friends.¹⁰⁴ Her request was subsequently granted in 1883 after she sent a letter

⁹⁷ *Ibid.*, 74.

⁹⁸ *Ibid.*, 75.

⁹⁹ *Ibid.* John Maclean was a Chief Commissioner of the British Kaffraria and Charles Brownlee was the Gaika Commissioner. See title deed document, Hodgson and Edlmann, “Zonnebloem College”, 102.

¹⁰⁰ *Ibid.* 75.

¹⁰¹ Driver, “Emma Sandile”, 92.

¹⁰² Hodgson and Edlmann, “Zonnebloem College”, 93.

¹⁰³ Driver, “Emma Sandile”, 92.

¹⁰⁴ Property grabbing refers to an unfair and gender-based violence practice whereby family members, traditional leaders or neighbours and friends of the deceased male forcefully evict the widow or plot to take the property from her after the death of her husband regardless of whether the husband left the property to her or not. K Izumi, “Gender-based violence and property grabbing in Africa: a denial of women’s liberty and

to the Land Commission petitioning her land inheritance.¹⁰⁵ She won the case and secured tenure for her children on a farm located at Cwaru in the Middledrift district of Ciskei.¹⁰⁶

Another significant decision Princess Emma made before her death was to leave her farm to her four daughters and one son between 1892 and 1893.¹⁰⁷ It showed how she was able to challenge customary and colonial practices of patrilineal inheritance. The early recording of Princess Emma and her four daughters' history serves as an inspiration for black women's formal land ownership. However, it would take many decades for African women to gain the same rights across the country.

Her decision concerning her children's inheritance was a testament to Emma's progressive thinking. Although she participated in communal land practices in her marital home, Princess Emma understood the value of having permanent individual land. In instances where her land rights were under attack, she used her education and social rank amongst colonial social circles to have these rights reinstated to her during a period of uncertainty in her life. Furthermore, her narrative bears similarities to that of the amaMfengu, who became accustomed to living using western and African practices in the latter part of the 19th century. Like Emma, the amaMfengu elites were well versed in using land as a means to accumulate capital and curry political favour with the colonial government.¹⁰⁸

Conclusion

This chapter reviewed Fingo identity and the formation of Fingo Village in the 19th century as a significant period for the Cape, revealing the damaging effects that colonialism had on African land systems. The Dutch and the British were responsible for the displacement of local people and the appropriation of land. Amidst the historical events that unfolded because of the Frontier Wars, western civilisation interrupted African people's landholding systems. The Dutch implemented their laws when they arrived in the Cape; subsequently, the British did the same. These foreign laws and rules went against the customary land practices that were in

security," *Gender & Development* 15, no. 1 (2007): 12.

<https://www.tandfonline.com/doi/full/10.1080/13552070601178823>.

¹⁰⁵ Driver, "Emma Sandile", 95-96.

¹⁰⁶ *Ibid.*

¹⁰⁷ Hodgson and Edlmann, "Zonnebloem College", 97.

¹⁰⁸ *Ibid.*, 93.

place. As a result, all three parties wanted to defend their practices and maintain their ways of life, and war was thus inevitable.

Groups of amaMfengu utilised the turmoil to their advantage by joining forces with the British troops in some parts of the Eastern Cape. In this regard, there are varying views about Fingo identity and the people's motivation for land acquisition. However, as the researcher has posited, there is no evidence to suggest whether the amaMfengu ever resisted their participation. The events of the 19th century contextualise the amaMfengu people's desires and efforts to secure land for use, and to eventually secure land rights, amidst the various controversies and discussions about their identity and origins. Therefore, what mattered was that the amaMfengu demonstrated how resourceful and strategic they were as people in search of land. They showed their adaptability as people who used both western and African practices from the 19th century until today. This context is vital in understanding title deed allocation in Fingo Village, Grahamstown. It presents a unique case that saw black people benefit from Cape liberal ideals, even though this benefit was short-lived. This experiment was ahead of the times compared to the rest of South Africa.

Notably, all three systems, Dutch, British and African systems deliberately excluded African women from gaining rights to land and property, although the African system was less discriminatory, because women had some access to land use through marriage. The British administration particularly cemented gender discrimination through its new land systems. These made private land ownership in newly conquered areas synonymous with men as heads of households. Under the colonial rule of the British, African women had the social status of minors. This imposed status disadvantaged and disempowered African women as decision-makers for centuries, thus rendering them unworthy of property rights in the eyes of firstly the colonial government and later the apartheid administration. As such, it was rare, if not impossible, for African women to participate in both freehold and leasehold property purchases.

However, African feminists like Ogudipe-Lesile affirm how African women were not passive in oppressive situations, and Princess Emma's case exemplifies this mode of resistance. As an African woman living in a time where African women were outrightly denied land rights, Princess Emma defied the odds stacked against her by defending her right to land. The education she received at Zonnebloem College served her well in her legal quests. Princess

Emma is a testament to African women's resilience in the face of oppression. She acquired the requisite skills to argue why the land belonged to her, thus deconstructing the inclusion and exclusion of citizenship ideals.

CHAPTER FOUR -THE EXCLUSION OF AFRICAN WOMEN IN 20TH CENTURY URBAN LAND/TENURE POLICIES AND PRACTICES IN SOUTH AFRICA

The territory wars that were prevalent in the late 19th century continued in the 20th century. These were ongoing political, economic and territorial struggles between the British and Dutch. The South African War of 1899-1902, also known as the Anglo-Boer War, or the Boer War, represented a turning point.¹ Accordingly, this led to the formation of the Union of South Africa, made up of four entities: the Cape, Natal, Transvaal and Orange Free State. Between 1908 and 1909, “constitutional discussions towards Union” took place, as exclusively whites-only discussions led to the implementation of apartheid policies that strived towards the separate development of the races.² These policies continued the economic and political assault on people of colour in South Africa. Consequently, this era was one of the most important periods in terms of establishing strict land policies that pushed for urban and rural segregation.

This section draws on Paul Maylam’s work, which explores South African urban historiography. Maylam makes three compelling arguments regarding the history of the metropolitan regions in South Africa. Firstly, he suggests that “urban case studies have become a popular topic for postgraduate research.”³ For this reason, this study and review focuses on analysing case studies of four urban areas in Cape Town, Johannesburg, Durban and Grahamstown and the history behind the title deeds granted to African people residing in those areas.

Secondly, Maylam states that urban studies research presents an exciting dimension of understanding the “gross material inequality between wealth and poverty, particularly concerning land allocation in this country.”⁴ For this study, understanding the history of land allocation in cities, as mentioned above, is crucial in determining the impact of land access and economic inequalities on African women. As articulated by Kingwill, the colonial and

¹ “Constructing the Union of South Africa; negotiations & contestations, 1902-10,” South African History Online, accessed June 1, 2019, <https://www.sahistory.org.za/article/constructing-union-south-africa-negotiations-contestations-1902-10>.

² *Ibid.*

³ P Maylam, “Explaining the Apartheid City: 20 Years of South African Urban Historiography,” *Journal of Southern African Studies* 21, no. 1 (1995):20.

<https://millennium.seals.ac.za/iii/cas/login?service=https://www.jstor.org/stable/2637329>.

⁴ Maylam, “Explaining the Apartheid”, 20.

apartheid administration made it very difficult for African people to access property in urban areas due to discriminatory policies.⁵ Maylam's third point alludes to the multifaceted nature of urban history. For him, urban history is not separate from "economic history, industrialisation, and urbanisation as they are connected to labour history, political history and women's history."⁶ This observation provides a springboard for the arguments made regarding the emergence of female-headed households in the 20th century.

As a point of departure, it is worth noting that from about 1900 onwards, the Union made many adjustments to land acts and policies to make it difficult for African people to purchase land. Therefore, the 1913 Land Act set out to introduce a land purchases limitation for African people. According to Davenport and Hunt, the Native Land Act of 1913 articulated that African and western settlers could not purchase land in the same areas. Therefore, the act stated that Africans could buy land in scheduled areas determined by the government.⁷ By 1936, the government had created these scheduled areas as they subsequently implemented the Native Trust and Land Act of 1936. These acts operated with the sole purpose of dividing the country geographically into white-owned land and native land reserves called homelands.⁸ In this regard, they laid the foundations for racial segregation in the Union.

Though land reserves/homelands are not the focus of this study, it is essential to understand this model as a political strategy. The reserves introduced racial segregation and disenfranchised African people economically by geographically distancing them from urban areas known for their abundant minerals and resources. As Kingwill, Royston, Cousins and Hornby state, the natives' reserves strategy limited African land people's land ownership.⁹ The African population was allowed to own only 13 per cent of the land around the country in 1910.¹⁰ However, the problem was that the white capitalist economy needed African labourers. It became imperative for the state to create areas in the inner cities for African people to occupy while working in urban areas.

⁵ RA Kingwill, "Papering over the Cracks: An Ethnography of Land Title in the Eastern Cape," *Kronos* 40, no. 1, (2012):242. <https://millennium.seals.ac.za/iii/cas/login?service=https://www.jstor.org/stable/24341942>.

⁶ Maylam, "Explaining the Apartheid City", 20.

⁷ TRH Davenport and KS Hunt, *The right to the land: documents on Southern African History* (Cape Town: David Philip Publishers, 1974), 42.

⁸ Davenport and Hunt, "The right", 44 and 45.

⁹ D Hornby, R Kingwill, L Royston and B Cousins, "Introduction: tenure practices, concepts and theories in South Africa" in *Untitled: securing land tenure in urban and rural South Africa*, ed. D Hornby, R Kingwill, L Royston and B Cousins (Pietermaritzburg: UKZN Press, 2017), 45.

¹⁰ Hornby, Kingwill, Royston, and Cousins, "Introduction", 45.

By 1923, the government had established a system allowing African people occupation of urban locations, without being permitted to own land in these areas. This decision came out of the Vos Report, conducted by Mr MC Vos, a former Secretary for Native Affairs.¹¹ According to Kingwill, the Vos report made recommendations for a “simplified form of title with less rigorous criteria, which was said to be both cheaper to implement and easier to administer.”¹² However, the state subsequently decided not to issue new freehold titles to Africans, deciding to rather create separate registries for Africans. The political motive behind this decision became apparent when the Union created the Native (Urban Areas) Bill.¹³ From the Bill came the Native (Urban Areas) Act 21 of 1923, which formalised the decision to deny Africans the right to own property in urban areas.¹⁴ The alternative was that Africans should have leasehold tenure to discourage them from staying in urban areas permanently.

The act established legal impositions reinforcing the separation ideology that was becoming increasingly apparent. The idea was to create exclusive territories that would house black people. Therefore, this act implemented the “institutionalisation of racial classification in which ‘racial’ groups – and subgroups could reside in Cato Manor, Natal and District Six, Cape Town – as well as Sophiatown, Transvaal.”¹⁵

As affirmed by Kingwill *et al.*, such restrictions became “instruments of urban exclusion” controlling which African people ‘qualified’ to access the urban property and which people did not.¹⁶ Creating segregation based on race was not enough to limit African people’s movements in urban areas. Hence the Union administration introduced class as another exclusion instrument, which ultimately deepened economic inequalities. For African women, the exclusion went so far as introducing influx restrictions in urban areas. In 1937 the Native (Urban Areas) Act 21 of 1923 was amended under the Natives Laws Amendment Act (No. 46) 1937. The Natives Laws Amendment Act (No. 46) 1937

¹¹ RA Kingwill, “The Map is not the Territory: Law and Custom in ‘African Freehold’: A South African Case Study.” (Ph.D. diss, University of the Western Cape, 2013), 295. MR Vos’s full names are unknown, all the previous researchers who use cite him in their studies, refer to him as MC Vos.

¹² Kingwill, “The map”, 296.

¹³ Cape Times, 8 Feb. 1923, in T.R.H. Davenport and K. S. Hunt (eds.) *The right to the land*, (Cape Town, 1974), 73.

¹⁴ Davenport and Hunt, “The right”, 75.

¹⁵ C Beyers, “Reconciling competing claims to justice in urban South Africa: Cato Manor and District Six,” *Journal of Contemporary African Studies* 34, no. 2 (2016):205. <https://doi.org/10.1080/02589001.2016.1202600>.

¹⁶ Kingwill, Royston, Cousins, and Hornby, “Introduction”, 46.

prohibited the buying of land by Africans in whites areas *outside* locations. They had been able to do so in the Cape, Natal and Transvaal.¹⁷

Though the amendment made allowances for supervised land purchases by Africans, it still did not allow women to enter urban areas without supervision. The obsession with controlling African people's movements in town grew as the years progressed, together with the need for African labourers in cities. As a result, the government made an additional change to the Natives (Urban Areas) Act to limit African growth in urban areas. The Native Urban Areas Consolidation Act was introduced in 1945 with the primary goal of

permitting Africans to have permanent residence in an urban area only if that person could prove that he/she had stayed in the area since birth or had been staying lawfully in the area for 15 years, or had worked for the same employer for 10 years.¹⁸

Moreover, the Native Urban Areas Consolidation Act of 1945 stipulated further municipal restrictions. These prevented African women from entering or building homes and trading in urban areas without a male guardian, husband or father.¹⁹ By this stage, African women's social status had suffered an even worse economic blow. The dominant belief was that African women could only function as housewives and mothers; as a result, the government did not allow them to take up any other roles in urban areas.²⁰ The state did not regard African women as qualified persons who could inhabit urban areas independently, unlike African men.

The thriving nature of urban life due to industrialisation made the migration from rural to urban areas desirable. This meant that more Africans were moving from rural to urban areas. However, according to Julia Wells, the influx of Africans to towns made Europeans uncomfortable. Hence, one of the biggest reasons the Union introduced these restrictions was that there "was white fear of black competition in the urban areas as it was perceived as a threat to white prosperity."²¹ Therefore, the Native (Urban Areas) Act of 1923 stopped Africans from

¹⁷ Davenport and Hunt, "The right", 75.

¹⁸ *Ibid.*

¹⁹ *Ibid.*, 72.

²⁰ JC Wells, "Gender and work", in *Gender Rights: turning point in human rights*, ed. B Nasson. (Cape Town: Institute of Justice and Reconciliation, 2009), 32.

²¹ JC Wells, "Why Women Rebel: A Comparative Study of South African Women's Resistance in Bloemfontein (1913) and Johannesburg (1958)," *Journal of Southern African Studies* 10, no. 1 (1983): 60. <https://millennium.seals.ac.za/iii/cas/login?service=https://www.jstor.org/stable/2636816>.

buying freehold land in urban areas. Those who were already owners also faced restrictions under the act, which limited their room rental operations in the city.²²

Three cases worth mentioning are Sophiatown in Johannesburg, Cato Manor in Durban, and District Six in Cape Town. Some areas included Africans and coloured people with freehold properties. Sophiatown was established in 1904 as a white suburb in Johannesburg and later became a mixed-race area with about 12 000 residents of African, white and coloured populations.²³ Some of the residents owned properties with a freehold status; hence their properties were secure under the Native (Urban Areas) Act of 1923 as they were owners before the act came to pass. Sophiatown was also a mixed-race and culturally diverse place that attracted single African males and a few small families.²⁴ The Sophiatown suburb was a hub for the African working class with a high need for room rentals. However, men as heads of households had authority and landholding status.²⁵ Subsequently, the landlords of Sophiatown started sub-letting their houses and creating backyard rooms to meet the rental demands.²⁶ Those who could not afford to purchase a house rented rooms for their families.

Geographically, the District Six area was in the city centre of Cape Town, with its boundaries “stretching from the Castle, in the city centre, to Observatory, a suburb further away.”²⁷ About 66 000 people of mixed races resided in District Six in the mid-20th century.²⁸ Socially and culturally, the area was known for its diverse and vibrant mix of ethnic groups. Most of the working-class population were business-minded people who acquired title deed documents.²⁹ These documents gave them legal ownership and authority over the properties they occupied. Those who had formal property documentation leased out rooms to tenants seeking work in the

²² Davenport and Hunt, “The right”, 72.

²³ T Lodge, “The destruction of Sophiatown,” *The Journal of Modern African Studies* 19, no.1 (1981):110. <https://millennium.seals.ac.za/iii/cas/login?service=https://www.jstor.org/stable/160608>.

²⁴ “Urban Removals - the Destruction of Sophiatown,” South African History Online, accessed June, 5, 2019, <https://www.sahistory.org.za/article/urban-removals-destruction-sophiatown>.

²⁵ B Cousins, “The ‘living customary law of the land in Msinga, KwaZulu-Natal,” in *Untitled: securing land tenure in urban and rural South Africa*, ed. D Hornby, R Kingwill, L Royston and B Cousins (Pietermaritzburg: UKZN Press, 2017), 140.

²⁶ Lodge, “Destruction of Sophiatown”, 110.

²⁷ J Maingard, “Cinemagoing in District Six, Cape Town, 1920s to 1960s: History, politics, memory,” *Memory Studies* 10, no. 1 (2017): 19. <https://doi.org/10.1177%2F1750698016670786>.

²⁸ Maingard, “Cinemagoing in District Six”, 19.

²⁹ Beyers, “Reconciling competing claims”, 207.

city, which was a popular way of making additional income.³⁰ It showed how local people could find creative ways to make extra income and grow their wealth using their property.

Cato Manor followed the same lines. Iain Edwards describes Cato Manor Farm as “a huge area of land located near the centre of Durban. Cato Manor has a complex history of class and racial settlement composition centred on legal and illegal ownership.”³¹ The area was also a multicultural suburb that was home to about 100 000 to 160 000 people.³² Though Durban was culturally and racially mixed, it was predominately an area occupied by the Indian community. According to Edwards, the middle-class Indian community of teachers, lawyers, priests, and traders received legal rights alongside white residents to own property in Cato Manor farm under George Christopher Cato’s leadership in 1854.³³ The landlords and their families rented rooms out for trading and lodging to make additional income. Like Sophiatown and District Six, Cato Manor had a strong sense of community and diversity, coupled with a thriving informal economy.

All three cases presented here shared many similarities in social setup and community ethos. However, they also shared the collective trauma of forced removals when the apartheid regime took effect in the 1950s. Though the freehold title deeds were legal documents, they were useless in defending the residents’ properties and structures built on them.³⁴ Instead, each urban area fell victim to the Group Areas Act of 1950. When the National Party came into power in 1948, it introduced many laws and policies to reinforce its agenda of racial ‘separateness’. The Native (Urban Areas) Act of 1923 and its amendments in 1937 proved ineffective in controlling urbanisation. The apartheid state replaced these policies with the Group Areas Act (GAA) of 1950. The government used this act as legal grounds to physically separate races in racial group areas and to dispossess non-whites, namely, Africans, Indians and coloured people, of urban land acquired under the British administration.³⁵ Even though landowners from places like District Six, Cato Manor and Sophiatown were legally entitled to own those properties, their title deed status did not protect landowners from evictions under the GAA era. The owners who

³⁰ Beyers, “Reconciling competing claims”, 208.

³¹ I Edwards, “Cato Manor: Cruel Past, Pivotal Future,” *Review of African Political Economy* 21, no. 61 (1994): 415. <https://doi.org/10.1080/03056249408704069>.

³² Beyers, “Reconciling competing claims”, 205.

³³ Edwards, “Cato Manor”, 416.

³⁴ Davenport and Hunt, “The right”, v.

³⁵ United Nations Centre against Apartheid, and B. Higgs, *The Group Areas Act and Its Effects* (1971): 1, http://psimg.istor.org/fsi/img/pdf/t0/10.5555/al.sff.document.nuun1971_01_final.pdf.

lost their properties were casualties of the Afrikaner government's determination to erase any remnants of British rules and laws. The reality of the mixed urban neighbourhoods stood in stark contrast with the racial segregation agenda outlined. Consequently, African, Coloured, and Indian families lost their tenure rights, economic independence, and sense of belonging due to the GAA.

The threat of eviction soon became evident for District Six residents. On 11 February 1966, the area was declared a white-only 'group area' and homes were subsequently demolished when "its residents moved to racially-defined residential developments across the Cape Flats."³⁶ Sophiatown title deed holders lost their exclusive property rights in 1955. The apartheid government demolished the freehold suburb and relocated its residents to African townships now known as Soweto.³⁷ The same fate followed for 160 000 Cato Manor residents who were forcefully moved from their plots between 1958 and the 1970s.³⁸ The title deed documentation acquired earlier in the century offered little protection to the people of District Six, Sophiatown, Cato Manor and other areas.

However, Fingo Village was fortunate enough not to experience any evictions, although the government attempted to do so on numerous occasions. Fingo Village stands out as an exceptional case study because it presents a different unfolding of events. As noted earlier, Fingo Village was one of the first places during colonisation that made freehold tenure available to African people. This happened a hundred years before the National Party came into power in 1948. It is fair to say that the British laws of the 18th century protected the Fingo people's land rights from the Group Areas Act of 1950, partly because the British settlers in Grahamstown still revered English laws as part of their heritage.

Briefly, Grahamstown was the initial hub of the first British settlers and the town has a strong contingent of settler descendants who still believe in preserving their history and British heritage.³⁹ With the decline of British dominance in the 20th century under the NP government,

³⁶ Maingard. "Cinemagoing in District Six", 19.

³⁷ Lodge, "Destruction of Sophiatown", 107.

³⁸ Beyers, "Reconciling competing claims", 206.

³⁹ See article by Justin Bradfield. J Bradfield, "Cultural organisation marginalises heritage of minority communities in South Africa - Open letter from Justin Bradfield" *Blog*. The Heritage Portal, June 19, 2019. <http://www.theheritageportal.co.za/notice/cultural-organisation-marginalises-heritage-minority-communities-south-africa-open-letter>.

British settler families became African allies in the fight against the implementation of the GAA in Fingo Village. Arguably, they did not want the title deeds gained under Queen Victoria to lose their historical significance. Chapter Seven discusses the events that led to the preservation of Fingo Village freehold properties in detail.

Urban African women: the fight against oppressive and discriminatory policies in the 20th century

Maylam views urban history in South Africa as defined by “oppressive policies, unequal distribution of wealth, forced removals and demonising of African townships near the city.”⁴⁰ Arguably, much of South Africa’s urban history has been concerned with the resistance to urban policies such as the Natives (Urban Areas) Act of 1923 and all its amendments, the 1950 Group Areas Act and influx control policies.⁴¹ African women were particularly active in this era of political resistance in South Africa. Therefore, this historical review focuses on African women in urban areas and the historical events around 20th century policies. The researcher reviews how these policies affected African women’s access to land rights. This review evaluates land policies under the colonial era and urban restriction laws under the apartheid government as factors that impacted African women’s urban experiences and social status. Along with the influence of African customary and religious practices, the restrictions imposed on African women at the time outrightly denied them the status of heads of households. Although these practices were standard in rural areas, they were also present in urban areas. Women often found themselves living with a male partner, and African culture dictated that they live according to the patriarch’s rules.⁴² These cultural practices frequently entailed strictly gendered roles that did not empower women.

According to Phumla Williams, women empowerment is about changing power relations between men and women by giving women the opportunity of participation and freedom.⁴³ As Wells argues, the 20th century saw women in urban areas experience some level of empowerment through participation in the job market, which was traditionally reserved for men. It meant that power relations were steadily evening out as women became less confined to traditional gender roles that kept them dependent on men. Accordingly, in instances where

⁴⁰ Maylam, “Explaining the apartheid city”, 20.

⁴¹ *Ibid.*, 28-30.

⁴² K Little, *African women in towns: an aspect of African Social revolution* (London: Cambridge University Press, 1973), 6.

⁴³ P Williams, “Empowering women means dealing with the past,” *Blog, South African Government*, August 01, 2019. <https://www.gov.za/blog/empowering-women-means-dealing-past>.

they could not find work, they took on self-employment activities that earned them an income.⁴⁴ For African women, urban areas became hubs of opportunity and self-empowerment. However, the process of empowerment was never instant, because societies take time to evolve.

Traditionally, in South Africa, African women's position in urban areas was related to African men's migration patterns in cities. According to Ramphela and Richter, industrialisation and the apartheid migrant labour system disrupted the African family structure by forcing African men to move to urban areas in search of better economic opportunities.⁴⁵ This migration resulted from changing rural life, due to the ongoing expropriation of land and the diminishing farming economy among African landowners. Urban migration was not unique to South Africa. Many African countries were profoundly affected by colonial land practices that left many Africans desperately seeking alternative ways of providing for their families.⁴⁶ The apartheid government exploited these aspects of industrialisation in South Africa to force men to seek out cash wages in towns and cities.

By the 1920s, many African families were struggling economically in rural areas. The move to urban areas became more desirable as a means of survival. As Wells explains, it was not only men migrating to urban areas, but also women.⁴⁷ Most homes faced the reality of husbands who stopped sending money home. Women had to take on the 'temporary' role of sole providers and run the household while their husbands were away.⁴⁸ In both instances, African women had to come up with alternative means of generating an income.⁴⁹ As expected, the diminishing rural economy forced African women to also move into urban areas, searching for work.⁵⁰ Nevertheless, they could only reside in urban areas if they lived with their husbands or fathers.

At the time, the government perceived African women's migration to urban areas as an overpopulation threat. As early as 1903, migration restrictions limited their access to urban areas in the Orange Free State. Nevertheless, as Wells explains, the government believed that

⁴⁴ Wells, "Gender and work", 40.

⁴⁵ Ramphela and Richter, "Migrancy, family dissolution", 74.

⁴⁶ Wells, "Gender and work", 33.

⁴⁷ *Ibid.*

⁴⁸ Ramphela and Richter, "Migrancy, family dissolution", 73.

⁴⁹ Women in rural areas often engage in informal trading and they keep small livestock as additional streams of income to supplement their husband's wages.

⁵⁰ L Callinicos, "Testimonies and transitions: women negotiating the rural and the urban in the mid-20th Century," in *Basus' iimbokodo, bawel' imlambo/They remove boulders and cross rivers: women on South African history*, ed. N Gasa. (Cape Town: HSRC Press, 2007), 168.

controlling women's movements with passes, which were documents authorising entry into urban areas, was an excellent strategy for African population control.⁵¹ The government reinstated pass law restrictions between 1903 and 1913 in the Free State Province. However, as Wells states, pass laws were already present by 1898, thus this year marked the beginning of women's resistance towards pass laws.⁵² These laws compelled African women to carry passes and special permits, granting them access to work and live in urban areas.⁵³ To some extent, this set a precedent for African women's low social status in urban areas, as the government tried to implement an urban vision of 'clean towns' through these movement control policies. The Native (Urban Areas) Consolidation Act of 1945 played an essential role in limiting African women's access and entry into urban areas such as Cape Town and Johannesburg. It imposed restrictions that treated them as the lesser sex. Section 23 of the Consolidation Act wrote about African women's participation in urban areas in a non-empowering way, positioning them as dependent on men:

native females should be prohibited from entering urban (either for work or residency) areas without the legal authority of a native commissioner or proof from their husband or father permitting them to be present in the area.⁵⁴

Although this was what the law stated, the reality on the ground differed. Women rebelled against this law by starting campaigns and making pledges refusing to carry passes any longer, much like their willingness to suffer imprisonment in 1913.⁵⁵ According to Wells, the purpose of pass laws was to put a cap on the growing African urban economy, which meant the state cut down African-owned markets and businesses.⁵⁶ Herein, the pass law did affect men as well, but it had additional restrictions on women's movements and occupations in urban areas. Hence, women were more invested in the pass law resistance campaign than men. To the women who were already settled in urban areas, the focus was on protecting the right to remain in urban spaces because these spaces empowered them to take on entrepreneurial roles. In instances where jobs were limited, African women pursued alternative income options such as brewing beer and renting rooms out to tenants. Edwards's work on Cato Manor women contextualises how women were active participants in resistance movements and protests

⁵¹ JC Wells, *We Have Done with Pleading: Women's 1913 Anti-pass Campaign* (Randburg: Ravan Press, 1993), 39.

⁵² Wells, "Why Women Rebel", 56.

⁵³ Wells, "We Have Done", 11-13.

⁵⁴ Davenport and Hunt, "The right", 73.

⁵⁵ Wells, "Why Women Rebel", 56.

⁵⁶ Well, "Done with pleading", 12.

discriminatory regulations. He notes that African women were desperate to live in urban areas but struggled to get housing in Cato Manor. Those who entered urban areas did so illegally and ran underground shebeens to survive financially.⁵⁷ They often kept a low profile. Nonetheless, these activities empowered urban African women to run their home as the sole providers and household leaders in making decisions.⁵⁸ The women's resistance, therefore, represented the struggle for many women who wanted to enter the urban life in pursuit of financial independence.

By 1952, the pass law impositions had impacted African women's formal employment opportunities. On 9 August 1956, women rallied to redefine how they participated in urban spaces, when they formed a massive anti-pass law protest.⁵⁹ The march became a key historical event that changed African women's urban access in South Africa.

What stands out most about this achievement is that it opened doors for African women to acquire housing in urban areas independently of men. As Gasa rightly notes, the struggle against pass laws was not just a political one.⁶⁰ It was also a struggle against homelessness. The denial of women's land rights was a common practice in both legal and customary spaces, because women held a minor legal status, whether they were heads of households or not.⁶¹ The denial of land and housing rights increased African women's risk of becoming homeless, especially in urban areas. As Wells affirms, access to housing "played a big role in determining how single women could survive" life in urban areas like Johannesburg.⁶² Gasa's observations and conclusions regarding the struggle highlight the severity of the lack of recognition of women's land rights as human rights at the time. As Little notes, African women's activism initiated social evolution, since they not only resisted oppressive urban policies but also challenged cultural and traditional practices that often denied African women the opportunity to purchase or rent properties independently.⁶³

However, because freehold properties were no longer for sale to Africans in urban areas, the only viable option was leasehold, which was deemed more affordable. Notably, the leasehold

⁵⁷ Edwards, "Cato Manor", 416.

⁵⁸ Little, "African women in towns", 6-7.

⁵⁹ Wells, "Done with pleading", 39.

⁶⁰ N Gasa, "Feminism, motherism, patriarchies and women's voices in the 1950s," in *Basus' iimbokodo, bawel' imlambo/They remove boulders and cross rivers: women on South African history*, ed. N Gasa. (Cape Town: HSRC Press, 2007), 214.

⁶¹ United Nations Centre Against Apartheid, "The effects of apartheid", 14.

⁶² Wells, "Gender and work", 33-4.

⁶³ Little, "African women in towns", 6.

right was granted because of the Black (Urban Areas) Consolidation Act of 1978. This act gave African people the right to hold a 99-year leasehold tenure in African townships.⁶⁴ Though the leasehold did not guarantee the right to land, it included the right to occupy and dispose of the lease agreement should the buyer wish to sell their leasehold tenure.⁶⁵ The government preferred this option because it was seen as a short-term arrangement. However, as Jackson explains, the government underestimated the effects of the 99-year lease, which saw Africans enjoy extended stays in urban areas because the lease repayments were affordable.⁶⁶

Initially, under the Black Administration Act 38 of 1927, African women were not allowed to enter into contractual agreements for leasehold properties by the Union.⁶⁷ This is because African women did not qualify, since the government saw them as minors who did not have the substantial income to meet the financial demands of land leases. Hence, women who wished to live in urban areas often needed permission from the local authorities to live under the control of men.⁶⁸ However, as African women's presence grew in urban areas, their housing needs became paramount. As Wells explains, African women felt the impact of these discriminatory regulations, especially when the "government leasehold housing schemes came into being."⁶⁹ Fortunately, by 1985, the government made amendments to the leasehold regulation under the Black (Urban Areas) Consolidation Act. The Laws on Co-operation and Development Act of 1985 saw African women receive the right to hold a leasehold agreement.⁷⁰

Women at the centre of property acquisition: Cape Town, Phokeng and Fingo Village case studies

Unlike in the 19th century, when records of Africans who owned property were limited, the 20th century saw African women's names enter the deeds registry systems. In this regard, researchers who covered African women's histories made headway in recording African women's housing stories. There are accounts of African women property owners in Gugulethu, Phokeng and Fingo Village. These are the research endeavours of academics such as Rebekah Lee, Belinda Bozzoli and Rosalie Kingwill, whose work is gender sensitive. Therefore, these

⁶⁴ HS Jackson, "The system of 99-year leasehold in South Africa." (PhD diss., Watersrand University, 1987), 3.

⁶⁵ Jackson, "The system of 99-year", 3.

⁶⁶ *Ibid.*, 6.

⁶⁷ *Ibid.*, 28-29.

⁶⁸ Wells, "Gender and work", 34.

⁶⁹ *Ibid.*

⁷⁰ Jackson, "The system of 99-year", 30.

cases are along the lines of what African feminism suggests is needed, which is writing about African women as overcomers rather than as victims of their circumstances.

Lee, Bozzoli and Kingwill provide an in-depth analysis of how African women functioned as heads of households in apartheid South Africa. Lee states that the evolution of gender and family relations in urban places during apartheid set a new tone of renegotiating kinship and matriarchal structures in African homes.⁷¹ This development did not cause the emergence of female-headed households but rather reaffirmed African matriarchs as leaders. In the urban scenario, matriarchs could seek personal living spaces and choose to live with their children with or without their father. Bozzoli's study explores the gender consciousness and life strategies of the Bafokeng women in Phokeng, who lived through the industrial revolution years in 20th century South Africa. Lee's study focuses on strategies African women employed in multigenerational homes in Cape Town during the apartheid era to help one other pay for their leasehold properties. The Fingo Village study by Rosalie Kingwill covers stories of African women's access to family property through customary family property transfer practices in post-apartheid South Africa. These studies aid the research to validate female-headed households' historical significance, while linking female-headship with property acquisition in South Africa.

Meg Samuelson's view on rethinking ideologies of the home serves as a grounding principle underscoring how women can inhabit agency positions in the house.⁷² The role of household headship is one of agency, because women in this position are agents of change who reconstruct power relations in the home. In this regard, they demonstrate that men's absence does not determine female-headed households' value. Rather, female-headed households' value and agency lie in the women's ability and power to lead themselves and their families. In this scenario, the women's status shifts from being legal minors to legitimate members of society who own houses. The researcher reviews case studies ranging from the beginning of the 20th century until the early 21st century, showing the evolution of African women's agency and empowerment.

⁷¹ R Lee, *African women and apartheid: Migration and Settlement in Urban South Africa* (London: Bloomsbury Academic, 2009), 47-48.

⁷² M Samuelson, *Remembering the Nation, dismembering women?: stories of the South African Transition*. (Pietermaritzburg: Inter Park Books, 2007), 7.

Women of Phokeng case study

Bozzoli's study on the women of Phokeng drew on oral history testimonies of 22 Tswana women from 1900 to 1983.⁷³ Phokeng is in the town of Rustenburg in the North West Province of South Africa. The area fell under the Bophuthatswana homeland. Like many other rural areas, Phokeng experienced poor health and education services and challenging economic conditions due to the declining agricultural economy. The women in Phokeng were not immune to these problems. As Wells notes, "poverty conditions in bantustans forced women to work and live in towns."⁷⁴ Therefore, the women of Phokeng also moved to towns, seeking better economic opportunities.

However, their arrival in Rustenburg saw them face challenges of access to housing. These women moved to Rustenburg when African women could not buy or rent land in urban areas; therefore, they had to find strategies to find housing in urban areas. The women of Phokeng employed various strategies to secure themselves accommodation in urban areas. As Wells explains, it was common practice for African women to seek temporary accommodation in town. Those employed as domestic workers had the option of staying in their employer's property, whereas those working in mining towns like Rustenburg rented backyard rooms in informal settlements.⁷⁵ These spaces, however, came with their own set of challenges, such as sporadic evictions and safety issues.

Nonetheless, the urban space granted them independence, as many became heads of households. As Bozzoli and Nkotsoe state, many women employed "house-building strategies," which meant that they worked in towns to earn an income to build better houses in their rural land inherited from their parents.⁷⁶ In this regard, the women in both studies recognised the value of improving one's property as a crucial step that shows one's capabilities as a decision-maker and active participant in family life.

Even though the women had houses back home, they ran new households in urban areas. Therefore, they were operating in three spaces namely, urban, rural and workplace, although they were not physically present in the rural space. As Wells argued, many African women

⁷³ B Bozzoli and M Nkotsoe, *Women of Phokeng: Consciousness Life Strategy and Migrancy in South Africa, 1900-1983* (Johannesburg: Ravan Press, 1991), 16.

⁷⁴ Wells, "Gender and work", 38.

⁷⁵ *Ibid*, 31 and 34.

⁷⁶ Bozzoli and Nkotsoe, "Women of Phokeng", 238.

“combined informal sector work with managing their own households.”⁷⁷ In this regard, Phokeng women were good managers and decision-makers. For single women, urban areas were ideal places of independence. However, as Wells posits, women such as those from Phokeng turned traditional gender roles upside down by refusing to get married.⁷⁸

For married women, the urban space empowered them as equal contributors to households, with decision-making powers.⁷⁹ These women had an advantage in that they managed two homes, which was an unusual set up for most African families. The dual home management allowed them to rent rooms in town and save money to build a house back home as well as save for their children’s education to ensure social stability in the future. However, they faced pass laws and forced removal challenges that threatened to take away their income opportunities. Therefore, when the women recognised how pass laws and forced removals impacted their economic base, they joined political protests prevalent around the country.⁸⁰

For these women, the decision to return home to their village did not come as a surprise. As soon as they realised that economic patterns were changing in urban areas, they started “reorientating their strategies towards building houses back home in rural areas.”⁸¹ These houses became their retirement project to ensure that they had good houses to return to when they retired from their city jobs. However, these women kept their stays in Rustenburg brief, because their goal was to return home and improve their family homes with the money raised in the cities.

Cape Town: Gugulethu case study

Lee’s study follows the narratives of African women who resided in Gugulethu in Cape Town between 1948–2000. Lee used interviews (11 households) and photographic archival material to compile these women’s histories. The apartheid government created Gugulethu township in the 1950s as a separate location to control African residents and movement in urban areas. Gugulethu, Langa and Nyanga are all townships that were “originally created to confine and control Africans within a (native) metropolis.”⁸² For context, the destruction of areas such as

⁷⁷ Wells, “Gender and work”, 31.

⁷⁸ *Ibid.*, 23.

⁷⁹ Bozzoli and Nkotsoe, “Women of Phokeng”, 238.

⁸⁰ *Ibid.*

⁸¹ *Ibid.*

⁸² A Teppo and M. Houssay-Holzschuch, “Gugulethu™: revolution for neoliberalism in a South African township,” *Canadian Journal of African Studies/La Revue Canadienne des Etudes Africaines* 47, no. 1 (2013): 56. <https://doi.org/10.1080/00083968.2013.770592>.

the District Six area had left many residents homeless. Some relocated to Gugulethu as part of the Group Areas Act's racial and ethnic zoning policies.⁸³ Unlike the Phokeng women who had some level of agency in deciding to move to a new area, the Gugulethu women were unfortunate victims of forced removals implemented by the apartheid government. The Gugulethu women therefore had no backup housing in rural areas like the Phokeng women as most families came from the historic District Six area and other areas all over Cape Town.

In this new environment, female migration to the city grew, as many joined the workforce. According to Lee, these migrations changed the dynamics of a typical African household because women, like men, contributed financially to the running of the household and family capital.⁸⁴ Over time, this created generations of independent women who relied on each other, thus strengthening the mother-daughter-grandmother relationships in the home. By the 1980s, this new household structure became more prevalent, empowering women to pursue their own housing, and creating a culture of matriarchal, multigenerational households.⁸⁵

The matriarchal multigenerational culture became a critical practice when it came to accessing housing and family property. As the United Nations Centre Against Apartheid reported, African women could not acquire a house because of the considerable urban housing shortage in South Africa.⁸⁶ In Lee's study, the first generation of women's housing needs was met through marriage, if they married men who owned a house and gained the house through a divorce or as a widow. Their presence in urban areas was only possible within these conditions. As noted, the Black Administration Act 38 of 1927 did not allow women to register for housing independently. As Lee affirms, this restriction mainly affected the first generation of women.⁸⁷

However, as Wells explains, from 1979 onwards, the government formally acknowledged that African women could occupy roles as breadwinners and head of households.⁸⁸ Most African women bought their own houses after the restrictions on African women's leasehold rights were lifted in 1985. Because the second and third generations of women were usually unmarried, they often sought property independently. In cases where they stayed in the family

⁸³ Maylam, "Explaining the apartheid city", 28.

⁸⁴ Lee, "African women and apartheid", 76.

⁸⁵ *Ibid.*, 77.

⁸⁶ United Nations Centre Against Apartheid, "The effects of apartheid", 17.

⁸⁷ Lee, "African women and apartheid", 86.

⁸⁸ Wells, "Gender and work", 39.

home, they became “valuable contributors to the household resources” because their family relations and kinship mattered when it came to the family inheritance.⁸⁹

Traditionally, family property inheritance is automatically assigned to the son, as explored in previous discussions on customary practice and colonial laws. According to Catherine Cross and Michelle Friedman, customary practice always favoured the male child as the sole heir to their father’s property, granting him the power to be a family leader.⁹⁰ Many cultures upheld this patriarchal view of property inheritance, which excluded women from tenure access. As Cross and Friedman state, widows with young children were the most disadvantaged, together with single mothers, because they did not have a man to ‘secure’ their property.⁹¹ As mentioned before, these women had the social status of legal minors. Therefore, they experienced property repossessions because of that status.

Property repossessions refer to property grabbing strategies often employed by family members of the deceased husband. As mentioned in the previous chapter, property grabbing or repossessions are unfair, gender-based violence practices whereby family members, traditional leaders or neighbours and friends of the deceased male forcefully evict the widow or plot to take the property from her after the death of her husband, regardless of whether the husband left the property to her or not.⁹²

For the women of Gugulethu, changing the narrative of patrilineal inheritance led them to place their daughters at the centre of family property access. The first generation of women fostered a system of shared income and functionality to ensure the successful running and management of the household they shared with their daughters. As the first generation became active participants in resource allocation, they increasingly challenged what Davison calls gender relations. Davison explains that socio-economic contributions operated along gender lines, giving men more control over decision-making tasks and the allocation of resources such as property and income.⁹³ Gugulethu’s new household matriarchal structure supported female-

⁸⁹ *Ibid.*, 79.

⁹⁰ C Cross and M Friedman, “Women and tenure: marginality and left-hand power” in *Women, land and authority: perspectives for South Africa*, ed. S. Meer. (Cape Town: David Phillip Publishers, 1997), 17-18.

⁹¹ Cross and Friedman, “Women and tenure”, 29-31.

⁹² K Izumi, “Gender-based violence and property grabbing in Africa: a denial of women’s liberty and security,” *Gender & Development* 15, no. 1 (2007): 12.

<https://www.tandfonline.com/doi/full/10.1080/13552070601178823>.

⁹³ J Davison, *Agriculture, Women and Land: the African Experience*, (New York: Routledge, 1998), 3.

headship, strengthening mother-daughter relations when it came to housing and inheritance issues, as Lee explains.⁹⁴ However, it is unclear if any documentation or transferral of homeownership occurred between the three generations, or whether this only entailed a verbal agreement.

The policy amendment made in 1985 aided Gugulethu women further in growing the confidence to make decisions about their futures and those of their daughters. The amendment was an important milestone for the third generation of women in Gugulethu, because they no longer relied on men to gain house security. They could buy a house under the leasehold agreement. This decision made the matriarchal multigenerational living arrangement matter, because women shared the cost of paying the rental fee. They worked collectively to ensure that their female-headed households survived the economic conditions set by the apartheid government.

Cape Town presents a compelling case of tenure in African urban areas, which made property purchases in Gugulethu a reality for many women living there at the time. However, the Gugulethu housing scheme initially only allowed African people to have tenure of 30 years in 1976, as temporary housing security.⁹⁵ Nevertheless, this was a short-term solution to a problem that had plagued the urban African population in Cape Town and other parts of the country. Hence in 1985, the state considered and implemented a 99-year lease agreement to give African women the legal right to purchase state-owned houses. However, that did not mean that they owned them. Lee describes the housing structure as follows:

The houses were made of concrete blocks and brick in their original form, with 40 square metres of space spread over four rooms, encompassing two bedrooms, a kitchen and a lounge. A backyard toilet completed the structural picture.⁹⁶

Leasehold tenure gave women the right to occupy a house for an agreed-upon payment, but this did not mean they owned the land on which the house stood.⁹⁷ This type of ‘ownership’ was a small victory for the urban African population. Nevertheless, again, its implementation did not come without bias. As Lee notes,

⁹⁴ Lee, “African women and apartheid”, 76.

⁹⁵ *Ibid.*, 87.

⁹⁶ Lee, “African women and apartheid”, 81.

⁹⁷ Davenport and Hunt, “The right”, v.

Despite these developments, African women remained disadvantaged in terms of access to registered tenure and homeownership. Privatisation benefitted a small and usually male elite. Women who wanted to buy publicly released property in the 1980s had difficulty accessing state-sponsored subsidies to finance homeownership because they earned lower wages than men.⁹⁸

Given the struggles mentioned above, Gugulethu women had two options of accessing housing: marriage and inheritance or pursuing independent housing by registering their names for house subsidies. Either way, both options had their challenges, which still undermined the women's role and social status in society. The challenges presented did not necessarily deter women from pursuing ownership and improving their legal status. Lee's case study explains how women overcame the oppressive mountains of culture and unfair policies.

As Meer highlights, women's land access issues are not separate from status and authority matters in the home.⁹⁹ It was important for the Gugulethu women to put themselves at the centre of housing issues. They became actively involved in obtaining legal residences and titles, despite the challenge of gendered housing legislation and patrilineal inheritance practices. Those who were able to overcome these challenges took on an even more radical approach to participation. They actively played a role in their homes' physical construction regarding financial investment, designs, and renovations.¹⁰⁰ The financial independence acquired among themselves and their daughters allowed them to shift their social status to family providers. This status allowed them to make decisions regarding the upkeep of their homes. The reconstruction of gender roles became another way of affirming that female household heads as valid, contributing members.

According to Lee, the first and second generation of Gugulethu women reported that one of the biggest challenges for them as female household heads was "the burden of playing the triple role as breadwinners, carers and active community members."¹⁰¹ Instead of seeing their various roles as empowering, they saw themselves as victims of their circumstances. There was a disconnect between the way they thought about themselves and their position in their families. These women were dealing with the issue of negative self-image. As discussed before, negative self-image is an intersectional and complicated struggle, especially for African women. African

⁹⁸ Lee, "African women and apartheid", 86-87.

⁹⁹ Meer, "Women, land and authority", 2.

¹⁰⁰ Lee, "African women and apartheid", 88.

¹⁰¹ *Ibid.*, 101.

women have long internalised this negative self-image, which does not celebrate their financial and social independence. As Jordan-Zachery states, there was a general misconception of viewing African female heads of households as inferior. Some African women even internalised this negative opinion perpetuated by society.¹⁰²

However, their concerns were valid, because the multiple demands they had to respond to were overwhelming. There is no denying that female heads of household can experience periods when they wish they could have assistance with their various responsibilities. Hence, multigenerational living made sense to the first and second generation, as it eased this burden.

The third generation seemed more willing to embrace financial and social independence. These women seemed less inclined to see their roles as heads of households negatively. Instead, they desired independence. Hence, they sought out housing elsewhere or moved out of the main house into their grandmother's backyard so that they could establish their economic freedom and social autonomy.¹⁰³

Though the multigenerational household living approach addressed the immediate housing needs and shared income security, it also included layered power relations, resulting in complicated family relations. One cannot deny the generational gap in women's thinking and way of life. On the one hand, the third generation of young women is commendable for pursuing economic independence by moving out of their mother's houses, but this comes at another cost: the risk of losing succession privileges to the family property. The first and second generation of women worked so hard to preserve and pass onto their daughters.

Makhanda/Grahamstown: Fingo Village case study

The next section outlines the household structure and makeup of property titling in Fingo Village and explores these women's experiences, in comparison to those of the Gugulethu and Phokeng women. The Fingo Village case study helps us understand the historical significance of title deeds to female heads of households and their experiences regarding property acquisition during the apartheid and post-colonial period. As noted earlier, the Fingo Village

¹⁰² JS Jordan-Zachery, "Am I a Black woman or a woman who is Black? A Few Thoughts on the Meaning of Intersectionality," *Gender and Politics* 3, no. 2 (2007):258. <https://doi.org/10.1017/S1743923X07000074>.

¹⁰³ Lee, "African women and apartheid", 103.

suburb is one of the few urban areas in South Africa with a longstanding history of African urban title deed ownership. Having faced the same challenges as District Six, the suburb survived the misfortunes of the Group Areas Act. Unlike Gugulethu's racial and ethnic zoning setup, Fingo Village remained a mixed urban region in South Africa during the 20th century.

Kingwill's study establishes possible ways that African women attained access to family property. However, Kingwill did not just interview women; she also interviewed men. Hence, she notes that she interviewed 33 families in Fingo Village between 2006 and 2010. Of the 33, four families were women-headed families, which is what the researcher focuses on in this section. Given that Kingwill's research took place in the 21st century, she explored family property transfer practices in the context of democratic South Africa and its efforts toward gender equality in land rights and property inheritance.

The democratic government in South Africa has worked hard to address policies, practices, and laws. The government amended land laws to include African women as qualified people who can purchase land on their own. Albertyn writes that the 1994 interim constitution of South Africa propelled the need for the government to acknowledge that women's rights are human rights by addressing issues of gender equality and inclusion.¹⁰⁴ One of the most significant changes on the list was the issue of land rights and inheritance practices. According to Karrisha Pillay, Rashida Manjoo and Elroy Paulus, the democratic government of South Africa showed its commitment to women empowerment by addressing the housing crisis within its legal framework. Hence it established women's housing rights in section 26 (Act No. 108 of 1996).¹⁰⁵ However, Act no. 108 of 1996 was set in place to prohibit gender discrimination. As Pillay, Manjoo and Paulus further state:

When we read section 9 with section 26, it is clear that the state must prohibit unfair discrimination regarding housing rights and adopt special measures to promote equality for women in the housing sector.¹⁰⁶

The Constitution, Act no. 108 of 1996 states the following about housing rights:

¹⁰⁴ C Albertyn, "Rights at work: the transition to constitutional democracy and women in South Africa," in *Land, nation-building, and transformation: The South African experience in perspective*, ed. C Jenkins and M Du Plessis. (Cambridge: Intersentia, 2014), 95.

¹⁰⁵ K Pillay, R Manjoo, and E Paulus. "Rights, Roles And Resources: An Analysis of Women's Housing Rights – Implications of the Grootboom case," *Women's Budget Initiative* (2002): 5, accessed June 15, 2019, <https://blueribbon.org.za/wp-content/uploads/2020/09/RIGHTS-ROLES-AND-RESOURCES.pdf>.

¹⁰⁶ Pillay, Manjoo and Paulus, "Rights, roles and resources", 5.

26. Housing. (1) Everyone has the right to have access to adequate housing.
- (2) The state must take reasonable legislative and other measures within its available resources to achieve the progressive realisation of this right.
- (3) No one may be evicted from their home or have their home demolished without an order of court made after considering all the relevant circumstances. No legislation may permit arbitrary evictions.¹⁰⁷

It was not enough to grant women access to housing rights without changing inheritance policies, because those undermined housing rights. According to Cooper, inheritance is a “public policy issue because it is part of the larger problem of property-rights regimes that are discriminatory against women”.¹⁰⁸ Additionally, the government recognised that inheritance practices were part of more extensive customary practices such as customary marriages. Hence, they also made amendments to marriage legislation. Therefore, in 1998, the government re-worked some areas of the Customary Marriage Act to recognise and secure women’s rights to equal social status, property, decision, and decision-making capabilities within the home.¹⁰⁹

The Customary Marriages Act 120 of 1998 set out

- to regulate the registration of customary marriages;
- to provide for the equal status and capacity of spouses in customary marriages;
- to regulate the proprietary consequences of customary marriages and the capacity of spouses of such marriages.¹¹⁰

The additional changes were essential to the country’s development and overall commitment to gender equality. However, not all communities embraced what the law said about women empowerment. They saw the law as contradictory to their customs and traditions, which they had known and practised for generations. This reluctance by some communities saw African women continue to face discrimination, exclusion, and independence, because there was a disconnect between what the law states and its implementation. As a result, there was ongoing tension between customs and laws. Joireman states that applying laws on family property and other assets is always in competition with African cultural practices.¹¹¹ As a result, women

¹⁰⁷ Section 26 of the Constitution of the Republic of South Africa Act 108 of 1996.

¹⁰⁸ E Cooper, “Women and Inheritance in Sub-Saharan Africa: what Can Change?,” *Development Policy Review* 30, no. 5 (2012): 643. <https://onlinelibrary.wiley.com/doi/abs/10.1111/j.1467-7679.2012.00592.x>.

¹⁰⁹ Albertyn, “Rights at work”, 105.

¹¹⁰ Recognition of Customary Marriages Act 120 of 1998,” South African Government, accessed June 17, 2020, https://www.gov.za/documents/recognition-customary-marriages-act?gclid=Cj0KCQiAgomBBhDXARIsAFNyUqNGLc6dlx0Tlu64qCKK-7_ONZU1orgCMFpzMyoMib_Cs1EIQqFfFvwaAuiHEALw_wcB#

¹¹¹ SF Joireman, “The mystery of capital formation in sub-Saharan Africa: women, property rights and customary law,” *World Development* 36, no. 7 (2008):1238. <https://doi.org/10.1016/j.worlddev.2007.06.017>.

remain disadvantaged because of these persistent patriarchal attitudes that refuse to see women as equal counterparts worthy of access to land, family property and housing security.

Though conducted in the 21st century, Rosalie Kingwill's extensive research on Fingo Village offers a detailed exploration of two ways in which women would have accessed property in Fingo. These two avenues lend themselves to titled and untitled transfers to family property transmissions. As a result, one favours communal tenure practices derived from pre-colonial African societies, while the other favours the western landholding system adopted from the colonial era. The focus is on how the four families noted in Kingwill's research used customary practices that embraced the change towards equal family property relations in the 21st century.¹¹² Some of the women in Kingwill's study had title deed documentation that showed them to be individual owners of the family home. Kingwill also named previous custodians who had personal titles of the homes now entrusted to new owners. The researcher presents a list of these women later in the thesis as part of a working list of known women property owners in Fingo Village.

Though some of the family properties in Fingo Village were not in the individual names of current custodians, they have been in their families for generations. Like the Gugulethu women, these women were multigenerational property beneficiaries. Thus, the study positions women as influential thinkers, agents, and leaders in their own homes and communities, much as in Lee's research. Unlike the Phokeng women who had rural homes to go back to when life in urban areas changed economically, the Fingo Village women did not have homesteads or any other properties outside the plots in Fingo Village. Hence gaining property ownership through inheritance was beneficial.

As Kingwill notes, though Fingo Village has a history of private property ownership, most people have not pursued this as a dominant practice.¹¹³ For the people, no individual heir should have sole control over the property.¹¹⁴ Cousins offers a complementary view on this matter. For him, in African practices, an *umzi* (a home) is a social unit for a group of people, not so

¹¹² Kingwill, "Papering over the cracks", 251.

¹¹³ RA Kingwill, "Lost in translation: Family title in Fingo," *Acta Juridica* 1 (2011): 215.

<https://journals.co.za/doi/10.10520/EJC124847>.

¹¹⁴ Kingwill, "Family title", 215.

much an individual, but it must have an authority figure.¹¹⁵ An authority figure is typically a man, but Kingwill's research identifies women as authorities. Because the home is a social unit, it serves the purpose of inclusion instead of exclusion. Men cannot easily evict women (especially unmarried or widowed) from this family home, which means that custodians can either be men or women. Kingwill explains custodianship in this context as follows:

Management of the property is consolidated in an identified individual. Here, the 'management' accords somewhat with the language of executors of deceased estates, with A Xhosa terminology suggesting 'custodianship'. The word most frequently used is derived from the verb '*ugcina*', meaning 'keeper'.¹¹⁶

Because women had become more active in the economy and running their own homes, they became suitable candidates for 'keepers' of the family property. The custodianship practice has undoubtedly opened doors for women's land rights discussions in the 21st century. The fundamental discovery in Kingwill's study is that customary practices such as family home custodians came back into family life in Fingo Village after being replaced by western landholding systems for over a century.

Like those in Lee's study, the women in Kingwill's study gained their properties through continuity. The four families that Kingwill interviewed showed how continuity of family property through custodianship is essential. The custodianship approach advocates for women's right to use the family property even though they did not have legal ownership. Each family revealed something unique about how the families chose the following family home custodian. For example, the women chosen as family home keepers came from a grouping of women who society often considers 'unworthy' of inheritance, such as unmarried women, sisters-in-law and divorced women.¹¹⁷ In a sense, these categories of women are unconventional choices where property inheritance is concerned.¹¹⁸ Notably, some family members who chose family home custodians had been custodians themselves; therefore, they were well-versed with the notion of women being inheritors of family homes. Hence, continuity was key in keeping the family home in the lineage and ensuring that this practice empowered women.

¹¹⁵ B Cousins, "The 'living customary law of the land in Msinga, KwaZulu-Natal,'" in *Untitled: securing land tenure in urban and rural South Africa*, ed. D Hornby, R Kingwill, L Royston and B Cousins (Pietermaritzburg: UKZN Press, 2017), 140.

¹¹⁶ Kingwill, "Family title", 215.

¹¹⁷ Kingwill, "The map", 234.

¹¹⁸ *Ibid.*, 230.

Nevertheless, these women benefited from family decisions, regardless of their status in society. As such, overlooked family members had to accept these nominations. However, because the families interviewed all believed in communal tenure practices, they did not register the custodians as individual homeowners. The chosen women understood that though their occupation was permanent, they did not have sole rights to the family home. This practice empowered women and improved their social status significantly. Women in this position, as Kingwill states, take on interactive roles and active participation in family affairs, with their contribution held in high regard.¹¹⁹ Cousins affirms that family-based systems that practice alternative approaches to strengthening women's tenure use and rights improve women's social status and community relations.¹²⁰ For Fingo Village women, this has been a trend and a trait that has turned the patriarchal practice of inheritance on its head.

However, the approach has not gone unchallenged. Male representatives in the family have often wanted to revert to conservative inheritance perspectives. The underlying issue here is men's inability to relinquish property management and ownership to women. In their view, women are not qualified to manage the family property. Kingwill noted how disgruntled men frequently tried to challenge the nominations, but senior elders ignored their queries. Therefore, she reconciled these as an issue of differential power between how men and women view inheritance.¹²¹

Conclusion

In sum, the exclusion of African women in 20th-century urban land/tenure policies and practices in South Africa impacted African women's lives for generations. Consequently, policies and acts such as influx control, the Group Areas Act, the Native Land Act, and pass laws limited African women's participation and movement in urban areas. For African women in the early part of the 20th century, finding alternative strategies to enter and reside in urban areas was imperative. The migration of men to cities did not guarantee financial security, because some men never returned home. As Wells explains, "because men and women

¹¹⁹ Kingwill, "Family title", 216. These women can either be wives, widows, daughters-in-laws, or single mothers. There are no discriminatory criteria, as long as you are viewed as a respected member of the family with a strong and trustworthy character.

¹²⁰ Cousins, "Customary law", 59.

¹²¹ Kingwill, "The map", 238.

experienced prolonged absences in their marriages over several generations, women learnt how to be heads of households.”¹²²

However, this setup also changed as economic conditions in the rural areas became unbearable for African women who were sole providers for their families. By the time women’s migration to urban areas became the norm, these women were already accustomed to being heads of households. Therefore, they entered the urban space already aware that they would have to be independent. The women of Phokeng demonstrated how, despite African women facing severe gender discrimination and restrictions under the Union and apartheid government, they fought to have a presence in urban areas. However, for these women, staying permanently in urban areas was not part of their aspirations.

These African women’s strategies in acquiring housing in urban areas were admirable, as seen in earlier accounts of approaches employed by African women as female heads to secure housing in Rustenburg. The Cape Town case study by Rebecca Lee highlights the evolution of African women’s participation in urban life. The Gugulethu case operated during the height of apartheid-era policies. This group of women showed how African women moved beyond traditional ways of gaining property through marriage to gain property independently through leasehold housing schemes.

Their narratives provided insight into unique property relations practices in multi and intergenerational female-headed households. These women showed how shared living was a valuable strategy for surviving the economic demands of urban living, which became a sustainable strategy for permanent residence in Gugulethu. The first generation empowered the second and third generations of daughters through matrilineal inheritance. This case offered inspiring stories of perseverance that transformed gender roles in private spaces.

The usefulness of Bozzoli and Lee’s studies lies primarily in their depth of exposure to women’s agency over generations. The legal framework was not as important as other issues. Rosalie Kingwill’s research on Fingo Village noted the experiences of Africans who inherited family property through customary practices. Kingwill’s study is a helpful resource on inheritance practices and women’s property rights. Though her case is a springboard for this research, it lacks a nuanced approach in reporting women’s experiences. Her research did not dig deeper into Fingo Village women’s thought processes and feelings around the accessibility

¹²² Wells, “Gender and work”, 33.

of family homes and titling. Therefore, she did not explore women's knowledge of wills and title deeds registration, as a strategy women can employ to advance their empowerment through the stricter application of women's housing and tenure rights in line with recent policy changes.

In this regard, more conversations and questions still need exploring, to uncover Fingo Village women's untold stories, operating in the legal and customary realm of property ownership. These conversations must go beyond the traditional oral history interviews and consultation of official records. Conversations about title deed registration need to be interactive so that women can share their stories and experiences freely. Thus, this study proposed applied theatre techniques as new ways of researching Fingo Village to continue conversations with living residents about the historical significance of African female title deed holders. The applied theatre approach is transformative. Its multiple participatory research techniques allow for action and reflection. These techniques can offer new ways of interpreting and interacting with historical content. Interaction through dialogical and performance-based activities can enable the participants and the researcher to be co-creators of untold Fingo Village stories.

CHAPTER FIVE - THEATRE STRATEGIES AS RESEARCH TO PROCESS PERSONAL HISTORIES AND MEMORIES

History is one of those subjects which seem an obvious choice for the inclusion of drama strategies.¹

The above quote captures the essence of this study. The study uses traditional oral history interview methods as well as drama-based research approaches. Oral history seeks to capture life stories by recording verbal testimonies through planned interviews conducted by historians.² Here, oral evidence is “recorded and received or listened to in a particular place.”³ These interviews, however, require time. In instances where there are many informants to interview, the researcher, a trained historian, might not have the time to establish “organic relationships” with the community at hand.⁴

Additionally, the researcher might not “create spaces for dialogue about history” with the wider public.⁵ Therefore, the once-off interviews and consultation of historical records strategies become the only adequate data collection strategies. However, the once-off interview method offers a one-dimensional approach to research, even though the methodology involves frequent follow-up interviews with informants. This approach tends to not fully recognising the participant beyond the interview phases. Hence, applied theatre presents a desirable approach that can be paired with the oral history interview method to extend respondents’ participation in the research. Accountability to the interviewees is a central part of the oral history methodology, however, applied theatre strategies can expand knowledge exchange opportunity that can develop in extended interactions.

I started my research journey with oral history interviews, hence I can attest to the solid foundation they provided me with, which led me to the creative and participatory processes of

¹ C O’Neill and A Lambert, *Drama structures: a practical handbook for teachers* (London: Stanley Thornes, 1982), 17.

² L Starr, “Oral history”, in *Oral history: an interdisciplinary anthology*, ed. DK. Dunaway and WK Baum, (Walnut Creek: AltaMira Press, 1996), 40.

³ S Trower, “Introduction,” in *Place, writing and voice in oral history*, ed. S. Tower. (New York: Palgrave Macmillan, 2011), 4. These places are only accessible to researchers who take on a role of listeners and transcribers who then turn the stories into written literature.

⁴ Kean, “Introduction”, xvi and Glassberg in ET Linenthal, “Problems and Promise in Public History,” *The Public Historian* 19, no. 2 (1997):45. https://www.jstor.org/stable/3379140?seq=1&cid=pdf-reference#references_tab_contents.

⁵ Kean, “introduction”, xvi.

applied theatre. However, this is not to suggest that applied theatre is the only way to extend interactions and that it automatically elevates participatory theatre as a historical methodology. Instead, I am offering it as legitimate method that other researchers working with historical material, or in the history field have experimented with. The approaches used in this study, therefore offer an interdisciplinary collection and exploration of living history testimonies of African women residing in Fingo Village.

Therefore, this section elaborates on the uses of multiple theatre strategies as alternative ways to expand participants' involvement in historical research projects. A mixture of history and drama is prevalent in the entertainment industry, as documentary films and motion pictures commonly portray historical events. It is also a well-practised medium in academia. As Dean explains, theatre uses in history research allow history to be put on stage and for theatre to become a knowledge site.⁶ Working in this manner adds value to historical research, because it widens the audience's engagement within the history discipline. Their participation is a way of producing new insights and knowledge. It presents an alternative knowledge production structure different from the usual situation of historians telling the public what they know. As a result, practitioners and researchers worldwide have used this drama/theatre and history approach in their research endeavours. Their journeys have led them to develop an array of research methodology names and descriptions, such as arts-based research, performance-based research, performing history, applied theatre or heritage research.

Art-based-research and history: a brief overview of selected international practitioners

According to Tom Barone and Elliot Eisner, art-based research is a qualitative research methodology that uses music, visual art, drama, or dance to represent content.⁷ In this regard, this type of methodology deviates from traditional ways of collecting or producing research data by employing a creative output strategy. As Patricia Leavy posits, art-based research can serve a research project at any stage, be it data collection, analysis, interpretation, or representation.⁸ When combined with other social disciplines, this methodology becomes a valuable approach for inquiry.⁹ A process of investigation can spark a certain level of academic

⁶ D Dean, "Theatre: A Neglected Site of Public History?" *The Public Historian* 34, no. 3 (2012): 30-31. <https://doi.org/10.1525/tph.2012.34.3.21>.

⁷ T Barone and E Eisner, *Arts based research* (Arizona: SAGE, 2012), 1.

⁸ P Leavy, *Method meets art: art-based research practice*. (New York: The Guilford Press, 2009), 2-3.

⁹ Barone and Eisner, "Art-based-research", 14.

curiosity, which leads to the generation of valuable tools that are often useful in understanding a historical event, person, or place better.¹⁰

An arts-based research methodology that uses drama or theatre techniques falls under the field of performance studies. Performance studies adopt a qualitative paradigm that uses various performance outputs, such as dance and theatre. Theatre has particularly been used as a research method to interpret and translate research data from interviews into performance or text.¹¹ In this instance, performance tools such as performance art events, theatre performances, poetry, storytelling, film, and scriptwriting are helpful for knowledge production. As Mark Fleishman explains, performance tools are “sites of knowledge” because they expand on the content researchers are exploring.¹² The tools employed by the ethnodrama approach involve engagements with history, memory work and performance.

According to Leavy, ethnodrama is a method that uses traditional research methods such as interviews, ethnography, and public documents.¹³ Although ethnodrama traditionally refers to an anthropology and drama approach, it is also applicable to historical research. As a method of documentary theatre research, ethnodrama research employs alternative data collection strategies. Herein, researchers learn how to collect historical data using video-recorded interviews and performances.¹⁴ These are analysed and interpreted to produce dramatic or script outputs.¹⁵

Gregory Cubitt states that memory work in history research enables a level of inquiry that draws on “mental and social dynamics of remembering” events.¹⁶ Moreover, memory work in history research has to consider not only the way people remember events but also how those events impacted them. As Paula Hamilton notes, when doing memory work, one needs to consider the politics of memory frameworks in relation to the individual story and the public discourse of the event, especially with the oppressed. It means that memory works must be

¹⁰ *Ibid.*, 7.

¹¹ Leavy, “Method meets art”, 135 and 136.

¹² M Fleishman, “Knowing Performance: Performance as Knowledge Paradigm for Africa,” *South African Theatre Journal* 23 (2009):116 and 120. <https://doi.org/10.1080/10137548.2009.9687905>.

¹³ Leavy, “Method meets art”, 144.

¹⁴ J Ackroyd and J O’Toole, *Performing research: tensions, triumphs and trade-offs of ethnodrama* (London: Trentham Books, 2010), 20-21.

¹⁵ Leavy, “Method meets art”, 144.

¹⁶ G Cubbit, *History and memory* (Manchester: Manchester University Press, 2007), 1.

accompanied by a level of historical consciousness whereby the tellers and the witnesses develop an understanding of how the said event affected the lives of the oppressed.¹⁷

Arguably, theatre enables a multi-dimensional approach to excavating these memories and representing them to an audience, thus exploring different political and social perspectives of an event or experience. In some instances, theatre practitioners embark on a research journey that uses performance as a research inquiry method, a data analysis method, or a data collection method and a dissemination of research method. Alicia Rouvenol is one of the few oral historians that have partnered with theatre practitioners in her work combining memory work and performance. Her research was a life review project that set out to use oral history interviews from incarcerated male participants and turn those into a performance that was aimed at youngsters with a troubled past.¹⁸ Not only did the project turn the men's stories into a performance, but it also demonstrated what shared authority in history research can look like. The participants worked together with the researcher and an experienced director to use recorded interviews and turn them into a script through a collaborative effort that saw eight men become main performers in the Brown Creek Life Review Project.¹⁹ Rouverol provides a detail reflection of the process of the project, and one thing that stands out about using this multiple approach is that performance gave the inmates an avenue to process their painful memories and it allowed them to articulate their identities beyond the imprisonment narrative. Performance, as Rouverol notes, allowed the prisoners to navigate and negotiate how they wanted to present their stories, thus empowering them with a "degree of control different to their everyday lived."²⁰

Rouverol represents a growing number of historians working with theatre makers thus providing a framework and a process that might incite other historians interested in interdisciplinary research. Although collaborations between historians and theatre makers are making more headway in the history field, in the applied theatre arena it is very common for theatre makers to work with historical material. Anthony Jackson and Jenny Kidd are among

¹⁷ P Hamilton, "Sale of the century? Memory and historical consciousness in Australia" in *Contested Past: the politics of memory*, ed. K Hodgkin and S Radstone (New York: Routledge, 2003), 137 and 141.

¹⁸ Life review refers to a process whereby participants talk about their life stories and recall events that led them to a certain moment that changed their lives, and this is often done in a public setting through a dialogical process where the teller shares his or her story with listeners. AL Rouverol, "Trying to be good: lesson in oral history and performance", in *Remembering: oral history performance*, ed. D Pollock. (New York: Palgrave Macmillan, 2005), 19 and 24.

¹⁹ Rouverol, "Trying to be good", 20.

²⁰ *Ibid.*, 26.

the most influential applied theatre practitioners globally. Their work is especially relevant to this research because they embrace practices that merge history and drama.

Jackson is an Emeritus Professor of Educational Theatre at the University of Manchester. His work has focused on theatre as an educational tool, especially for teaching and learning history or heritage.²¹ For Jackson, the appeal of combining heritage studies and theatre lies in how performance brings stories alive in historical sites and museums, all places considered unconventional performance sites.²² The advantage here is that performances staged in historical sites embrace a truthful representation of the actual event. As David Watts confirms, when present at these sites, the audience witnesses performances on actual historical grounds.²³ The aim, however, is not to encourage a passive viewing of history. Instead, the objective is to confront the past and “broaden understanding of a particular situation...”²⁴ Understanding the situation or time in history is an essential moment of teaching and introspection for the site or museum visitors.

According to Jackson, audiences face complex emotions in historical site performances, because they each must examine their own “pre-existing attitudes and inclinations.”²⁵ These emotions can either make audience members change their perceptions about specific historical facts or events or solidify their views on the said event. Being confronted with historical information in performance enables the audience members to develop awareness and social consciousness on the spot. Their emotions prompt responses that may lead to discussions of social consciousness. For example, Jenny Kidd and Jackson ran Performance, Learning and Heritage projects at the University of Manchester. The projects staged live performances and encounters in museums for visitors. Accordingly, the university worked with a professional theatre company and the museum staff and a team of curators to stage a play called *This Accursed Thing*.²⁶ The play was about the abolishment of the Slave Trade Act.²⁷ The

²¹ A Jackson and J Kidd, *Performing heritage: research, practice and innovation in museum theatre and live interpretation* (Manchester: Manchester University Press, 2011), xii.

²² A Jackson, “Engaging the audience: negotiating performance in the museum,” in *Performing heritage: research, practice and innovation in museum theatre and live interpretation*, ed. A Jackson and J Kidd. (Manchester: Manchester University Press, 2011), 11.

²³ D Watt, “Local Knowledges, Memories, and Community: From Oral History to Performance,” in *Political Performances*. (Leiden, The Netherlands: Brill, 2009), 194. https://doi.org/10.1163/9789042026070_013191.

²⁴ Watt, “Local Knowledges”, 194.

²⁵ Jackson, “Engaging the audience “, 11.

²⁶ *Ibid.*, 13.

²⁷ *Ibid.*

performance exposed the audience to a different way of interacting with historical facts about slavery. Kidd explains:

The techniques included first and third-person live (mostly costumed) interpretation, gallery performance, scripted monologues, and even large-scale living history events. Often performed with educational intent, such presentations (or exchanges) are designed to facilitate engagement between sites, visitors, and the various heritages on offer.²⁸

For the performer, the core of the action lies in them being able to fully embrace and play the role of knowledgeable historian in-role. First-person performances, as noted by Kidd, are beneficial in making people refocus their attention mentally between two periods.²⁹ Allowing people to experience an event from a different period with the awareness of current times engenders a consciousness that would otherwise be missed in traditional history writing and archiving. As Fleishman posits, the performer can bridge the gap between the past and the present by using their body and emotions to communicate information.³⁰ The audience then confronts the presented information and decides whether they agree with the presented views or if they oppose them.

Moreover, for Kidd, heritage performances such as this create opportunities for interaction between audiences and historians.³¹ Performance activities that ask the audience to reflect on their views aid with interpretation and have a substantial educational benefit. Jackson says that this way of working places the audience at the centre of the action.³² The multi-disciplinary engagement makes their learning multi-dimensional. In this multi-dimensional learning process, art-based research and performances “make new worlds.”³³ It means that blended research approaches provide insight into the “complex psychosocial dynamics” of historical events. These incidences offer new understanding and inquiry when feelings and emotions are analysed. Indeed, feelings and emotions are complex psychosocial dynamics because they are not permanent. They change all the time; hence one event differs from another in terms of the

²⁸ J Kidd, “Performing the knowing archive: heritage performance and authenticity,” *International Journal of Heritage Studies* 17, no. 1, (2011): 22. <https://doi.org/10.1080/13527258.2011.524003>.

²⁹ *Ibid.*

³⁰ M Fleishman, “Remembering in the postcolony: refiguring the past with theatre.” (PhD Thesis, University of Cape Town, 2012), 25.

³¹ Kidd, “Performing the knowing”, 23.

³² Jackson, “Engaging the audience”, 15.

³³ Barone and Eisner, “Arts based research”, 24-25.

feelings it produces, and they help form alternative viewpoints that question the historical event anew.

Remembering a historical event is not enough, because, in memory work, feelings do come up. Borrowing some of Cubitt's logic, it is essential to note that understanding memory is not about pinning down what happened. Instead, this approach explores memory "frictions and intersections" regarding discussions of human life and varying perspectives and experiences.³⁴ Therefore, memory activities and performance material that capture a significant event must involve clear aesthetic choices. Victor Ukaegbu and Jumai Ewu suggest a range of aesthetic choices researchers can choose from, including public discussions accompanied by short performances; scripted text developed from interviews or archives; episodic presentations of media clips, and storytelling performances.³⁵ These choices aid in keeping the event's memory alive by exploring the audiences' emotions about history and memory work.³⁶ However, Hamilton notes how memory work is not always the same as "history making that is synonymous with the desire to keep continuity with the past" especially when it comes to issues of the myth of nationhood.³⁷

Hamilton writes this in an Australian context, whereby the need to celebrate history from a one-sided narrative, which often supports the "myth of nationhood and bravery to elevate white masculinity."³⁸ It is in this context that memory work that is done in historical re-enactment settings often aim to uphold the story of the oppressor, which is accepted as truth. But there is an alternative to doing so, as Hamilton points out. Historians can use memory work to access collective memories of a group to challenge mythologies, thus bring silenced stories to the fore. It can be done when silenced groups are given a chance to tell their stories publicly thus shedding light on collective pain and experiences through public debates.³⁹ Therefore, performances that deal with historical material are helpful sites in getting groups to process past events. Though the memory may be somewhat fixed, the feelings and emotions are flexible

³⁴ *Ibid.*, 7.

³⁵ V Ukaegbu and J Ewu, "Performing histories-voices of black rural community: from oral history to ethnodrama: the journey of the spoken word," in *Performing research: tensions, triumphs and trade-offs of ethnodrama*, ed. J Ackroyd and J O'Toole. (London: Institute of Education Press, 2010), 176.

³⁶ Cubitt, "History and memory", 50.

³⁷ Hamilton, "Sale of the century", 140.

³⁸ *Ibid.*

³⁹ *Ibid.*, 145.

because they change with time. As feelings and emotions change during a performance, so do people's social perceptions of the event.

Because art-based research presents new ways of looking at a historical event, it has been well-received in academic institutions. Through drama techniques, researchers have expanded knowledge and interpretation in history research. As Judith Ackroyd and John O'Toole explain, ethnodrama or performance ethnography methodology in educational spaces "created new meanings for the research subjects or the 'others' of potential audiences."⁴⁰ The new research method made performance a desirable way to reach new audiences.

This way of working has also been termed 'documentary theatre'. As David Watt notes, "documentary theatre *first* emerged in 1926" when Bertolt Brecht and John Grierson named and "coined the term by relating it to documentary film outputs."⁴¹ Notably, this method provided literal visual reporting of people's personal experiences. It was a ground-breaking method in a society that only embraced written accounts. Though very popular in the 1960s, it experienced periods of silence in the 70s and 80s and only resurfaced again in the 90s. According to Watt, "documentary theatre made a comeback in the 1990s, as it gained new academic interests in Britain, indicating similar re-emergence of the form in Germany, Israel, and other places".⁴²

According to Derek Paget, when documentary theatre re-emerged, it was more similar to verbatim experimental theatre found in the United Kingdom. As a result, more researchers and theatre makers developed an interest in documenting people's post-war stories from 1950s onwards.⁴³ Recording real-life stories became popular, especially in academic institutions that practised interdisciplinary research. The unconventional nature of documentary theatre helped unearth stories using real people's narratives in theatre performances.⁴⁴ As a performance-based research method, documentary theatre offered ample opportunity for analysis and representation of data.⁴⁵ Arguably, it also gave researchers a new perspective on data presentation that saw them reach multiple audiences and spread knowledge beyond the

⁴⁰ Ackroyd and O'Toole, "Performing research", 3.

⁴¹ Watt, "Local Knowledges", 191

⁴² *Ibid.*

⁴³ D Paget, "Verbatim Theatre': Oral History and Documentary Techniques." *New Theatre Quarterly* 3, no. 12 (1987): 318-319. <https://doi.org/10.1017/S0266464X00002463>.

⁴⁴ Ackroyd and O'Toole, "Performing research", 22-23.

⁴⁵ Leavy, "Method meet art", 141.

academic audience. The succeeding sections refer to various international and local applied theatre practitioners.

In the 1960s, documentary theatre went through name transformations that landed the term under the umbrella term of “community theatre.”⁴⁶ Documentary theatre is one of the theatre forms that falls under the term of ‘applied theatre’. However, although documentary theatre revolutionised data presentation, it differs from other processes of applied theatre because it often takes place in a theatre setting. Applied theatre describes a wide range of theatrical practices and processes that take the audience, participants, and performers into unconventional settings for emphasis purposes.⁴⁷ Theatre-based researchers saw applied theatre as an inclusive research method that embraced a qualitative ethical approach, especially in feminist research.

Using drama methods in feminist historical research

The re-emergence of documentary theatre gave rise to more inclusive methods that also embraced feminist research approaches. It allowed researchers to tell women’s oral testimonies in multiple styles.⁴⁸ In this way, the method brought more private stories and women’s history to the surface. For example, the *Alice Hoy is not a building* ethnographic case study is an excellent example of feminist theatre. As a case study and performance research project, it focused on past and present experiences by women in academia at the University of Melbourne in Australia.⁴⁹ The team conducted oral history interviews and collected twenty-year-old historical data, (including oral history text and archives on Alice Hoy) and women’s “lived experiences (personal and professional roles) as academics and graduate students in the university at a time of change”.⁵⁰ However, they also employed theatre strategies. As Charlotte Canning explains, using theatre as a tool to tell women’s stories and histories gives oral history methodology an extra edge.⁵¹ The collection of such rich and theme-filled data required multi-layered analysis and representation.

⁴⁶ Watt, “Local knowledges”, 191.

⁴⁷ T Prentki and S Preston, “Applied Theatre: An introduction,” in *The Applied Theatre Reader* (London: Routledge, 2009), 9. Unconventional settings are places like hospitals, schools, prisons, museums or any public space that is not a theatre auditorium.

⁴⁸ C Canning, *Feminist Theatre in the USA: staging women’s experiences* (New York: Routledge, 1996), 17

⁴⁹ Alice Hoy (1893-1976) was a female leader who worked at the University of Melbourne, and she was known for her teacher training qualities and progressive educational research. JM Bird, KJ Donelan, C Sinclair, and P Wales, “Alice Hoy is not a building-women in academia,” in *Performing research: tensions, triumphs and trade-offs of ethnodrama*, ed. J Ackroyd and J O’Toole. (London: Institute of Education IOE Press, 2010) 81.

⁵⁰ Bird et al., “Alice Hoy”, 83 and 87.

⁵¹ Canning, “Feminist Theatre”, 17.

The *Alice Hoy is not a building* research team used historical data collected from transcribed interviews, journal entries, photographs, and other fitting documents and turned it into a dramatic performance text.⁵² Therefore, the script for the project consisted of verbatim words taken from the transcribed interviews.⁵³ As a result, the team staged a performance that celebrated Alice Hoy. She is a forgotten historical figure whose personality traits and achievements were a catalyst that uncovered more stories and experiences of women in academia. In this regard, working with women's collective memory in academia gave the story and the research a personal character. For Cubitt, working with collective memory means finding a way to represent participants' recollections in the present.⁵⁴ The *Alice Hoy is not a building* team used verbatim theatre to foster a comprehensive presentation of academic women's experiences.

Because representation in feminist research matters, the researchers paid careful attention to how they interpreted the historical facts on Alice Hoy. Thus, they were mindful of how they represented these facts about other women's experiences in the production. Janet Gibson states that verbatim theatre embraces the responsibility of negotiating how they tell the subjects' stories.⁵⁵

Performance as interpretation: South African examples

In South Africa, the uses of drama or theatre methods in history work continue to develop steadily as applied theatre practices. One of the most prominent figures in performance and history research is Mark Fleishman. Fleishman graduated with a doctorate from the University of Cape Town in South Africa, cementing his interest in using performance as a tool for interpreting historical content. Fleishman's doctoral dissertation and research project focused on memory work in post-apartheid South Africa by researching and staging performances at four historical sites in Cape Town.⁵⁶ Fleishman used performance as a research method to confront the chosen historical sites' painful memories. There is no denying that colonialism

⁵² Bird et al., "Alice Hoy", 83-84.

⁵³ *Ibid.*, 89.

⁵⁴ Cubitt, "History and memory", 10-11.

⁵⁵ JS Gibson, "Saying it right : creating ethical verbatim theatre," *NEO: journal for higher degree research students in the social sciences and humanities* 4, (2011): 2.

https://www.academia.edu/2027988/Saying_It_Right_Creating_Ethical_Verbatim_Theatre.

⁵⁶ Fleishman, "Remembering", 8 and 14. The four sites are Robben Island, District six, The Bleek and Lloyd collection of /Xam records and the archive of slavery at the Cape.

and apartheid had devastating effects on the country and people of colour; thus, South Africa is a traumatised nation.

Theatre gave Fleishman and the audience the opportunity to remember the colony's mistakes with a post-colony consciousness.⁵⁷ The performances were staged for paying audiences. He created the past and represented it in the present through multiple make-believe performances at each site. For Fleishman, the sites were good sources for research, though their histories were fragmented. However, performance allowed him to experiment with theatre techniques to 'complete' the site's stories.⁵⁸ Thus, Fleishman occupied multiple roles as a researcher, director, facilitator in his study.

The roles and responsibilities of a director/facilitator

In applied theatre projects specifically, the researchers, performers and audience members have defined responsibilities and titles. Defined roles help set clear boundaries about how each stakeholder ought to contribute to the project at hand. For example, Fleishman was a researcher, director and facilitator. As a director, he constructed the text with performers to guide and shape the conversations that occurred regarding the historical significance of the four sites.⁵⁹ Because he was a facilitator-director, he made artistic choices about how to stage the performances at the various sites. These choices included decisions on whether the performance had a script or not, what performance style the performers embodied, and who the targeted audiences were.

Fleishman's performance approach brought emotions, perceptions, and attitudes to the forefront. However, he did not present content in a one-dimensional manner. Jackson states that historians often fall short in recognising how history as a subject is evolving. As a result, some of the ways historians deliver content can be anti-educational.⁶⁰ Indeed, any output or dissemination that is not multi-dimensional runs the risk of excluding some people from acquiring that knowledge. In this instance, a one-dimensional approach denies the public the opportunity to reflect on how a historical site and the narrative that accompanies it affects local people. Fleishman was aware of this tension. Thus, even in performance as a methodology, he

⁵⁷ *Ibid.*, 16.

⁵⁸ *Ibid.*, 33.

⁵⁹ *Ibid.*, 42.

⁶⁰ A Jackson, "Inter-acting with the Past - the use of participatory theatre at museums and heritage sites," *Research in Drama Education* 5, no. 2, (2010): 201. <https://doi.org/10.1080/713692887>.

was cautious not to present his research findings as written text only, which would be one-dimensional. Hence, he employed post-performance discussions as activities that encouraged social awareness.

As a facilitator, Fleishman conducted difficult discussions with the cast of *Clanwilliam Arts Project* to create the performance. The project was an eight-day arts residency for school learners in the rural town of Clanwilliam, two hundred kilometres from Cape Town.⁶¹ The group had no formal theatre training. Thus, Fleishman used a series of creative activities to encourage imagination and participation that allowed the performers to place themselves within the archival material of the /Xam collection.⁶² The project was about reclaiming the heritage of the /Xam by re-connecting their story and landscape to the current community.⁶³ Therefore, talking about the effects of the past and the history of the place helped the youngsters process their feelings and emotions. Once this was dealt with, Fleishman staged the performance.

As a white South African man, Fleishman did not shy away from the uncomfortable topic of the effects of colonialism embedded in the Bleek and Lloyd collection of /Xam records and the Clanwilliam landscape. Unlike traditional historical research, Fleishman's methodology allowed the researcher to participate in the study, as applied theatre practitioners often do.⁶⁴ Therefore, he was a participant-researcher in his own research. However, as a post-performance discussion facilitator, he did not impose his opinions and views on the performers he was working with. Instead, he was intentional about letting the group tell the story, so that their voices would be heard. Hence for him, the Project in Clanwilliam was "an ethical response to 'a new world disorder'" that saw the community talk back at the archives and the landscape.⁶⁵ The performance was not a traditional performance, because it included a sit-in theatre performance and a song and dance parade of floats.

Fleishman's approach to the Clanwilliam project only highlighted a small part of what a facilitator can do in applied theatre projects. Facilitators in applied theatre projects often take on a larger role, primarily when they use forum theatre strategies, as in this study. Forum theatre is a theatre-style invented by Augusto Boal, a famous and influential Brazilian theatre

⁶¹ Fleishman, "Remembering", 133.

⁶² *Ibid.*, 197.

⁶³ *Ibid.*, 134.

⁶⁴ *Ibid.*, 44.

⁶⁵ *Ibid.*, 180.

practitioner. He believed in emancipating the oppressed through theatre activities.⁶⁶ The emancipatory style theatre approach focuses on breaking down the fourth wall in theatre performance to invite the audience to participate in the character's lives.⁶⁷ Here, the audience either challenges or accepts what the character is saying and does this on stage through various activities designed to encourage problem-solving.

Accordingly, Boal designated the facilitator the 'joker'. He used the term 'joker' in a serious sense, unlike the usual meaning of the term. For him, the joker must relinquish the 'expert stance' and adopt a "demeanour that allows their own doubts, their indecision or timidity, to show through."⁶⁸ By adopting this demeanour, the facilitator shows the audience that they are equal contributors in the space, thus, encouraging dialogue. As Sheila Preston adds, changing the 'self' to take up the performance role of the facilitator is a necessary part of negotiating one's professional self with participants.⁶⁹ Suppose the facilitator comes across as someone more knowledgeable. In that case, they risk alienating their audience, who then might not want to participate. This is an issue of shared authority. The facilitator ought to create a space for shared authority and knowledge to take place. As such, Boal adds the following regarding the role of facilitator:

Jokers must avoid all actions which could manipulate or influence the audience. Jokers personally decide nothing. The joker must constantly be relaying doubts back to the audience so that it is they who make the decisions. Jokers must watch out for all 'magic' solutions.⁷⁰

Therefore, as Boal suggests, the facilitator is hyperaware of their interactions with the audiences and the performance material. It is common "during this work for facilitators to blame themselves and to be anxious about the impact on the project and participants."⁷¹ This is because they are responsible for creating an atmosphere that invites the audience to interact with what they have witnessed actively. In addition, the facilitator faces the pressure of

⁶⁶ A McClimens and R Scott, "Lights, camera, education! The potentials of forum theatre in a learning disability nursing program," *Nurse Educ Today* 27, no. 3 (2007): 206. <https://doi.org/10.1016/j.nedt.2006.04.009>.

⁶⁷ McClimens and Scott, "Lights, camera, education", 206. The fourth wall refers to the physical and metaphorical space between the audience and the performers, which in traditional theatre setting maintains a distance between the actor and spectator.

⁶⁸ A Boal, *Games for actors and non-actors* (New York: Routledge, 2005), 262.

⁶⁹ S Preston, "Managed hearts? Emotional labour and the applied theatre facilitator in urban settings," *Research in Drama Education: The Journal of Applied Theatre and Performance* 18, no. 3 (2013):231. <http://dx.doi.org/10.1080/13569783.2013.810929>.

⁷⁰ Boal, "Games", 261.

⁷¹ Preston, "Managed hearts?", 232.

remaining objective throughout the engagements so that they do not compromise the authentic responses of the audience members.

Facilitators also play a role in playback theatre techniques. Playback theatre is a technique whereby performers tell the participants' accounts back to them through a reconstructed lens that focuses on a specific moment or theme.⁷² In playback theatre sessions, a facilitator functions as a conductor who is an "emcee and trained interviewer."⁷³ Their job is to invite audience members to share stories or come to the stage to participate in an existing story. However, before inviting the audience to come on stage, the facilitator must explain what will happen, so the audience knows what to expect.

As Adam Czirak explains, welcoming the audience and explaining the rules of engagement helps "take the tension out of the air because it makes the rules clear before the audiences invest in the participation."⁷⁴ The facilitator, therefore, needs to prepare for this role accordingly by having a predetermined set of rules to communicate to the audience. The facilitator must have a few questions set aside to ask the audience members as conversation starters. However, facilitator's questions ought to exclude simplistic answers. Answers that "prompt only a 'yes, no, or sort of' response tell the researcher very little" about the audiences' social views.⁷⁵ For the *umzi ka mama* project, I embraced Boal's joker facilitator role fully. I reflect on my role in the research study in the next chapter.

The responsibilities of the performers

Even though the facilitator carries the obligation of facilitating organic conversations and looking out for authentic responses, the performers also bear the responsibility of delivering a believable performance. Because applied theatre performances often tackle social issues, the

⁷² E Kaptani, and N Yuval-Davis, "Participatory Theatre as a Research Methodology: Identity, Performance and Social Action among Refugees," *Sociological Research Online* 13, no. 5 (2008): 4.

<http://www.socresonline.org.uk/13/5/2.html>.

⁷³ LM Park-Fuller, "Audiencing the Audience: Playback Theatre, Performative Writing, and Social Activism," *Text and Performance Quarterly* 23, no. 3 (2003): 291.

<https://doi.org/10.1080/10462930310001635321>.

⁷⁴ A Czirak, "The Piece Comes to Life through a Dialogue with the Spectators, not with the Performers: An interview on participation with Dries Verhoeven," *Performance Research* 16, no. 3 (2011): 78.

<http://dx.doi.org/10.1080/13528165.2011.606029>.

⁷⁵ Park-Fuller, "Audiencing the Audience", 290.

performers need to ensure their performance delivers the message or dilemma. Here, performance becomes an instrument of social awareness and change.⁷⁶ Nevertheless, this change must be believable and relatable. As Fleishman highlights in his work, regurgitating lines from the script is not enough. According to Boal, the actor needs to deliver “every phrase and action with the intention of awakening the spect-actor responses.”⁷⁷ There is no limitation on how many characters a performer can represent. What is important is the dramatic presentation of the story and the emphasis on the story’s essential events and meanings.⁷⁸ Therefore, Fleishman’s performers also had clearly defined responsibilities.

For example, Fleishman used a technique known as ‘scrambling’ to work with performers in a contemporary performance event called *Rain in a dead man’s footprints* staged in 2004. The audience followed Bleek, a linguist and //Kabbo, a /Xam man, as dramatic characters whose relationship is uncertain and full of contradictions.⁷⁹ They navigated decisions concerning //Kabbo’s stay in Mowbray after his release from prison. The story explored the limitations of the San people’s movement in Cape Town, which was contrary to their original migration patterns. The performers used original poems from the /Xam collection as a pretext that helped them take up roles as San characters. They turned the poems into “sets of Images – physical, visual, verbal, musical, and bits and pieces of the characters.”⁸⁰ For Fleishman, this technique helped him represent the “abrupt jumps in time and reality in the stories of the /Xam” honestly.⁸¹ Additionally, the technique helped the performers provide an authentic performance that gave the stories of the /Xam a voice.⁸²

However, Fleishman’s performers only covered the performance aspect. In some instances where theatre unearths untold stories, performers might interact with the audience to piece together fragmented details of a story. In such instances, the performance does not stop when the play ends; performers stay in character for the follow-up debates. In these post-performance discussions, performers interact with the audiences. They get a chance to ask questions or take on the role of the performer, hence the term ‘spect-actor’. Therefore, performers “must be

⁷⁶ *Ibid.*, 288.

⁷⁷ Boal, “Games”, 265.

⁷⁸ LA Sanders, “Raising Consciousness and Examining Values Through Playback Theatre,” *Journal of College and Character* 9, no. 3 (2008):3. <https://doi.org/10.2202/1940-1639.1116>.

⁷⁹ Fleishman, “Remembering”, 117.

⁸⁰ *Ibid.*, 124.

⁸¹ *Ibid.*, 123.

⁸² *Ibid.*, 114.

extremely dialectical” in these discussions.⁸³ As Boal states, they “must know how to give and take, how to hold back and lead on, how to be creative.”⁸⁴ When faced with questions from the audiences, they should not provide all the answers; instead, they should remain mysterious and allow the audience members to come up with the solutions. As a result, a dialectical performer helps the facilitator to keep the dialogue moving along. The performers and the director-facilitator need to have a solid working relationship. They give each other a chance to lead or hold back on taking charge to reach their chosen objectives.

The role of the audience

The audience members are the most significant contributing factor in any applied theatre production. Without them, the process of social awareness and consciousness is incomplete. Unlike in traditional theatre settings where audience members passively watch a performance, audience members in forum theatre processes participate, although the participation has varying levels. For the *Clanwilliam Art Project*, Fleishman created a performance event that included a street parade, which saw community members join in on the song-and-dance march.

According to Fleishman, the parade was a visual and physical tool that cut across township streets in Clanwilliam to disrupt “the rigid lines of apartheid urban blueprint.”⁸⁵ It was a symbolic gesture, which brought the stories of the /Xam archives to the people, thus “re-inserting them into the landscape from which they came.”⁸⁶ Here, audience participation was in the form of immersion into what it feels like to move freely between boundaries as the San people once did. However, this was a staged free-flow experience of nostalgia. It is not clear whether Fleishman facilitated any conversations afterwards to get a sense of the people’s opinion on the symbolic parade.

In more traditional forum theatre practices, the audiences usually take on a more active role, unlike in the parade. Boal conceptualised the term ‘spect-actor’ to describe audience members’ role in forum theatre performances. Once initiated into the performance space, these audience

⁸³ Boal, “Games”, 265.

⁸⁴ *Ibid.*, 266.

⁸⁵ Fleishman, “Remembering”, 142.

⁸⁶ *Ibid.*

members can “move readily between detachment and immersion, observation and action.”⁸⁷ However, their participation is voluntary. As Czirak argues, the invitation to participate is a mere proposal, not an obligation. This way the audience members have a choice.⁸⁸

Hence, the way the facilitator frames participation is crucial. The facilitator ought to pay careful attention to the “debate, the conflict of ideas, dialectics, argument and counter-argument and present these as stimuli that prepare the spectator for action in real life.”⁸⁹ The obligation lies with the facilitator; the audience either accepts or rejects the proposal to participate in the debates. The challenge, however, is that “when spectators hear they are expected to participate, they sometimes get nervous.”⁹⁰ It is a normal response because actors are comfortable and confident speaking in public settings, unlike audience members who are often wary of speaking in public. Responses can be complicated if the audience is requested to articulate perspectives about social issues that arise in each production.⁹¹ People fear judgement; as a result, they often worry about saying what they think the facilitator wants to hear. They frequently need reassurance that their opinions matter. Hence, the joker needs to constantly reassure them by prompting them to share as many opinions as possible.

As Boal affirms, “the thing which incites the spect-actors into entering into the game is the discussion and not the solution which may or may not be found.”⁹² Therefore, audience members cannot participate if the facilitator frames participation in a closed manner. Audience members are sensitive to the language a facilitator uses. Their openness depends on the types of questions a facilitator asks, as explained earlier. Overall, having audience participation activities is the primary purpose. Therefore, the joker has to find creative ways to get people comfortable enough to share their thoughts; after all, thoughts are rich data sources.

For example, if audience members do not feel comfortable speaking as themselves, they can express their opinions through a character. They can come on stage to take on the role of the performer by dressing for the part.⁹³ This type of participation offers them a safe distance that

⁸⁷ F Babbage, “Active audiences: spectatorship as research practice,” *Studies in Theatre and Performance* 36, no. 1 (2016): 50. <http://dx.doi.org/10.1080/14682761.2015.1111013>.

⁸⁸ Czirak, “The Piece Comes”, 78.

⁸⁹ Boal, “Games”, 259.

⁹⁰ Czirak, “The Piece Comes”, 78.

⁹¹ Park-Fuller, “Audiencing the Audience”, 289.

⁹² Boal, “Games”, 259.

⁹³ *Ibid.*, 263.

“gives them opportunities for assent or argument, and to build a feeling of community where persons can agree or disagree.”⁹⁴ Knowledge networks are built in these moments of agreement and disagreement as people develop new perspectives and awareness on the social issues discussed. Accordingly, David Dean notes how theatre is a site of knowledge. It means that people who watch theatre productions gain knowledge by watching and participating in discussions.⁹⁵ In this regard, the theatre serves as both entertainment and an educational tool where researchers, performance, and audience members learn and teach each other something through participation.

Through collaborative efforts with local experts outside academia, communities often embark on creative journeys that produce and stage local histories. There are many examples one can draw on. However, Julia Wells’ reflection on a community project inspired by the Solms-Delta wine farm history is noteworthy. The residents of the Solms-Delta estate in the Western Cape Province in South Africa performed a musical based on a true story of a woman named Philida, who bravely “laid charges of abuse against her master son in 1832.”⁹⁶ Their triumphant staging of this local history became an avenue for the local people to share their stories and make a small part of their history known.

More than that, the project became a collaborative and interdisciplinary work that saw people with different expertise and personal links to the story come together to bring the story to life. The story drew on multiple sources from local people’s rich Afrikaans and Khoe languages, the local Cape-style Afrikaans music and jazz ensembles, André Brink’s novel and Tracey Randle’s expertise as a local historian.⁹⁷ As a result, the project itself became an exercise of collective interpretation. The people involved worked together to piece together the story and package it as a well-researched and well-performed theatre production. *Philida*, the musical directed by Amelda Brand, was staged at the Baxter Theatre in Cape Town in 2015.

At a more local level, in July 2012, at the annual National Art Festival held in Makhanda, a local group of actors performed an autobiographical play called *Princess Emma-Ukuzazi*,

⁹⁴ Park-Fuller, “Audiencing the Audience”, 293.

⁹⁵ D Dean, “Theatre: A Neglected Site of Public History?” *The Public Historian* 34, no. 3 (2012):31. <https://millennium.seals.ac.za/iii/cas/login?service=https://www.jstor.org/stable/10.1525/tph.2012.34.3.21>.

⁹⁶ JC Wells, “When the Past Transforms: A Case Study from a Western Cape Wine Farm,” *South African Historical Journal* 69, no.3 (2017): 357. <https://doi.org/10.1080/02582473.2017.1332084>.

⁹⁷ Wells, “When the past transforms”, 357.

directed by Ingrid Wylde.⁹⁸ The script was written by Wylde using Janet Hodgson's earlier book, *Zonnebloem College and the genesis of an African intelligentsia: 1857-1933*. Hodgson has recently released a book titled *Black Womanism in South Africa: Princess Emma Sandile* in April 2021, which deals more directly with Princess Emma's life.⁹⁹ As noted before, Princess Emma Sandile was one of the few African women with title deed documentation to the land she inherited from her husband under the colonial administration. Her life was one of trials and triumphs, yet very few people knew about her.

The public art performance narrated how the formal Christian education Princess Emma received in Zonnebloem College Cape Town in the early 1850s stripped her of her culture and heritage.¹⁰⁰ The play became an educational tool that shared an unknown part of local history with audiences from all over the country. Like Philida's story, Princess Emma's story brought experts from various backgrounds to work together, thus showing the power of collaboration and interdisciplinarity. Therefore, these theatre productions focused on Philida and Princess Emma serve as examples of what creative outputs in history and theatre work entail.

Conclusion: why multiple strategies for *umzi ka mama* research project

As demonstrated above, multiple research approaches fostering interdisciplinarity offer many moments of interaction between the researcher and the respondents. Therefore, the *umzi ka mama* study followed a multiple strategies methodology. The researcher saw an interdisciplinary approach as a fitting choice for Fingo Village women's experiences. Applied theatre techniques, in particular, helped represent the women's unheard voices.

In this regard, the researcher utilised three different means of capturing the stories of the women in this study. The first technique captured their verbal testimonies as female household heads who own property through oral history interviews. The interviews were recorded and turned into a film documentary. The second was sharing views on family property transfer practices

⁹⁸ Wylde is a local resident of Makhanda, and she is a well-established theatre director and a part-time lecturer in the Rhodes University Drama Department.

⁹⁹ Hodgson is a seasoned Religious Studies academic and researcher. Her academic interests and publishing history includes various topics from mission, history, anthropology, African studies, indigenous spirituality, liberation theology, and biography. "Dr Janet Hodgson," Sacristy Press, accessed June 22, 2021, <https://www.sacristy.co.uk/authors/janet-hodgson#>.

¹⁰⁰ D de Beer, "Veil lifted on rare tale of unsung heroine", *IOL* Jul 4, 2012, <https://www.iol.co.za/entertainment/whats-on/joburg/veil-lifted-on-rare-tale-of-unsung-heroine-1334042>.

and gender roles during a forum theatre event. Thirdly, they shared more information regarding life in Fingo Village during the apartheid years in an interactive image and memory exercise. The strategies generated new information as participants interacted with one another. Therefore, the three ways women shared the stories proved that the women had many insights. The more they had opportunities to share their views, the more valuable the information became. Therefore, these strategies also provided the researcher with more opportunities to hear and understand participants stories, thus making it easier to identify themes in the data analysis phase.

Moreover, the theatre strategies gave the participants a chance to meet one another and witness each other's stories. This meeting helped build a community of people who have shared experiences. In feminist research, theatre often helps participants develop an interconnected understanding of their stories.¹⁰¹ The meeting was an opportunity for the women to see that their stories were valuable. They were noteworthy as living history testimonies.

The applied theatre methods used regulated interactions between the researcher, respondents, and the audience. Not only did this regulation help foster better shared authority between the researcher and the participants, but the method also extended the participants' periods of engagement with the researcher, hence allowing for deeper connections. Therefore, they had various ways to share their stories and opinions on family property transfer practices and the significance of title deed registration. Additionally, the multiple methods granted the research participants the space to alter their opinions and views accordingly. They gained more awareness about why some views are oppressive towards women. They confronted many internalised patriarchal views regarding how family members practice property transfers according to culture and tradition. This process gave the researcher continued access to the feelings and emotions of participants on the social issue of family property transfer practices.

More than that, the strategies involved multiple sources of data collection, which meant that the researcher had an added advantage of having various sources to draw data from. In a sense, the risk of misinterpreting or misrepresenting the women's stories was low. The women always knew or had a say about how the researcher told their stories. Thus, the multiple tools used serve women's research well as tools of communication.¹⁰² This way, the researcher's

¹⁰¹ S Butterwick and J Selman, "Deep listening in a feminist popular theatre project: upsetting the position of audience in participatory education," *Adult Education Quarterly* 54, no. 1 (2003):10, <https://doi.org/10.1177/0741713603257094>.

¹⁰² Butterwick and Selman, "Deep listening", 10.

methodological choices addressed issues of representation in research as highlighted by black and African feminist scholars.

CHAPTER SIX - UMZI KA MAMA RESEARCH METHODOLOGY: PARTICIPATORY THEATRE AS A RESEARCH METHODOLOGY FOR INTERPRETATION

This study is a qualitative research study that spreads across two fields: history and drama. As Bakar and Mohd explain, qualitative studies use various methods, including ethnographies, case studies, personal interviews, focus groups and life histories, to gather information on opinions, experiences, and behaviour.¹ This study used individual interviews and informal focus groups to collect information about participants' life stories and experiences as African women who inherited family property in Fingo Village. The information gathered is interpreted accordingly to capture participants' opinions and experiences regarding property ownership's significance in their lives.

As noted in the previous chapter, theatre techniques are useful tools for interpretation in history research. According to Freeman Tilden, history material can awaken people's curiosity about specific topics.² However, it is the facilitator's responsibility to make history tangible through interpretation.³ The interest here is in understanding theatre techniques for participation in a research project in Makhanda. Interpretation is about engaging in historical information or archives with a public audience.⁴ The process involves collecting as much information as possible. The researcher uses it to plan and structure activities that prompt participation and encourage discussion.⁵ As a collaborative storytelling activity, this process allows the historian or researcher and the public to explore and possibly understand historical materials together. In my view, the process of interpretation complements the participatory approaches used in this study.

As Kidd explains, participatory theatre is rooted in experimentation with techniques that allow for active interpretation of stories (histories).⁶ Participatory theatre opens doors for exploration of these conversations. Erene Kaptani and Nira Yuval-Davis state that playback theatre, forum

¹ NRA Bakar and YA Mohd, "The life history approach: fieldwork experience (Pendekatan sejarah hidup: Pengalaman di lapangan)," *e-Bangi* 5, no. 1, (2017):2. <https://core.ac.uk/download/pdf/11490667.pdf>.

² F Tilden, *Interpreting our heritage* (North Carolina: The University of North Carolina Press, 1977) xiii-xv.

³ Tilden, "Interpreting", xiii-xv.

⁴ *Ibid.*, 5.

⁵ *Ibid.*, 6.

⁶ Kidd, "Heritage as performance", 205.

theatre and image work/theatre are dialogical participatory methods.⁷ These methods can unearth “perceptions and experiences of social positioning and power relations in and outside community groupings.”⁸ In this study, these methods catalyse interactive scenarios that pose questions and encourage dialogue.⁹ In these moments of active participation, the women can engage in deep and meaningful discussions and interactions about agency within the home. The study positions Fingo Village women with title deeds as co-producers of knowledge about life as heads of households. The findings from this study will contribute to the growing literature advocating for active research methodologies that strengthen partnerships and shared authority between the researcher and the public, especially when it comes to research about African women.

The study merges interpretation and participation as mutually beneficial concepts. Participation is paramount in applied theatre projects such as this. Applied theatre as a participatory model facilitates transformative action and reflection exercises that provide a new way of interpreting and interacting with historical content. Therefore, the applied theatre techniques I used encouraged the participants to try new ways of interpreting Fingo Village property ownership and the historical significance of title deeds to African female household heads. Through dialogical and performance-based activities, the participants and the researcher can become co-creators of untold Fingo Village stories. In this regard, performance and the African feminist framework are crucial tools to recover African women’s voices about agency in their households and the different ways they gained access to family property.

Research Design and methodological processes: Fingo Village as a participatory theatre research case study

The purpose of using drama strategies is not to transmit historical facts but is an attempt to illuminate those facts.¹⁰

The study explores African female-headed households’ and recovers silenced voices about the agency of African women within their homes. The research focuses on African women’s

⁷ *Ibid.*

⁸ E Kaptani, and N Yuval-Davis, “Participatory Theatre as a Research Methodology: Identity, Performance and Social Action among Refugees,” *Sociological Research Online* 13, no. 5 (2008): 1. <http://www.socresonline.org.uk/13/5/2.html>.

⁹ P Taylor, *Applied Theatre: Creating transformative encounters in the community* (Portsmouth: Greenwood Publishing Group, 2003), xx. The dialogue is often about difficult societal issues and finding practical ways on how to deal with these issues in both the personal and public life.

¹⁰ O’Neill and Lambert, “Drama structures”, 17.

experiences as title deed holders in Fingo Village, a suburb in Makhanda. Fingo Village is an atypical environment where African people had a rare legal advantage of owning title deeds dating back to 1855. This case study is unique because it takes an interdisciplinary approach utilising a combination of drama and history methodologies.

Joe Norris states that drama as a research method involves a process of meaning-making, which draws on multiple and rich sources such as “image, sound, gestures and scenarios as data collection.”¹¹ To achieve this, a facilitator needs a “game plan, and this plan is flexible adapting to changing situation.”¹² In this context, I believe that all the activities that I employed in this study allowed for flexibility that helped sustain the flow of negotiation of power dynamics between the performer, facilitator and audiences. I started by using traditional history methods such as literary documents, oral history interviews and photographs as materials that informed the research.¹³ The first phase involved consulting primary sources such as historical literature on African urbanisation, focusing on Fingo Village property access.

Phase 1: Data collection, analysis through engaging with literature and sourcing the participants

The first phase of the research involved gathering as much information as possible regarding Fingo Village. I tried to access any archival material relating to title deeds documentation in Fingo Village but came short in my quest. Hence, the initial stages of the research and this thesis relied heavily on existing literature and research done by earlier researchers interested in the history of Fingo Village and the title deeds history of the suburb. Marianne Roux and Molly St. Leger’s studies played a significant role in guiding further inquiry on female-headed households’ historical significance in Fingo Village and its long history of title deeds access. As noted in the policy and history review chapter, both studies give my research an *umzi ka mama* (my mother’s house) perspective of Fingo Village as an urban area with a high number of female-headed households in the 1970s.¹⁴ The studies guided how I formulated the interview questions. Both case studies served as valuable documentation that accounts for African women’s agency during the given period. I set out to find women who own family property in

¹¹ J Norris, “Drama as Research: Realizing the Potential of Drama in Education as a Research Methodology,” *Youth Theatre Journal* 14, no. 1 (2000):40-41.

<https://www.tandfonline.com/doi/pdf/10.1080/08929092.2000.10012516>.

¹² Schechner, “Environmental Theatre”, 78.

¹³ L Witz, G Minkley and C Rassool, “South Africa and the unsettled history,” in *Unsettled History: making South African public pasts*, ed. L Witz, G Minkley and C Rassool. (Ann Arbor: University of Michigan Press, 2017),14.

¹⁴ M Roux and M St. Leger, *Grahamstown: Fingo Village* (Johannesburg: Institute of Race Relations, 1971), 2.

Fingo Village. Kingwill's 2012 study contextualises how formal family property rights and women's rights policies compare to customary practices and family inheritance in Fingo Village.¹⁵ Her research shows how owning family property through estate and custodianship allows African women to be leaders in their own homes and communities.

The women discussed in Kingwill's study exemplify the silent power possessed by African women who could choose marriage, family, and career in the post-1994 period. Engaging with colonial and apartheid land and property policies served my research well in establishing a history review that narrates these policies' oppressive nature towards African women. I interviewed women in similar situations determining how they acquired property and whether having the house registered in their name holds any significance in their lives and family structure.

Because I worked with living participants, the study adopts a life history approach. According to Bakar and Mohd, a "life history approach emphasises the individual's experiences that is how the person copes with society."¹⁶ From this juncture, the interview questions needed to cultivate a conversation that would lead the women to talk about their experiences as property owners when apartheid policies and customary practices disadvantaged African women. The questions were semi-structured to embrace a more conversational style of interview. I believe that semi-structured interviews allow for negotiations of power, learning and knowledge between the researcher and the participants. These conversations went beyond the traditional oral history interviews and consultation of official records of title deeds registrations. Interactive methods were put in place to ensure that the women shared their stories and experiences.

The first phase entailed looking for women who occupied their current homes pre-1994 in Fingo Village. The seven women were sourced and approached based on preliminary informal interviews with women who owned inherited family property in Fingo Village. I asked the initial participants to suggest other women interested in participating in the research. Initially, I conducted two preliminary interviews, and from those, I was able to add two more participants to the study. Our conversations alluded to the need to talk about family inheritance and choices

¹⁵ RA Kingwill, "Lost in translation: Family title in Fingo," *Acta Juridica* 1 (2011): 210. <https://journals.co.za/doi/10.10520/EJC124847>.

¹⁶ Bakar and Mohd describe the life history approach as a research tool that uses interviews as way to trace participants' life experiences and histories through a series of retelling or recalling events in ones' life. The approach itself is one of the old approaches often used in history research though it was initially pioneered by the sociologists of the Chicago School in the 1930s. Bakar and Mohd, "The life history approach", 2-3.

on marriage, family, and singlehood and how these factors impacted their own property decisions.

The primary discovery was in line with the literature that I was engaging with regarding how women access properties. However, further sourcing of these women proved to be a challenging task for two reasons. The first reason is that people in Makhanda are sceptical of any university researchers entering their personal spaces. Secondly, people in Fingo Village are not open to talking about title deeds given the suburb's history, as noted in the previous chapter. The first challenge was addressed through public performance involving dance and drama techniques. In this chapter, I also note the challenges surrounding the strained researcher and community relationship.¹⁷ I highlight how researchers continuously negotiate with participants to encourage them to become involved in research projects, due to the participants' apathy caused by the 'town and gown' divide.¹⁸ The latter challenge soon became apparent as a sub-theme in the later phases of the research, which I discuss in the preceding chapters.

After relying on word of mouth and referrals as approaches to member sourcing, I found and identified seven willing African women homeowners as living participants residing in Fingo Village. The History Department's ethical protocols and procedures were followed accordingly. The women signed an ethics form (Appendix 1). Furthermore, the participants signed a documentary release form (Appendix 2), permitting me to record their stories using their full names and location. Ackroyd and O'Toole warn that following copyright laws is important when working with the women.¹⁹ As a researcher, I was responsible for negotiating and communicating the different ways of presenting the participants' stories while assuring them that their stories are not for commercial use.²⁰ However, I used participatory theatre as a research methodology to facilitate more conversations and questions to uncover Fingo Village women's untold stories about the legal and customary transfers systems.²¹ The choices and methods employed are explained in detail in the succeeding sections.

¹⁷ PC Hellemann, "Negotiating public participation through dance and drama techniques: a roundtable discussion on the challenges of public history work by the Isikhumbuzo Applied History Unit in South Africa," *International Public History* 2, no. 1 (2019): 1. <https://doi.org/10.1515/iph-2019-0008>.

¹⁸ *Ibid.* Hannah Chenoweth coined the term town and gown.

¹⁹ V Ukaegbu and J Ewu, "Performing histories-voices of black rural community: from oral history to ethnodrama: the journey of the spoken word," in *Performing research: tensions, triumphs and trade-offs of ethnodrama*, ed. J Ackroyd and J O'Toole. (London: Institute of Education Press, 2010), 37.

²⁰ Gibson, "Saying it Right", 5.

²¹ Participatory theatre is a theatre methodology within the applied theatre framework.

Phase 2: meeting the participants, data collection methods and analytical choices

The second phase involves seven oral interviews with female primary participants residing in Fingo Village. The interviews took place between 2018 and 2019.

Initially, I wanted to interview at least ten women for the research project. However, I ran into problems with participants who had agreed to get involved in the research. Two of the informants died before we could meet for an interview. One other informant fell ill, and she was subsequently unable to partake in the research. As mentioned before, their in-depth interviews take the form of semi-structured and dialogical stories, because I positioned the women as expert storytellers of life in Fingo Village pre-1994.²² Hence, the interview questions' semi-structured and open-ended format allowed me to ask follow-up probing questions. Bakar and Mod state that this is an excellent approach when conducting one-on-one personal interviews.²³ Indeed this was a more relaxed approach that ensured that neither the questions nor my presence threatened the participants. As Edward Linenthal argues, conversations with the public should include dialogue about participants' personal experiences before interpreting historical events.²⁴ The participants' narratives first captured their individual experiences, as they recalled events and significant moments in their journeys. Memories helped them make sense of their identities as individuals and reconcile feelings and experiences about how the events in their lives made them feel.²⁵

Cubitt suggests that participants' process of remembering lends itself to how they mentally construct their selfhood in the past to either affirm or reject stereotypes.²⁶ Therefore, one must pay careful attention to the way participants talk about themselves and how that influences the study's direction. Hence, by working from an African feminist framework, I did not position the women as victims of the apartheid policies and customary practices but rather as empowered beings who overcame oppression. Fortunately for me, the women spoke from a place of empowerment as I had hoped, thus aiding my objectivity. Indeed, aligned with Cubitt's description, the women's recollection of their past experiences showed how their past had

²² Here, women were encouraged to share any personal archival materials such as photographs, title deed documentation and any additional artifacts that they want to use to share their stories.

²³ Bakar and Mohd, "The life history approach", 2.

²⁴ ET Linenthal, "Problems and Promise in Public History," *The Public Historian* 19, no. 2 (1997):45.

https://www.jstor.org/stable/3379140?seq=1&cid=pdf-reference#references_tab_contents.

²⁵ A Freund and A Thomson, "Introduction", in *Oral History and photography*, (eds.) A Freund and A Thomson. (New York: Palgrave Macmillan), 5.

²⁶ Cubit, "History and memory", 90-91.

shaped their identity and influenced them to embrace a more empowered self-image.²⁷ Thus, for me, the women's life stories served as rich content for historical data, not only of themselves but of Fingo Village.

Hamilton argues that individuals who come forward to speak, even if it is on behalf of their ethnic or gender groups, redefine historical knowledge as people who were absent from history writing.²⁸ In this instance, the individuals who came forward to share their memories and experiences of title deed history in Fingo Village not only validated each other's experiences but also affirmed the group truth about the feelings behind the threat of evictions brought on by the Group Areas Act era. Furthermore, their memories of how previous generations handled the issue of title deed registration added the much-needed link between property transfer practices and the preservation of the historic African freehold title deeds in Fingo Village.

Instead of collecting the women's stories using only an audio recording, I made video recordings of the women, to turn their stories into a short documentary film. Without sounding too literal, I wanted to create both a documentary film and a performance as part of a documentary theatre approach. Patricia Aufderheide defines a documentary film as a nineteenth-century film genre that presents real-life stories with a bit of technological manipulation of editing and interpretation.²⁹

Because of my limited knowledge in the documentary and film field, I elicited the help of a master's in journalism and media studies student, Thingo Mthombeni, who specialises in documentary films. Together we embarked on a 12-month journey to capture these women's stories. She embraced my vision of staging the interviews from documentary film to performance. The documentary follows a storytelling pattern that recounts the informants' stories and captures my research journey. Moreover, I wanted both the performance and the documentary to be shareable sources that could disseminate the research findings derived from the women's stories. As Robert Warren, Michael Maniscalco, Erich Schroeder, James Oliver

²⁷ *Ibid.*

²⁸ P Hamilton, "Sale of the century? Memory and historical consciousness in Australia" in *Contested Past: the politics of memory*, (eds.) K Hodgkin and S Radstone (New York: Routledge, 2003), 144.

²⁹ P Aufderheide, "Defining the documentary", *Documentary Film: A Very Short Introduction* (New York: Oxford University Press, Inc, 2007), 1-2.

et al. state, “documentaries, performances, and exhibits are important avenues for sharing oral histories with wider audiences.”³⁰

The choice to use documentary film came from wanting to present and analyse my interview results differently. As Michael Frisch explains, in oral history projects, the video documentation with “thematic, and analytic engagement with meaningful issues, personalities, and contexts, is largely untapped.”³¹ The film record captured the women’s stories and offered commentary on personal interviews’ themes and patterns. Mohammed Alhojailan posits that thematic analysis is about classifying and presenting patterns that emerge from the data.³² The choice to employ the direct interview technique was thus an obvious choice for the study. The candid interview method refers to a dialectical approach which allows for a flexible and relaxed recording session. According to Raijmakers, Gaver, and Bishay, the dialectical method allows the researcher or filmmaker to co-operate and participate along with the people they are interviewing.³³ In this instance, I entered and participated in the participants’ world and co-operated with them to share their stories.

Subsequently, this is the style I employed in my study. There was no set script but rather semi-structured questions, as noted earlier. Though I had questions I wanted to ask the participants, they shared information outside of the questions’ scope. Thingo and I edited the footage and arranged the relevant information to create a storyline. A documentary is an art form, which lends credence to this art-based, multi-disciplinary research study. In this regard, the documentary film aligns with Frisch’s explanation of the documentary film’s dual role in research. Besides the thematic analysis method, I employed the narrative approach because it supported the storytelling technique. According to Michelle Butina, the narrative approach

³⁰ RE Warren, MP Maniscalco, EK Schroeder, JS Oliver, S Huitt, D Lambert, and M Frisch, “Restoring the Human Voice to Oral History: The Audio-Video Barn Website,” *The Oral History Review* (2013): 111.

<https://millennium.seals.ac.za/iii/cas/login?service=https://www.jstor.org/stable/43863461>.

³¹ M Frisch, “Three dimensions and more: Oral history beyond the paradoxes of method,” in *Handbook of Emergent Methods*, ed. S Nagy Hesse-Biber, P Leavy. (New York: Guilford Press, 2010), 223.

³² MI Alhojailan, “Thematic analysis: A critical review of its process and evaluation,” *West East Journal of Social Sciences* 1 no. 1 (2012): 40.

https://fac.ksu.edu.sa/sites/default/files/ta_thematic_analysis_dr_mohammed_alhojailan.pdf.

³³ B Raijmakers, WW Gaver, and J Bishay, “Design documentaries: inspiring design research through documentary film,” in *DIS '06: Proceedings of the 6th conference on Designing Interactive systems*, (2006):230. <https://dl.acm.org/doi/abs/10.1145/1142405.1142441>.

acknowledges that the stories that emerge from the interviews are raw and rich data, helpful in learning more about “the narrator’s culture, historical experiences, identity, and lifestyle.”³⁴

Documentary review

The *umzi ka mama* documentary is a 27 minutes and 54-second film, set and filmed in Makhanda between 2018 and 2019.³⁵ It is an original oral history research documentary film produced by Phemelo Hellemann and filmed and edited by Thingo Mthombeni. It reaches a broader audience interested in the ordinary lives of women who inherited family property and were heads of households in Fingo village. The film uses seven African women’s journeys to narrate the different ways to access the property. The informants’ names are Thobeka Ralo, Lizeka Geroge, Margaret Spencer, Grace Ngcethe, Dezo Planga, and Ntombizodwa Donyeli and Noluthando (Noli) Shelle. Their stories are composed using a storytelling technique that includes narration and reflection of their journeys by the producer and researcher, Phemelo Hellemann.

The *umzi ka mama* film is a research output tool that presents participatory research and practice as research methodologies. As research evidence, it stands as a reliable, creative output that captures the data collected. Central to the film was the message of women empowerment through property ownership. Thus, evaluating the historical significance of these women’s resilience and agency when property ownership was generally inaccessible to African women in South Africa.

The audience can expect to see my research journey intertwined with the women’s stories. I bring the stories together by briefly analysing how each woman’s story feeds into the empowerment narrative and the research project’s overall goal. Moreover, the audience can look forward to learning about other knowledge systems that govern property ownership in African customary practices, thus exposing them to different ways in which the women had succeeded in acquiring property when apartheid policies and restrictions peaked. Following a thematic narrative analysis approach, I reveal how agency and security emerged as themes in

³⁴ M Butina, “A narrative approach to qualitative inquiry,” *Clinical Laboratory Science* 28, no. 3 (2015):190. <http://clsjournal.ascls.org/content/ascls/28/3/190.full.pdf>.

³⁵ Please click on the link to access the video. “Umzi ka mama Rhodes University PhD research project,” February 19, 2021, produced by Phemelo Hellemann and Thingo Mthombeni, video, 27:55, <https://www.youtube.com/watch?v=WKH4l1ea2Gw>.

the study. These connect the women's stories and affirm the overall tension between western and African norms of property ownership.³⁶

The individual stories captured translate into a group narrative that explores the challenges women continue to face regarding property ownership in a patriarchal society. Thus, the documentary's methodology encapsulates different drama techniques.³⁷ The techniques facilitated discussions around gendered property challenges and the legal battle of formal title deed registration in Fingo Village. As a film aimed at uncovering untold stories of African female heads of households and their agency, it uses close-up camera shots of women, which position them as powerful. The images of the women's interviews are nuanced with cutaways of Fingo Village street life and architecture of prominent buildings, along with archival photos of the suburb pre-1994. Throughout the film, the soundtrack is made up of original sound scores from a Xhosa female ensemble, whose recordings are available at the ILAM library.³⁸ The score certainly balances the documentary's intellectual and emotional feel and the general packaging of the film.

³⁶ I explore these themes in great detail in the succeeding chapters as I reflect on the findings of the study through an African Feminist framework.

³⁷ Please click on the link to access the video. "Umzi ka mama Rhodes University PhD research project," February 23, 2021, produced by Phemelo Hellemann and Thingo Mthombeni, methodology video, 16:51, <https://www.youtube.com/watch?v=i4HPYRnFwok>.

³⁸International Library of African Music (ILAM) is one of the world's great repositories of African music. It was founded in 1954 by Hugh Tracey. "The library is a research institution devoted to the study of music and oral arts in Africa, it preserves thousands of historical recordings going back to 1929 and supports contemporary fieldwork." "International Library of African Music ", Rhodes University, accessed March 25, 2021, <https://www.ru.ac.za/ilam/>.

Participants summaries (in order of appearance in the film)

Thobeka Ralo (She is in her mid 60s)



Figure 2: Thobeka Ralo in her home in Ndancama Fingo Village. Image by Thingo Mithombeni.

Mama Thobeka is a businesswoman, mother, wife and daughter. Thobeka is the second born out of five children, and she has three children of her own. She is married but lives separately from her husband. She lives in the house she got as a wedding gift from her mother in 1977.³⁹

³⁹Interview with Thobeka Ralo (Ndacama-Fingo Village, Makhanda, Eastern Cape, South Africa, June 10, 2019).

Lizeka George (69)



Figure 3: Lizeka George in her home, C street Fingo Village. Image by Thingo Mtombeni.

Lizeka is a retired security guard, and she has two children (a girl and a boy). She never married. Lizeka has lived in the family house since she was born. She is the last born of four children. She inherited the property after her brother passed away, and the house is now in her name.⁴⁰

⁴⁰ Interview with Lizeka George (Fingo Village, Makhanda, Eastern Cape, South Africa, June 17, 2019).

Margaret Spencer (56)



Figure 4: Margaret Spencer in her home, Dr Jacob Zuma Drive, Fingo Village. Image by Thingo Mthombeni.

Margaret is a teacher at a local school in Makhanda. She has two sons from her previous marriage, and she has recently become a grandmother. Margaret inherited the property from her mother. Her mother co-inherited the property from her parents. Margaret has lived on and off at the property since the late 1990s and finally settled there permanently in 2006.⁴¹

⁴¹ Interview with Margaret Spencer (Fingo Village, Makhanda, Eastern Cape, South Africa, October 16, 2018).

Grace Ngcethe (76)



Figure 5: Grace Ngcethe in her home, Wood Street, Fingo Village. Image by Thingo Mthombeni.

Grace is a widow and a retired professional Early Childhood community worker. She has three children and grandchildren. She and her husband stayed in the family home from 1972, and her husband inherited the house. Grace's husband left the house in her name in his will.⁴²

⁴² Interview with Grace Ngcethe (Fingo Village, Makhanda, Eastern Cape, South Africa, April 25, 2019).

Ntombizodwa Donyeli (69)



Figure 6: Ntombizodwa Donyeli in her home in C Street Fingo Village. Image by: Thingo Mthombeni.

Ntombizodwa Donyeli is a single woman, mother and grandmother. She was never married, nor were her parents. Her paternal grandfather appointed her as family property custodian before passing away. There was no formal handover of the title deed, but she has been living there since the 1980s.⁴³

⁴³ Interview with Ntombizodwa Donyeli (Fingo Village, Makhanda, Eastern Cape, South Africa, October 23, 2018).

Deso Planga (58)



Figure 7: Deso Planga in her home in A Street, Fingo village. Image by Thingo Mthombeni.

Deso Planga was brought up by her paternal family and moved to the family home in 1960 when she was three months old. She was given the family home to stay. She never married and has no children. Deso works as a School Administrator at a local high school in Grahamstown, and she is also a spiritual healer.⁴⁴

⁴⁴ Interview with Deso Planga (Fingo Village, Makhanda, Eastern Cape, South Africa, October 30, 2018).

Noluthando (preferred name: Noli) Shelle (mid-50s)



Figure 8: Noluthando in her family home in Victoria Street, Fingo Village. Image: Thingo Mthombeni.

Noluthando is the firstborn of six children. She works in the community engagement office at Rhodes University. The family home that she lives in with her brother belonged to her mother, and it is still in her name. She is therefore the family property custodian as the firstborn child.⁴⁵

⁴⁵ Interview with Noluthando Shelle (Fingo Village, Makhanda, Eastern Cape, South Africa, June 12, 2018).

Phase 3: Processing data through performance and activities inspired by playback, and forum theatre techniques

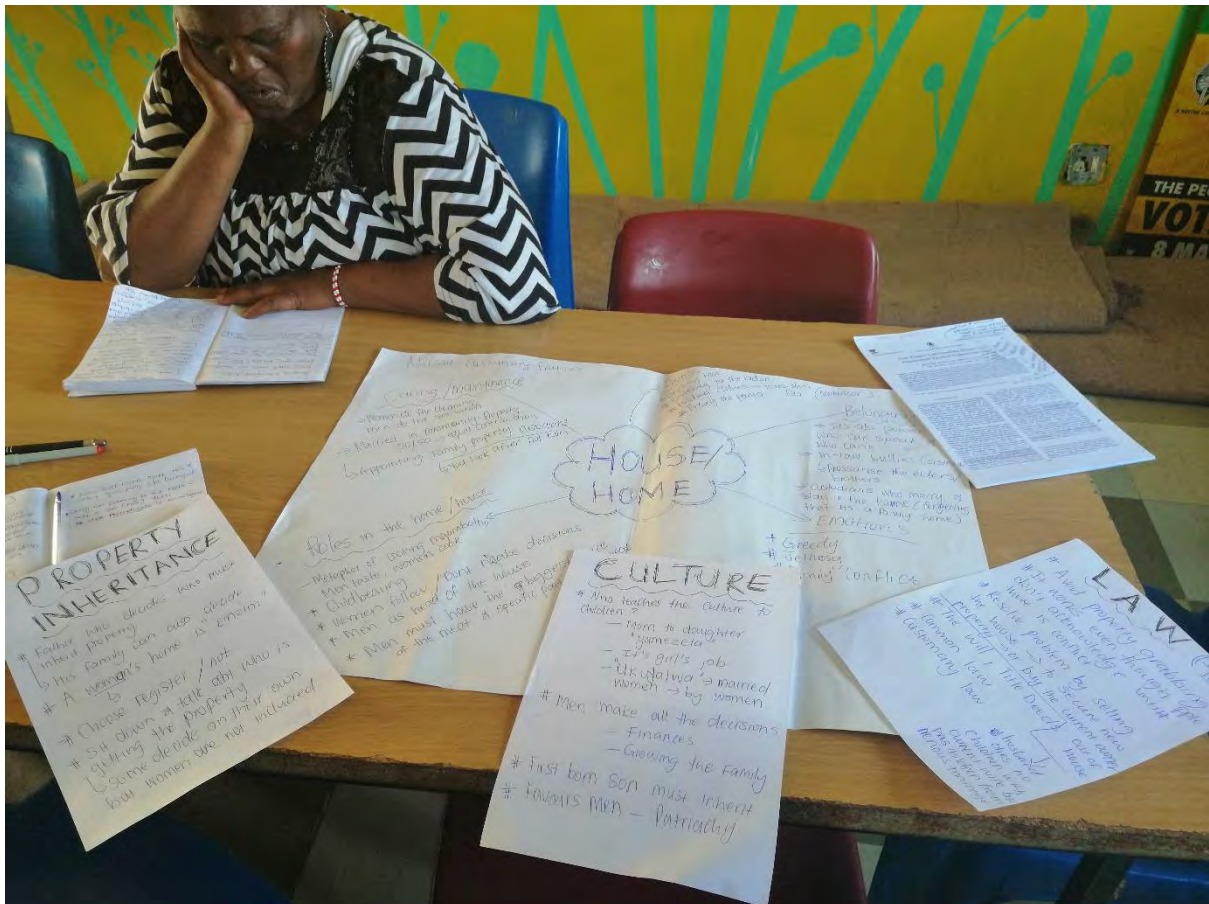


Figure 9: Ntomboxolo Yafele in the process of creating monologues based on the themes extracted from audio interviews and academic readings. Photo by Phemelo Hellemann.

The first part of the third phase of the research required me to create the 10-minute solo play with Ntomboxolo (Nox) Yafele. She is an experienced Makhanda-based performer, and she grew up in Fingo Village. Nox was a co-researcher in analysing the interview material and working collaboratively to write the script for the performance piece. She played the role of Nomathemba under my direction as the play director. Nomathemba is a fictional character, and she delivered a monologue-type conversation to the audience, which provided her reflections on the fictional news playing on the radio. I used Nomathemba in the forum theatre activity as well. There, she was a tool to encourage audience participation, which I explain in more detail as the chapter progresses.

To create the script, Nox and I revisited the interview audio and consulted various literature on African women and property ownership. As seen in Figure 9, the themes emerge from recurring topics from the interviews and academic readings. According to Jeong-Hee Kim, this is the

research's coding stage.⁴⁶ First, the researcher finds frequent words or phrases that can serve as categories.⁴⁷ From these, the researcher discovers patterns that become themes. Initially, the scenes from the performance by Nox developed as improvised scenes based on the video footage.

The focus was not on “staging or re-enacting the events” but rather on “using performance as a method of inquiry”, as Denzin and Conquergood suggest.⁴⁸ The play gained more direction as we created a script that encapsulated the different avenues that the women used to acquire their properties. Here, I employed Boal's dramaturgy strategy. Dramaturgy in forum theatre emphasises how the text and the play communicates the “protagonist's ideology, which must contain at the very least one political or social ‘error’ which is open for analysis during the forum session.”⁴⁹ In the play shown, the protagonist, Nomathemba, provokes the audience to intervene and add their views to the discussion topic. Subsequently, family inheritance, law/policies, and culture became guiding categories that influenced the script's direction.

In creating the script, I reworked the transcripts, but not to the extent that the women's experiences are no longer recognisable.⁵⁰ In this regard, I had to consider that the performance needed to represent the collective stories accurately. As a result, I consulted two of the participants whose accounts were primarily featured in the report to confirm that I had not altered their version of events beyond recognition. According to Charlotte Canning, it is a common practice in feminist theatre projects for researchers to collect women's stories and then discuss the narratives with them.⁵¹ This approach gave participants a voice and made them active contributors to the research's data analysis stage. I consider this a deep and meaningful way of interacting with the research findings, which held me, the researcher, accountable to their participants. The final product was a play called *Kwa Nomathemba*.⁵² The play happened on September 17, 2019.

⁴⁶ J Kim, *Understanding Narrative Inquiry The Crafting and Analysis of Stories as Research* (USA: SAGE Publications, Inc., 2015), 188.

⁴⁷ Kim, “Understanding Narrative”, 188.

⁴⁸ Ackroyd and O'Toole, “Performing research”, 24.

⁴⁹ A Boal, *Games for actors and non-actors* (New York: Routledge, 2005), 242.

⁵⁰ See **Appendix 3**: Play Script *Kwa Nomathemba* and Boal, “Games”, 37.

⁵¹ C Canning, *Feminist Theatre in the USA: staging women's experiences* (New York: Routledge, 1996), 44.

⁵² The synopsis of the play can be found on **Appendix 3**: Play Script *Kwa Nomathemba*, p. 2, par 1.

The second part of the phase involved employing playback inspired techniques using digital and theatre methods in a theatre and exhibition event.⁵³ I discuss the former here and address the latter in the next heading. In this phase, the playback method served as a valuable creative tool that turned the women's stories into a performance. Usually, in a playback session, short dramatic scenes are created by performers based on personal stories shared by individuals, and these scenes take on a more episodic structure. The scenarios created serve to make private stories public, thus challenging personal stories' privatisation.⁵⁴ The play, *Kwa Nomathemba*, did not follow the usual episodic, improvised-on-site, traditional playback theatre style. For the performance I borrowed the idea of playback theatre and adapted it. As a result, the performance itself is not purely playback because it did not follow the ritual, episodic and improvisational character of the playback theatre. Instead, it was a complete 10-minute performance that took snippets from the women's testimonies.

Nonetheless, it achieved the same goal of making the women's stories and struggles about gaining access to family property a public topic for discussion. Storytelling as a narrative method for data processing allows the researcher and their participants to make sense of the data collected by interpreting what it means to them.⁵⁵ The vehicle of the play served as a curial tool in the fourth phase of the research. Other members of the public could witness the women's stories and performance. In making the private stories part of the general discussion, people could confront their prejudices regarding gendered property access and share their challenges.

Furthermore, playback stories become a sort of archive that recalls one's memories, and Chung captures this method's essence eloquently, as follows:

Therefore, playback theatre plays a role as a living archive of personal lives. The audience that gathered to tell and witness were there to co-create documentation of a particular theme of life, based on individual memories.⁵⁶

⁵³ See **Appendix 4**: Day 1 Umzi ka mama Performance Event Schedule and **Appendix 5**: Day 2 Umzi ka mama Documentary screening and image Event Schedule.

⁵⁴ E Kaptani, and N Yuval-Davis, "Participatory Theatre as a Research Methodology: Identity, Performance and Social Action among Refugees," *Sociological Research Online* 13, no. 5 (2008): 4.

<http://www.socresonline.org.uk/13/5/2.html>

⁵⁵ Kim, "Narrative data analysis", 189-190.

⁵⁶ M Chung, "Playing Back Playback Theatre", Centre for Playback Theatre (New York, 2004), 3.

http://playbacktheatre.org/wp-content/uploads/2010/04/Chung_Playin%E2%80%A6.pdf.

Indeed, the playback inspired approach benefitted the women's stories significantly as a tool that archived their stories of overcoming gendered property acquisition challenges. Additionally, the approach engaged the women and the public in dialogue and reflection processes about the challenges women face in acquiring and registering property in their names.⁵⁷ Furthermore, the play made the process of dialogue and reflection productive because it allowed for what Kaptani and Yuval-Davis call a "reflective distance" between the participants and their stories.⁵⁸ The participants and the audience could engage in complex topics by speaking through the character or reflecting on things said or done by the person in a role. For this study, the reflection part of the performance forms part of the forum theatre method.

Herein, the forum theatre technique was used to encourage a discussion on women's access to family property, and the role inheritance plays in the home. Unlike the playback format which I adapted; the forum theatre format remained the same as its original application. Accordingly, *Kwa Nomathemba* involved situations of female oppression regarding family property and title deed access. The focus was on Nomathemba's controversial reflection on the news of women marching to the housing department demanding to hear about the progress on their title deeds registration.⁵⁹ Nevertheless, it is not enough to present the audience with problems highlighting oppression, inequality, or social dilemmas. The audience should raise questions and problem-solve as a collective.⁶⁰ Here, crafting participation and rules of engagement with issues raised is essential. In this regard, I employed Schechner's three laws of participation, which he articulates as follows:

1. The audience needs to be in a live space and situation that makes the play real.
2. If you invite participation, you must be prepared to accept and deal with the audience's reactions and responses, whether good or bad, while remembering that the play can stop, go on, and go on again in a new way with participation.
3. Participation should not be gratuitous.⁶¹

To address the first rule of participation, I made *Kwa Nomatheba* play a live conversational performance staged in a kitchen/lounge space, as captured in Figure 11 below, similar to the

⁵⁷ Kaptani and Yuval-Davis, "Participatory theatre", 3.

⁵⁸ *Ibid.*, 4.

⁵⁹ Click on the link to listen to the radio news excerpt from the play. "Umzi ka mama Rhodes University PhD research project," produced by Phemelo Hellemann. January 17, 2021, News audio clip, 2:38, <https://youtu.be/XJeR8bvDVes>.

⁶⁰ U Erel, T Reynolds, and Erene Kaptani. "Participatory theatre for transformative social research," *Qualitative Research* 17, no. 3 (2017): 307. <https://doi.org/10.1177%2F1468794117696029>.

⁶¹ Schechner. "Environmental Theatre", 78.

spaces where I interviewed the women. Arguably, this area in a real-life setting is an inviting space where most guests entering the house are hosted for tea or conversation. Therefore, the kitchen/lounge space became a familiar space that I used to invite the audience to interact with Nomathemba, by breaking the fourth wall between the performer and the audience, as Boal encourages.⁶² The audience entered the fictional world of Nomathemba and used this as a safe tool to have difficult discussions. In this instance, they debated whether they agreed or disagreed with the advice that Nomathemba is giving her neighbour regarding family property battles.⁶³ Here, I employed the hot-seating activity, which encouraged the audience to interrogate the character in an interview-like style to understand the issues raised.⁶⁴ In this role, the audience had direct conversations with the performer, who answered all questions impromptu but still maintained the character's moral standing.

Boal's metaxis gave this study a helpful framework. Metaxis, he states, means "participating in a world of reality through fiction."⁶⁵ In theatre, the fictional world makes this participation possible by merging the real with fiction. Thus, the metaxis framework allowed the participants to confront the past in the present while rehearsing for future problem-solving. Accordingly, I took the women's real stories, used them, and transformed them into performance material. Indeed, metaxis put women in the position to witness their realities and participate in imagined future challenges and issues. I discuss this framework's impact in detail in the next chapter to maintain the flow of the methodology discussion.

⁶² Boal, "Games", 242.

⁶³ See **Appendix 3**: Play Script *Kwa Nomathemba*, 5, par 1.

⁶⁴ A Jackson, (2011) "Participatory Forms of Educational Theatre", in *Key Concepts in Theatre/Drama Education*, ed. S Schonmann. (Netherland: Sense Publishers, 2011), 236.

⁶⁵ Boal, "Games", 31.



Figure 10: Phemelo Hellemann (facilitator) helping an audience member step into a role by wearing Nomathemba's costume in the performance game activity. Image by Thingo Mthombeni.

The second point in Schechner's participation outline encourages the researcher or facilitator to be "prepared to accept and deal with the audience's reactions and responses, whether good or bad, while remembering that with participation, the play can stop, go on, and go on again in a new way."⁶⁶ In this case, the audience had permission (granted by the facilitator) to confront the character in two ways to evoke discussions about the importance of locating African women as property owners and decision-makers in their own homes against the backdrop of family property inheritance as daughters or wives in the case of customary marriage. One method used was the 'hot seat' technique. As Kaptani and Yuval-Davis explain, hot seating is a rehearsal technique that encourages the audience to ask the actor questions 'in character' who then "speaks of their reality...from a safe distance."⁶⁷

As expected, the group engaged with Nox as a probing participant who provoked emotions and feelings to come to the surface. The audience expressed their feelings towards the scene they had just witnessed. Their reflections gave the study rich and valuable information that affirmed the themes already identified in phase two of the research.

As a researcher and facilitator, I provided additional questions on the topic to draw out more emotions and feelings about Nomathemba's controversial argument. The goal here was to

⁶⁶ Schechner, "Environmental Theatre", 78.

⁶⁷ Kaptani and Yuval-Davis, "Participatory theatre", 7.

gather additional information on the history of Fingo Village title deeds, and about the governing perceptions of women who own property in Fingo Village, using the performance game's participatory strategy, as seen in Figure 10. Boal explains this as an "artistic and intellectual game played between actor and spect-actors."⁶⁸ Here, the audience takes on the performer's role and expresses their views through that lens. The rules of the activity are as follows:

The audience is informed that, in this rerunning of the play, the first step is to take the protagonist's place whenever he or she is making a mistake, in order to try to bring about a better solution. All they have to do is shout 'Stop!'; the actors must immediately stop where they are, without changing position. With the minimum delay, the spect-actor must say where he or she wants the scene taken from, indicating the relevant phrase, moment or movement (whichever is easiest).⁶⁹

The list above resonates with Schechner's view that participation should not be gratuitous.⁷⁰ This explanation of participation aligns itself with the study's goals. It highlights the importance of participating actively in a discussion. In any event, where participation is encouraged, it should achieve an outcome, be it dialogue or reflection. The performance game activity yielded the desired information on people's understanding of the lost Fingo Village title deeds for this study. Moreover, it assessed their views on the relevance of legal property registration against the backdrop of customary law and western policies.

Phase 4: Image, exhibition, and documentary screening as strategies for memory work

In this phase, activities encouraged memory work through images and a documentary screening.⁷¹ The theatre event and documentary screening happened on September 20, 2019. The image and memory activities used in this phase were adapted from the image theatre method. In a traditional image theatre setting, image work usually involves working with non-verbalisation strategies. Here, both performers and audience members use their bodies to create still, three-dimensional images or installations that communicate a social issue or aspects of their lives.⁷² These images are then analysed by the audience, who articulate the feelings and emotions that each image brings up in them. According to Kaptani and Yuval-Davis, the

⁶⁸ Boal, "Games", 243-244.

⁶⁹ *Ibid.*

⁷⁰ Schechner, "Environmental Theatre", 78.

⁷¹ **Appendix 5:** Day 2 Umzi ka mama Documentary screening and image Event Schedule.

⁷² Boal, "Games", xxii.

images produced are then used as discussion tools to “reveal subjects’ positions and power relationships, laying the foundation for the participants to analyse their experiences further.”⁷³

The initial plan was to implement image theatre work in its most accurate form as a non-verbal activity. In this way, participants would create three-dimensional images with their bodies. However, I realised that the participants were not ready for non-verbal engagement, given their conservative backgrounds. I did not want them to be intimidated by doing something out of their comfort zone. As Kaptani and Yuval-Davis state, sometimes methodological decisions must change based on participants’ cultural backgrounds.⁷⁴ I understand that choosing verbalisation goes against how Boal intended the activity to work. However, I also believe that participant activities must be relevant to the group context, as implied by Schechner’s third point about participation not being gratuitous. Moreover, researchers should not force participants to do something just to meet the needs of the researcher. Although I was not inclined to ask the participants to create body images of how the information in the exhibition made them feel, I still wanted them to be able to express their feelings and emotions.

To solve the difficulty of not using traditional body images as in image theatre, I used a detailed exhibition with images of people and prominent places in Fingo Village. The photographs and the information on the exhibition served as a prompt that elicited memories and emotions, thus guiding the discussion as body images would. The idea was to let the photographs form part of the storytelling. Therefore, the technique I employed was not image theatre *per se* but rather an activity influenced by image theatre. According to Freund and Thomson, photographs serve memory work well as tools that encourage storytelling.⁷⁵ Using the pictures, thus maintained the storytelling quality of image theatre.

Though the pictures and information from the exhibition are two-dimensional, they were helpful as sources that brought up memories and emotions about life in Fingo Village between 1970 and 1994.⁷⁶ I was indeed fortunate enough to have this tool at my disposal as it was a well-researched resource that benefited my study accordingly. As seen in Figure 12 below, the

⁷³ Kaptani and Yuval-Davis, “Participatory theatre”, 6.

⁷⁴ *Ibid.*

⁷⁵ Freund and Thomson, “Introduction”, 2.

⁷⁶ The exhibition was a history project curated by Dr Westaway with the help and research conducted by Gadra Matric School students to commemorate the 200th anniversary of the town of Grahamstown. Julie Wells, who was consulted during the project, expands on the nature of the project in detail in the methodology video. See “Umzi ka mama Rhodes University PhD research project,” Produced by Phemelo Helleman and Thingo Mthombeni, February 23, 2021, methodology video, 08:20-08:55, <https://www.youtube.com/watch?v=i4HPYRnFwok>.

period dealt with in the exhibition was one of political and emotional turmoil for the Fingo Village people.



Figure 11: The Fingo Village exhibition curated by Dr Ashley Westaway in 2012. Makana Municipality commissioned the exhibition to celebrate the 200th anniversary of the town of Grahamstown. The main exhibition is up in Fingo Village Library. A travelling version of the exhibition was used in the Umzi ka mama Day 2 event. Photo by Phemelo Hellemann



Figure 12: The Fingo Village residents worked in pairs with Rhodes University guests in a memory sharing activity using the images and information from the Fingo Village Exhibition displayed on the floor. Image by Thingo Mthombeni.



Figure 13: Rhodes University student participant placing markers on the Fingo Village Exhibition displayed on the floor to indicate new knowledge. Image by Thingo Mthombeni

Rhodes University student participant placing markers on the Fingo Village Exhibition displayed on the floor to indicate new knowledge. Image by Thingo Mthombeni.

The exhibition as a memory activity that facilitated the verbalisation of emotions and a retelling of how the exhibition's events connected to the participants' memories and stories. Instead of the participants responding to the information on the exhibition by representing a still body image to capture the feeling, they put a colourful post-it next to an area that either sparked a memory or was new information to them. They had to also pay attention to the feeling that information was bringing up in their bodies and verbalise it in the reflection activity that proceeded the post-it activity.

Though the exhibition was two-dimensional and slightly different from traditional image theatre work, it provided a "fresh context to which an already much-rehearsed tale has to be adapted."⁷⁷ Because the photographs in the exhibition had captions, as Freund and Thomson add, such materials have a built-in narrative that is narrated by the caption.⁷⁸ The captions are not a bad thing because they can be useful in inviting people to provide alternative, if not multiple, narratives of the event because people might remember the event differently from what is noted on the caption. The "multiple narratives are not necessarily multiple versions of the event," but rather nuanced experiences and memories of the event.⁷⁹ The exhibition guided by memory work, gave the discussion on life in Fingo Village the much-needed refocus and recollection of information. Therefore, when I refer to image work, I am not referring to the image theatre form, but rather the use of photographs and exhibition as historical material for the *Umzi ka mama* project. The display's historical material became a source for other women/participants to engage with by prompting questions and untold stories.

As Tilden highlights, the point of interpretation is not to present history as neutral but rather to "find controversies, untold stories, find out feelings and thought."⁸⁰ In this regard, I put the participants into pairs consisting of one Fingo Village resident and a younger invited participant, as shown in Figure 13. First, they walked around together and looked at the exhibition to see which images or information sparked a memory or untold story relevant to Fingo Village title deeds. Then, as captured in Figure 13 above, participants placed markers on the exhibition to indicate new knowledge sections and sections about which they discussed a special memory with Fingo residents in the meeting. As supported by Freund and Thomson, indeed photographs, even those with captions do not tell the whole story, hence they need to

⁷⁷ Cubbit, "History and memory", 99.

⁷⁸ Freund and Thomson, "Introduction", 5.

⁷⁹ *Ibid.*

⁸⁰ Tilden, "Interpreting", 9.

be engaged with by creating oral narratives that bring consciousness and “meaning through language, emotion and body movement.”⁸¹ As I discuss in the proceeding chapter, the image and memory work activity yielded much research data that added valuable information about the Group Areas Act era and how that became the pinnacle of a time of protecting and preserving Africans Fingo Village title deed rights.

The documentary screening followed the image and memory work activity. The idea behind the screening followed the same principle as the playback strategy. The research subjects watched their own stories. Digital documentation of personal stories through cameras, audio recorders, and video recorders is the most common and traditional way of having footage to playback to an audience to evoke stories or memories of the event or day.⁸² In this sense, the documentary film served as footage to play their interviews back to them. As a result, the women viewed the second draft of the documentary film before the final edited version. This strategy served to validate the findings. Butina notes that the member checking method ensures that the researcher presents and represents participants and their ideas and narratives.⁸³

The main challenge that I faced in my research journey was that not all women could attend the sessions due to work or personal reasons. Only four out of the seven were able to see both the performance and the documentary screening, so it was essential to get the footage to them. Each woman participant received a DVD copy of the complete version of the documentary film to share with their family and friends. This way, the research findings will not ‘die’ in archives but be open to a greater audience who can also be part of the women and family property conversation. The women needed to see their stories in order to relate their individual story to the other women’s narratives and to the greater context of the ongoing discussion on women’s access to family property and title deeds.⁸⁴

Conclusion

The methodology used in this study focused on the extended participation of the informants in history research. It addressed the need for creative output in historical research. My role as a researcher is to examine and interpret the relationship between theory and data collected from participants’ interactions. In doing so, I demonstrate why feelings and emotions are essential

⁸¹ Freund and Thomson, “Introduction”, 11.

⁸² Chung, “Playing Back Playback”, 3.

⁸³ Butina, “A narrative approach”, 195.

⁸⁴ A Tor-Helge, “Myth and Metaxy, and the Myth of Metaxis,” in *Playing betwixt and between: the IDEA dialogues 2001*, ed. B Rasmussen, and A Østern. (Stockholm: Idea Publication, 2002), 77.

indicators that aid the data collected. Proceeding chapters include discussions of participants' feelings and emotions. This is part of the interpretive analysis strategy I use to understand what property registration or ownership means to these women and to explore the feelings or emotions attached to title deeds. While most of the methods used to collect data lend themselves to the drama and theatre field, I have demonstrated why they pair well with oral history interview methods. In its essence, this study has developed a participant-based history research methodology. As noted in this chapter, this methodology has had its triumphs and challenges, but the successes far outweigh the challenges.

CHAPTER SEVEN - THE GROUP AREAS ACT AND BEYOND: PROTECTING FAMILY PROPERTY AGAINST THREATENED EVICTION

This chapter looks at the discussion that came out of the image and memory activity used in the project. The Group Areas Act (GAA) discussion on Fingo Village by residents came as an unexpected discovery that made a valuable contribution to this research. An exhibition on the 200th anniversary of the town of Grahamstown served as a vital tool that cultivated the discussion. Indeed, the exhibition was a tremendous secondary source for this study. It provided detailed information on the general history of Fingo Village, with each banner addressing a specific site or event that changed the lives of the people at the time. Responding to the images used in the exhibition, the audience members' memories and stories provided rich sources for more data collection. As Cubitt states, sources that are "already much-researched" can provide opportunities for a retelling and recollection of the events, which can bring a fresh context.¹ The exhibition and the image and memory activity achieved this goal. The exhibition included detailed reporting on the GAA in Fingo Village. However, it did not cover aspects relating to the impact the discriminatory policy had on its people. The vulnerability of women as household heads and owners brought such issues into focus, and the different plans people put in place to protect their properties against the threat of eviction were worth exploring.

Therefore, the chapter provides accounts and testimonies from both the study's primary and secondary participants. Although the researcher did not question the primary participants about how the GAA impacted their lives, the participants often made statements that linked to a specific time during their property journeys. They realised that the GAA policy could have caused tenure security issues. The image and memory activity also provided an opportunity to assess people's views on the historical significance of title deeds in a place like Fingo Village. Additionally, the activity fostered reckoning with the lingering effects of western laws and assimilation agendas in African communities.

The secondary participants brought up the history of the missing title deeds in Fingo Village and the suspicion that still creeps up when anyone shows an interest in the topic. Their

¹ G Cubitt, *History and memory* (Manchester: Manchester University Press, 2007), 99.

contributions conceptualised the GAA as one of the circumstances that played a role in making the history of the Fingo Village title deeds so disjointed.

Down Fingo Village memory lane: reflections on Group Areas Act



Figure 14: Phemelo Hellemann facilitating the memory activity. Here she is engaging with the participants on aspects that they found interesting about Fingo Village's history. Image by Thingo Mthombeni.



Figure 15: One of the secondary participants, Zukiswa Nkosinkulu-Mbane, shared her memories with a fellow participant by showing her a prominent landmark in Fingo Village, the tavern across the Fingo Library road. The place operated under a different trading license with a white owner back then. Image by Thingo Mthombeni.

As noted in the caption to the image above, Fingo Village residents present at the documentary screening event shared their experiences and memories of life in Fingo Village. Zukiswa Nkosinkulu-Mbane, seen in Figure 15, shared how the tavern across from Fingo Library on Albert Street used to be a shop owned by a white gentleman back in the 1970s and 80s.² Her account exposed how Fingo Village people still held memories of when their suburb was well-integrated and embraced people from various racial and ethnic groups. Wells provided a detailed account of the physical composition of where the tavern was located. She states:

The intersection of Wood Street and Albert Street was a hub of activity. It housed not only the Beer Hall, built in 1938, but also municipal buildings, a Post Office, a dairy and a clinic. Tennis courts on both sides of Albert Road catered to sports enthusiasts.³

It was this hub that contributed to the integrated social life of the residents. Indeed, Fingo Village was a fully multicultural and multiracial community of coloured, Indians, whites, Chinese and Xhosa people.⁴ Wells explains the profile of the suburb at the time as follows:

The neighbours were of a wide variety of ethnic and cultural backgrounds. The Africans dominated in numbers but included not only people of Mfengu and Xhosa descent, but also Zulu and Tswana-speakers. Small corner shops dotted the area. They were mostly owned by people of Chinese, Jewish and Hindu backgrounds. The owners generally lived in Fingo Village and were considered as part of the community. White people lived in old Fingo Village and also ran shops. A few inter-racial couples lived scattered around Fingo Village and Mission.⁵

The above quote paints a clear picture of the diverse communities found in Fingo Village. Moreover, the quote highlighted two aspects of Fingo Village life that were later used to explain the need to embrace racial zoning policies introduced when the NP came into power. The first

² Zukiswa works as a caretaker of the Fingo Library Hall where the *Umzi ka mama* theatre event and documentary screening took place. Her participation in the study became useful to me. She was present at the theatre event and documentary screening, and she gave valuable input addresses some of the issues not covered in the individual interviews with the primary participants. Therefore, she became a secondary participant in this study and consented to her name being noted in the thesis accordingly.

³ JC Wells, *Remembering Fingo Village: forced to be coloured by the Group Areas Act* (Makhanda, 2019), 9. According to Wells, "Remembering Fingo is a project of the Isikhumbuzo Applied History Unit of the History Department, at Rhodes University." The project captures the story of the coloured people who lost their homes because the GAA policies and its haphazard implementation, which classified them as Coloured. This was an intensive collaborative project with a series of interviews, workshops and production of a video which allowed for a great deal of participation by the people telling their stories", 1.

⁴ I Menato, S Johnson and J Wright, "Eastern Cape Resettlement: black pawns in a white game," *Inquiry*, 2 (1979): 5. http://www.historicalpapers.wits.ac.za/inventories/inv_pdf/A3299/A3299-G1-1-16-001-jpeg.pdf.

⁵ Wells, "Remembering Fingo Village", 8.

aspect disclosed how Fingo Village was a thriving business hub for a small town like Grahamstown, with many African people owning business properties. The area was a prime location for growing business premises in the town. Secondly, the mixing of races, primarily through marriages, spoke to the varied social life of the suburb.

The first sign of trouble for title deed holders came in 1941 and then again in 1947. The limited business locations in Grahamstown drove the rich to seek more land on the edge of the city, where African people resided in 1941.⁶ The properties on the outskirts of town were “prime property for future commercial and residential areas.”⁷ Once more, African people faced possible dispossession and displacement at the hands of greedy white business owners. In 1947, as Davenport notes, the Grahamstown municipality wanted to convert the Orsmond Terrace properties into a light industrial area. However, the white business owners’ efforts were unsuccessful because the Joint Council was against this plan. The Council determined that this plan undermined African’s freehold residential rights in that part of Fingo Village.⁸ It was the first time the Joint Council defended the African freehold tenure rights. Arguably, this moment set the tone on how to tackle impositions set by the Group Areas Act. It was this recognition that put forward the historical significance of the title deeds acquired in 1855.

The setup in Fingo Village posed a significant threat to the National Party’s political vision of maintaining white supremacy. After the 1948 elections, the National Party established apartheid, which pushed for racial separation policies. The mandate was to give all economic and political power to white South Africans. Across South Africa, the party set new laws and policies in place. There were laws for racial classification, racial sex regulations, and group areas policies for “each racial community” along with “segregated schools and universities” and the elimination of “integrated public facilities and sport.”⁹ The GAA was one of the

⁶ *Ibid.*, 24.

⁷ *Ibid.*

⁸ T RH, Davenport, *Black Grahamstown, the Agony of a Community* (Johannesburg: The Institute of Race Relations, 1980), 15. The Joint Council Europeans and Natives it was a movement formed to regulate relations between African and whites in South Africa. There were different levels, at national, regional and individual councils. Grahamstown had an individual council which was operational from 1921. Like similar councils, their primary mandate was to discuss and make decision regarding race relations and how those affect economic and social conditions of the people. This included discussions on housing, living conditions and policy issues. The Library, University of the Witwatersrand, Johannesburg, South Africa. AD1433 Records of The Joint Council Of Europeans And Africans, accessed April 19, 2021, <http://www.historicalpapers.wits.ac.za/?inventory/U/collections&c=AD1433/R/7995>.

⁹ The Library, “Records of the Joint Council”

foremost laws that accelerated the NP's racial division mandate. As per the archival documents compiled by United Nations Centre against Apartheid and Barry Higgs, the GAA was "one of the four central pillars of the apartheid government along with the Prohibition of Mixed Marriages Act, the Immorality Amendment Act, and the Population Registration Act."¹⁰

Therefore, the GAA, introduced in 1950, threatened to dissolve the diverse Fingo Village community that had thrived for many years. The apartheid government passed the act with the aim of displacing many black, Indian and coloured South Africans. The government achieved numerous displacements and forced removals around the country during the GAA era. However, implementation was intermittent in places like Fingo Village, thus showing how laws do not become enforced overnight. Initially, Fingo Village was not affected by this policy because the GAA recognised African owners' tenure rights with title deeds.¹¹ Up until this point, there were no firm ethnic boundaries in Fingo Village. As Davenport stated, there was an overlap of residential areas among race groups.¹²

Mama Margaret recalled what her grandmother told her about the history of Fingo Village.¹³ Margaret's great grandmother was white and married to an African man. They resided and owned property on Raglan Road, Fingo Village, and they had two daughters who inherited the family property. The general mandate of the apartheid government held that people should live among their own races. Consequently, Margaret's great grandmother's family composition went against the segregation policies that the National Party was trying to implement. Initially, the GAA only had three group classifications, namely "white, native and coloured."¹⁴ These groups were not allowed to live in the same area under the GAA. It meant that such families faced the threat of eviction and separation as mixed-race families, because the NP government wanted the multiracial community dissolved. Therefore, the government created separate racial zones to prevent further racial mixing, especially in urban areas like Fingo Village.

¹⁰ United Nations Centre against Apartheid, and B. Higgs, *The Group Areas Act and Its Effects* (1971): 1, http://psimg.jstor.org/fsi/img/pdf/t0/10.5555/al.sff.document.nuun1971_01_final.pdf.

¹¹ Davenport, "Black Grahamstown", 17.

¹² *Ibid.*

¹³ "Umzi ka mama Rhodes University PhD research project," 19 February 2021, produced by Phemelo Hellemann and Thingo Mthombeni", video, 12:02-12:20, <https://www.youtube.com/watch?v=WKH4I1ea2Gw>. . Mama Margaret is one of the few coloured people that still live in Fingo Village. Her mother did not move away when the GAA policies were introduced in Fingo Village.

¹⁴ United Nations Centre against Apartheid and Higgs, "The Group Areas Act", 1.

The African community in Fingo Village had title deeds. They were among the first African people in South Africa to vote, though this only applied to men.¹⁵ Fingo Village presented a unique case, because voting for African men was only allowed in the Cape Province. According to Stanley Trapido, Fingo men with property were part of the original cohort of Africans who benefited from British property qualification deals that granted African electoral privileges in the 1880s.¹⁶ It was not unusual under English law in South Africa for African property owners to have voting privileges, and this was part of the British ploy to gain political power through African votes, though the numbers were never large, as Trapido explains.¹⁷

Unfortunately, the African vote was taken away in 1936 after Afrikaner politicians called for the dissolution of integrated voting between Africans and British liberals because it went against segregationist principles and the evolution towards full apartheid policies.¹⁸ The Union government, as predecessors of the NP, did not want anything that reminded them of English laws and dominance. Once they succeeded in taking away the African vote, they set their sights on removing the freehold title deed status given to African South Africans. In their view, the freehold status the African residents held in Fingo Village still upheld the British assimilation agenda that had spanned a century. When the NP came into power in 1948, the government wanted freehold statuses of urban African landowners dissolved and replaced with leasehold statuses.

A few amendments were made to the initial act to widen the scope of forced evictions as initially intended. Accordingly, in 1955, the act was amended to include areas where African people had freehold title deeds, which meant that Fingo Village was under review once more. It became clear that the amendments ensured that the act fulfilled the full implementation of separating people according to race. Thus, the NP government wanted to ensure that existing non-white citizens had no urban freehold title deeds.¹⁹ For Grahamstown, specifically, the Group Areas Board (GAB) was determined to strip African freeholders of their tenure

¹⁵ Davenport, "Black Grahamstown", 5.

¹⁶ S Trapido, "African Divisional Politics in the Cape Colony, 1884 to 1910," *The Journal of African History* 9, no. 1 (1968): 80, <https://millennium.seals.ac.za/iii/cas/login?service=https://www.jstor.org/stable/179921>.

¹⁷ *Ibid.*, 79-80.

¹⁸ *Ibid.*, 110.

¹⁹ United Nations Centre against Apartheid and Higgs, "The Group Areas Act", 1.

security.²⁰ The GAB did not operate in Grahamstown but was an arm of the national government, with its nearest office in Port Elizabeth.

The GAB set their sights on Fingo Village, with new amendments as reinforcement for forced removals around South Africa. In 1957, a few proposals were brought forward by the board. The first suggestion was the resurrection of the light industrial area in Fingo Village, which would demolish a few houses and the Katherine Webb TB hospital.²¹ As evident today, these houses and the hospital were never demolished. They are all still present in what is now called A street in Fingo Village. Other ideas involved creating ethnic and racial groups on the city's outskirts, except for Raglan Road and Orsmond Terrace. The board designated these as Chinese and Indian areas.²² The GAA amendments gave the GAB legal authority to regulate any "acquisition, holding and occupation of property of members of the different racial group."²³ But as Mesthrie states:

One fails to find a satisfactory detailed explanation of the provisions of the original Act or a recognition that the Act was constantly changing in significant ways." By 1957 the original GAA had been amended several times over: Act 65 of 1952, Act 6 of 1955, Act 68 of 1955, Act 29 of 1956 and Act 57 of 1957.²⁴

These constant changes meant that the government created further conditions disqualifying African people residing in mixed-race areas. The board tried to force the African freehold title deed owners out of the area based on this amendment. However, the Fingo residents and outspoken academics from Rhodes University stopped this plan.²⁵ One of the most influential and memorable meetings was the meeting on the 22nd of May in 1957. According to Blumenfeld and Nuttall, over 350 people of all races attended to express their unhappiness about the new plans.²⁶ Both white and African people in Grahamstown opposed these changes and any subsequent change regarding new spatial arrangements in Fingo Village.

The unity amongst the Grahamstown residents and remaining Fingo Village residents kept delaying and derailing the GAA's proper implementation. As Wells writes, "the

²⁰ Davenport, "Black Grahamstown", 17.

²¹ *Ibid.* The hospital has since been renamed to Temba TB Hospital.

²² *Ibid.*, 18.

²³ United Nations Centre against Apartheid and Higgs, "The Group Areas Act", 2.

²⁴ US Mesthrie, "Tinkering and tampering: a decade of the Group Areas Act (1950–1960)," *South African Historical Journal* 28, no. 1 (1993): 178. <https://www.tandfonline.com/doi/abs/10.1080/02582479308671972>

²⁵ Davenport, "Black Grahamstown", 18.

²⁶ J Blumenfeld and M Nuttall, "Grahamstown's Fingo Village: From Poverty to Paradise?," *Reality* 4, no 3 (1972):15, accessed April 18,2018. <http://disa.ukzn.ac.za/rejul727>.

implementation of the Group Areas Act in Grahamstown was done in utter chaos and confusion over a thirty-five-year period.”²⁷ From 1950 until 1980, various accounts of the GAB’s many attempts to enforce racial zoning and disqualify African freehold title deed holders in Fingo Village came to the forefront. The opposition to moving African residents was often intense. The board employed other tactics to move either coloured people or white people out of the suburb. First, the government targeted and pressured coloured people to move out of Fingo Village.²⁸

As a result, a few moved out of the suburb in the early 1950s, and a few more followed in 1959 to settle in a coloured township called Ghost Town in Grahamstown.²⁹ These relocations affected the coloured community immensely. They lost their homes and lost the sense of community and belonging they had experienced for decades. This initial move gave the board more confidence to pursue forceful attempts to move more coloured people out of Fingo Village. However, they soon realised that this was not the best approach as the coloured township ran out of plot spaces. Thus, the government refocused its energy into declaring Fingo Village a coloured area because of the “shortage of living space in the coloured area.”³⁰

In the early parts of the 1960s, the GAB shifted its focus to moving white people away from Fingo Village.³¹ Before the voluntary move, there were plans to make some part of the railway area and Raglan Road an area for either white or Indian people, but the plan never materialised. In 1969, four years after the second GAA attempt, African Fingo Village residents found themselves facing yet another eviction scare.

This time around, the Bantu Affairs Department (BAD) pushed for homeland occupation by African Fingo residents. The plan was to move African title deed holders and residents from “Grahamstown to Committees Drift and Glenmore, on the Fish River’s east bank, 45 kilometres from Grahamstown.”³² The GAB wanted to move 36 000 Fingo residents to address the “overcrowding issue and the suburb’s deteriorating conditions.”³³ These claims legitimised the move while disregarding the title deed losses and complexities faced by African residents. As a result, as Menato, Johnson and Wright noted, “many residents still maintained and improved

²⁷ Blumenfeld and Nuttall, “Grahamstown’s Fingo Village”, 15.

²⁸ Wells, “Remembering Fingo Village”, 26.

²⁹ *Ibid.*

³⁰ Davenport, “Black Grahamstown”, 22.

³¹ Wells, “Remembering Fingo Village”, 26.

³² Wells, “Remembering Fingo Village”, 16.

³³ Menato, Johnson and Wright, “Eastern Cape Resettlement”, 5.

their housing while under the threat of removal.”³⁴ It showed how the African communities were not ready to part with their homes. Instead, they made necessary improvements to show their unwavering commitment to protecting their properties and staying in Fingo Village.

While the GAB visualised the Glenmore plan, the board made yet another change, declaring Fingo Village a coloured area in 1970. The expectation was that all African people had to move or be removed from the suburb to make way for coloured and Indian residents.³⁵ This declaration meant the GAB had the authority to sell African people’s properties in Fingo, because the board considered them disqualified under the GAA’s terms and conditions. According to Mesthrie, “once an area was proclaimed for one group, all individuals belonging to any other group became ‘disqualified persons’.”³⁶ On paper, a disqualified person under GAA referred to a person who owned property and lived in an area not assigned for their race group.³⁷ Wells notes the attitude of Fingo Village residents towards the classification as follows:

Surprisingly, this did not cause huge amounts of tension between them (coloured residents) and their black neighbours. People from all sides understood that the policies did not originate with their friends and did not blame them. Since the government seldom even told people what its intentions were, everyone tried to continue living “normal” lives.³⁸

Initially, the government ruled that disqualified persons could move voluntarily.³⁹ However, the people did not move. Consequently, the government employed a more forceful stance. Under Dr Piet Koornhof, Minister of Cooperation and Development, and Deputy Minister of Bantu Administration, the GAB operation tried to force African title deed holders to make way for the coloured and Indian community.⁴⁰ Perhaps this was meant to fast-track the move to Glenmore, but it took another ten years for the community to engage in any move.

Another tactic pursued by the board was convincing business owners from surrounding Eastern Cape areas to start thinking about securing lots in Fingo Village. The idea was once again to turn Fingo Village into a new, upcoming industrial area in Grahamstown. As Blumenfeld and

³⁴ *Ibid.*, 6.

³⁵ Wells, “Remembering Fingo Village”, 26.

³⁶ Mesthrie, “Tinkering and Tampering”, 181.

³⁷ United Nations Centre against Apartheid and Higgs, “The Group Areas Act”, 2.

³⁸ Wells, “Remembering Fingo Village”, 20.

³⁹ Blumenfeld and Nuttall, “Grahamstown’s Fingo Village”, 16.

⁴⁰ *Ibid.*

Nuttall report, Dr Koornhof encouraged “industrialists wishing to site their factories in Grahamstown to apply to the government for various concessions, although there no guarantee that these will be granted.”⁴¹ Mama Lizeka recalled how the unfolding of these events nearly had devastating effects on her family property.⁴² At the time, the family property was in her brother’s name, but he passed away. She reflects on her family’s lack of knowledge about her mother’s will, naming the family home beneficiary’s brother. She explained that:

Without knowing that he was in the will, we could have easily become homeless because lots of people wanted these properties. It was mainly business people who wanted to buy this place.⁴³

Because the property’s legal papers were not updated, the remaining family home occupants were vulnerable targets of the GAB. At any moment, the board could have removed them from the home because they did not have legal documents noting the current beneficiary. Given that those without proof of ownership would not have benefited from having their freehold rights protected, the board could have easily evicted Mama Lizeka and her children. Furthermore, as a practice, women were usually not registered as homeowners; consequently, women like Mama Lizeka would have significantly been affected by these sales. As a result, Menato, Johnson and Wright state that women would probably be even worse affected than men, because the majority worked as domestic workers earning a minimum wage.⁴⁴ This wage would not have been enough to cover travelling costs, let alone living costs, if they moved to Glenmore.

According to Menato, Johnson and Wright., the deadline for forced removals, as well as the industrial area plans and the move to Glenmore was 1981.⁴⁵ None of these plans ever materialised for two reasons, the first linked to the determined resistance from Fingo residents with their British settler descendants as allies. The succeeding sections discuss how Fingo residents and supportive Grahamstown community members rallied together to preserve Fingo Village. Their plans and actions were monumental in ensuring that African residents retained

⁴¹ *Ibid.*, 17.

⁴² Interview with Lizeka George (Fingo Village, Makhanda, Eastern Cape, South Africa, June 17, 2019).

⁴³ “Umzi ka mama Rhodes University PhD research project,” 23 February 2021, produced by Phemelo Hellemann and Thingo Mthombeni”, methodology video, 10:13-10:40, <https://www.youtube.com/watch?v=i4HPYRnFwok>.

⁴⁴ Blumenfeld and Nuttall, “Grahamstown's Fingo Village”, 18.

⁴⁵ Menato, Johnson and Wright, “Eastern Cape Resettlement “, 5.

their tenure rights. The other reason is that, by 1978, it had become clear that the move would cost the government R 26 million over five years.⁴⁶

In reality, the government could not afford this move. More than that, by 1979, there were reported cases of mismanagement of funds. Reportedly, as Mister Erasmus states, the fund dried up as three-quarters of the funds set aside for the Glenmore and Committee's Drift move were mishandled in the first year.⁴⁷ The remaining funds were not enough to provide people with essential services in Glenmore; instead, the money was set aside for services in Grahamstown.⁴⁸ Among other implementation challenges, this realisation saw Dr Koornhof "de-proclaim Fingo Village as a coloured area and revert it to be an African area" in 1980.⁴⁹ The decision to surrender by the government was a cover-up for the unfolding corruption in various departments tasked with this plan. They considered it better to frame the de-proclamation as a moral consideration rather than publicly admit to failure and corruption.

The mismanagement of funds set aside for the Glenmore and Committee's Drift settlement posed a potential scandal, so the government had to surrender to avoid humiliation. As Davenport writes, a notice in the newspaper stated that Dr Koornhof decided to de-proclaim Fingo Village as a coloured area because "Africans, after all, have had the land for more than 100 years."⁵⁰ The support of the white community and the pressure from the City Council also helped to accelerate the final decision. Together with the de-proclamation of Fingo Village as a coloured area, this decision provided much-needed peace to African freeholders.

⁴⁶ Davenport, "Black Grahamstown", 43.

⁴⁷ *Ibid.*, 44-45.

⁴⁸ *Ibid.*, 44.

⁴⁹ *Ibid.*, 45. Supposedly Dr Koornhof made decision because he saw it as a humanitarian and moral consideration for African's and their legitimate right to land in Fingo Village.

⁵⁰ Davenport, "Black Grahamstown", 45.



Figure 16: Mama Grace and secondary participants reflected on the protest events in the 1970s. She recalled how these protests played a role in delaying the move to Glenmore and Committees Drift. Image by Thingo Mthombeni.

1855 freehold title deeds as assurance

The title deeds of Fingo Village played a significant role in protecting the residents against GAA. Indeed, as Blumenfeld and Nuttall affirm, title deeds guaranteed tenure security for the African residents of Fingo Village for a hundred years.⁵¹ Under the rulership of the British in the 1850s, African Fingo Villagers enjoyed peace and stability. However, as seen in the preceding section, the new government was not happy with this status quo.⁵² Though the NP had taken over as the government, some British laws and policies were still in place. The recognition of the title deeds issued in the 1850s was one such law. Wells describes the title deed document as follows: “each title deed has Queen Victoria’s crest at the top, signifying that England’s crown sponsored the policy.”⁵³ This policy solidified title deeds as assurance against forced removals.

⁵¹ Blumenfeld and Nuttall, “Grahamstown’s Fingo Village”, 15

⁵² *Ibid.*

⁵³ Wells, “Remembering Fingo Village”, 7.

As noted previously, every attempt to change their status or remove African title deed holders in Fingo Village was rebuffed, based on recognition of the original title deeds' validity. Notably, the years 1941, 1947, 1955, 1957, 1969, 1970 and 1980 all narrate moments when the government set out to find ways to remove the title deed status of African residents. However, various writers have shown how potential removals encountered unwavering resistance each time. There was no denying that title deeds were legally binding documents acquired legitimately in their day, and thus it would be unfair to dismiss their validity under the GAA. It was the emergence of the GAA that made the resistance take a more determined turn. Against the backdrop of political protests in Grahamstown, the residents' persistence gained momentum in the 1970s.⁵⁴



Figure 17: Professor Julie Wells expanded on the GAA events and the government's plan to move African residents to Glenmore. Image by Thingo Mthombeni

The image and memory activities displayed in the above images demonstrate the participatory nature of the dialogue. As participatory methods, the activities served the research well. They were valuable tools for raising questions and initiating collective reflections.⁵⁵ The collective reflections were crucial in discovering some of the people's personal stories, feelings, and

⁵⁴ According to Davenport, the protests were driven by black school learners who were unsatisfied with the schooling education system and the facilities. Thus, the protest was a "strategic political confrontation" that not only raised awareness about the living and learning conditions of black students but also in lieu of Stephen Bantu Biko's death in detention at the time. Davenport, "Black Grahamstown", 51.

⁵⁵ U Erel, T Reynolds and E Kaptani, "Participatory theatre for transformative social research," *Qualitative Research* 17, no.3 (2017): 309. <https://doi.org/10.1177%2F1468794117696029>.

thoughts about the GAA in Makhanda. Here, I asked questions about the GAA and its implications on African people's right to land. Since the title deeds gave African people legal rights to their properties, how did they handle the possibility of having those rights removed?

The GAB, under the direction of the NP government, tried to strip African people of their right to land. However, it was impossible to ignore that the original title deeds of the 1850s gave freeholders the right to own and occupy urban land in Fingo Village. In this regard, as Bromley argues, "to have a right means that you do not need to enforce your interests in a particular situation – the authority system does that for you."⁵⁶ Unfortunately, African freeholders found themselves in a situation whereby the authority meant to protect their property rights was the same authority that threatened to take them away. Therefore, Bromley's argument falls short in the case of Fingo Village. Nevertheless, together with their allies, the African freeholders enforced and protected their property rights against the government. The title deed documents helped to do so, as they constituted legal protection that the GAB could not easily revoke.

As observed previously, British settler descendants became Fingo Village allies in their fight to defend their freehold rights. Their allegiance in supporting the title deed rights was essential and practical, but deeply grounded in their English heritage and identity, which stood in sharp contrast to the Afrikaner-dominated government. As Rodney Warwick reflects, after the NP took over in 1948, the settlers felt that the "English settler culture in South Africa was inherently weakening."⁵⁷ As a result, the English community went to great lengths to defend English laws and practices still prevalent in the town. The settler community did not hesitate to show their allegiance towards African freeholders in Fingo Village, because the freehold rights had historical significance as long-standing British laws. Amongst other defences of their culture and heritage, they raised funds to build the 1820 Settlers National Monument in Grahamstown in July 1974, accompanied by a benign-looking settler family statue outside.⁵⁸

By defending the preservation of English property law in Fingo Village, settler descendants provided African freeholders the advantage of a robust legal framework. For Bromley, in legal cases, property rights are predetermined rights. According to him,

⁵⁶ DW Bromley, "Formalising property relations in the developing world: The wrong prescription for the wrong malady," *Land Use Policy* 26, no.1 (2008): 21.

<https://www.sciencedirect.com/science/article/pii/S0264837708000264>.

⁵⁷ R Warwick, "British Settlers and South African identity," *Blog, Litnet*, August 23, 2020.

<https://www.litnet.co.za/british-settlers-and-south-african-identity/>.

⁵⁸ Warwick, "British Settlers". The monument became a "living memorial", with its facilities used particularly for education and the promotion of English throughout Africa. *Ibid*.

the legal meaning of a right in terms of property rights means a title deed document gives legal property rights. The owner now has the “capacity to compel some authority system to come to the defence of the specific interest associated with that right.”⁵⁹

From this juncture, exploring how African Fingo Village freeholders came to defend their right to retain their properties as legal owners is necessary. As mentioned earlier in the chapter, there were other instances when authority figures and community members defended African title deed holders’ rights. Although the Grahamstown City Council played a significant role, the Fingo residents and the greater Grahamstown community also championed the protection and retention of the freeholders right to land. According to Roux and St Ledger, the years 1957, 1959, 1963, 1965 and 1970 were the crucial years in which public meetings in Grahamstown served as platforms for the community to oppose removing Africans’ freehold rights.⁶⁰ The first opposition and rejection of the GAA plans occurred in 1957 when “one hundred signatures were presented to the Group Areas Act Board by the Grahamstown City Council in Port Elizabeth.”⁶¹

Unlike the government, the local community wanted to maintain the status quo. Thus, all those present at the public meeting held on the 22 May 1957 reached a unanimous decision and directed the City Council to allow the African freeholders to keep their property rights.⁶² At this moment, the community recognised that the royal grant title of 1855 gave them the power to influence the board’s decision or at least stall it. The support from the board gave African freeholders hope regarding their title deeds’ security.

Indeed, the implementation stalled until 1959. There were more public meetings between 16-18 February in 1959 called by the GAB, in the hope that the public would have had time to think about the GAB-proposed submissions on racial zoning. However, once again, the public rejected the plan. As Roux and St Ledger wrote, the GAB decided to “leave Grahamstown alone for the time being.”⁶³ The recognition of the title as a legally binding document cemented the opposition. However, their relief was short-lived. Three years later, the Department of Community Development informed the Grahamstown City Council that the GAA plan would go ahead.⁶⁴ The proposal set forward aimed to make Fingo Village a coloured area. The

⁵⁹ Bromley, “Formalising property relations”, 21.

⁶⁰ M Roux and M St. Leger, *Grahamstown: Fingo Village* (Johannesburg: Institute of Race Relations, 1971), 4.

⁶¹ Roux and St. Ledger, “Fingo Village”, 4-5.

⁶² *Ibid.*, 4.

⁶³ *Ibid.*

⁶⁴ *Ibid.*

council, however, maintained their 1957 position of keeping the status quo regarding African freeholders.

From 1970 to 1980, the GAB was relentless and determined to implement racial zoning plans. Once again, the City Council protested these plans. Under the auspices of the Grahamstown Ratepayers' Association, white citizens issued a memorandum supporting maintaining Fingo Village property rights during this time.⁶⁵ The document encouraged the Minister of Planning, Mr Loots, not to overlook the royal grant's validity.⁶⁶ This protest re-emphasised that the royal grant title was not something that the Group Areas Act could overthrow.

The back-and-forth struggle between the GAB and the local community would have carried on had it not been for the de-proclamation in 1980. Although the de-proclamation changed the fate of African title deed holders, the political events unfolding in Grahamstown and across South Africa in the 1980s also played a role in putting pressure on the board. Notably, Mama Grace reflected on the protest events and how the movement played a significant role in conscientising the people of Fingo Village to stand up for themselves as African people.⁶⁷ The primary focus of the protests was the unfair education system. However, it also involved general resistance to the application of GAA policies in Grahamstown.⁶⁸

⁶⁵ Menato, Johnson and Wright, "Eastern Cape Resettlement ", 5.

⁶⁶ *Ibid.*

⁶⁷ "Umzi ka mama Rhodes University PhD research project," 23 February 2021, produced by Phemelo Hellemann and Thingo Mthombeni", methodology video, 10:18-11:09, <https://www.youtube.com/watch?v=i4HPYRnFwok>.

⁶⁸ Davenport, "Black Grahamstown", 2.

Lost title deeds of Fingo Village

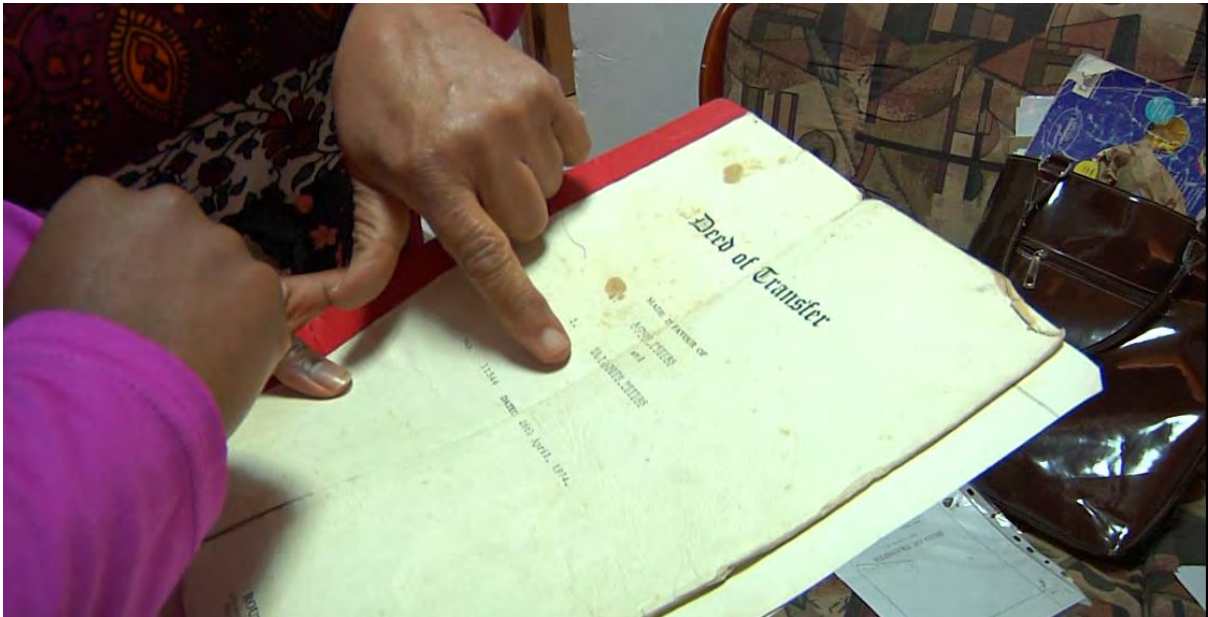


Figure 18: Mama Margaret shows off the family property deed transfer document, which carries her grandmother and sister's names. Image by Thingo Mthombeni.

The previous section explored how title deed documentation played a significant role in assuring tenure security. The discussion now shifts to address the mystery behind the lost title deeds of Fingo Village during the apartheid era. The issue of the lost title deeds impacted how people managed the legalities of their family home. Moreover, it contributed to the community's lack of trust and unwillingness to speak about title deeds or even show evidence of these documents. As a result, the title deed holders kept the documents in their homes for decades. As Davenport relayed, this was the weakest aspect of the 1855 property purchases, because the British administration lost control over the regulation and documentation of the deeds.⁶⁹ As he further argues, this “caused chaos in the actual transfer of titles over the years.”⁷⁰ Understandably, people during this time did not necessarily adhere to all western laws, especially when it came to property transfers. Here, the transfer of title relates to Mama Margaret's case noted previously. It offers insight into alternative ways people handled deeds transfer within the family.

As noted before, though the amaMfengu people had adopted some western ways under the British assimilation model, they valued their traditions and customs even more. Thus, it is not

⁶⁹ *Ibid.*, 13

⁷⁰ *Ibid.*

surprising that some reverted to their customary ways of transferring property between family members. However, the African way caused a steady decline in the documentation of new family property owners. As Maxim Bolt and Tshenolo Masha observe, the documentation and registration of family property was frequently not a priority for many generations, because of breakdowns in administration.⁷¹ By now, it is common knowledge that most African family homes were often not documented. It was a long-standing practice that saw “the plans for the family house left unwritten because many people saw family houses as private matters to be sorted out away from state oversight.”⁷² This is a view that is still prevalent, because many families to this day view inheritance discussions as a sensitive subject. It is plausible that previous beneficiaries lost the documents over the years, hence the inability to produce proof of registration. In cases where they were not lost, people were not readily talking about their existence.

Nonetheless, the African way was also valid as a regulatory system. It just happened to differ from the western way. However, this approach was not ideal for the government; hence, they regulated the title deed registrations. According to Davenport,

by 1927, there was so much confusion on the regulation and documentation of the deeds. Therefore, the owners were reissued with a simplified version of the title deed and their rights to possess property were not contested.⁷³

This was the first moment when the documentation of the title deeds came to the forefront. Notably, the challenge lay in the transfer of deeds between family members. The enquiry did not threaten the freeholder’s right to property, but instead aimed to ensure correct documentation. Furthermore, unlike the agenda of the GAA, the reissuing of the new version of the title deeds did not change the freehold status of the deed. During the GAA era, people were encouraged to hand their documents to the government for safekeeping. However, this caused uncertainty and tenure security loss for many Fingo Village families.

⁷¹ M Bolt and T Masha, “Recognising the family house: a problem of urban custom in South Africa,” *South African Journal on Human Rights* 35, no. 2 (2019):148
<https://www.tandfonline.com/doi/full/10.1080/02587203.2019.1632737>.

⁷² Bolt and Masha, “Recognising the family house”, 157-158.

⁷³ Davenport, “Black Grahamstown”, 13.

Menato, Johnson and Wright reported on this operation as follows:

According to the villagers, government agents collected their title deeds — ostensibly to investigate whether the present holders were the rightful heirs in order to enforce their removal, the government informed the owners that it had itself awarded them their land— but only for a year and on condition that they sold it to Coloureds or faced expropriation.⁷⁴

The above account narrates the challenges faced by title deed owners. What seemed like a helpful act was a ploy to strip the families of their tenure rights enjoyed for generations. This government tactic soon revealed how occupancy did not necessarily mean security. On the one hand, the government took advantage of this point to legitimise their forceful removals. On the other hand, the undocumented owners who inherited properties from documented family members would have legal assurance after registering their names. As Bromley states, occupancy does not offer security, but ownership does.⁷⁵ Therefore, some family members of original title deed holders went forward with the new registration. This discussion came up in the hot seating activity during the forum theatre event, as seen in Figure 20 below.



Figure 19: Zukiswa Nkosinkulu-Mbane sharing her knowledge about the Fingo Village title deeds declaration process while in-role of Nomathemba during the forum theatre exercise.

⁷⁴ Menato, Johnson and Wright, “Eastern Cape Resettlement “, 5. The villagers were residents of Fingo Village, and they were also title deed holders.

⁷⁵ Bromley, “Formalising property relations”, 22

Witnessing the primary participants' stories and Nomathemba's performance inspired an audience member, Zukiswa Nkosinkulu-Mbane, to come forward with her aunt's story.⁷⁶ In this instance, the women's stories awakened a memory or narrative concerning the time when families were informed about reregistering their title deeds at the local housing department in Grahamstown. She drew on her aunt's experience of not registering her name at the housing department as a context for Nomathemba's predicament about inheriting the family home.⁷⁷ Thus, Zukiswa, shown in Figure 19, indirectly advised Nomathemba to make sure that her name appears in the government legal records. Here, the applied theatre technique subtly allowed her to share practical knowledge with audience members.⁷⁸ Though Zukiswa advised in a fictional context, her advice possibly impacted someone in the audience faced with a similar situation as Nomathemba's character.

Moreover, the enactment of the women's past narratives through Nomathemba allowed Zukiswa to "re-situate *herself* in action and reflect on how *she* relates to *her* own stories and those of the others."⁷⁹ As a result, her participation in the activity served a greater purpose than fulfilling the methodological intentions of the study. Drama methods were beneficial in this regard because they gave audience members the power to participate in the "course of action, thus giving them a sense of empowerment and achievement."⁸⁰ Memory work in oral history projects like this contextualises this participation in conversations when audience members share their versions or experiences.⁸¹ Theatre in this regard allowed her as a spectator to

enter into the theatre space and the reality of the situation enacted, and thus, even when relating to personal or collective past, theatre praxis is always enacted and asserted in the present.⁸²

As an audience member, Zukiswa immersed herself in the present event while using past recollections to contribute to the story. Her contribution helped the researcher build new pathways for this study. As Erel, Reynold and Kaptani note, this serves as a pivotal moment

⁷⁶ "Umzi ka mama Rhodes University PhD research project," 23 February 2021, produced by Phemelo Hellemann and Thingo Mthombeni", methodology video, 07:04-07:36, <https://www.youtube.com/watch?v=i4HPYRnFwok>.

⁷⁷ See **Appendix 3: Play Script, outline and breakdown.**

⁷⁸ Erel, Reynolds, and Kaptani, "Participatory theatre", 309.

⁷⁹ E Kaptani, and N Yuval-Davis, "Participatory Theatre as a Research Methodology: Identity, Performance and Social Action among Refugees," *Sociological Research Online* 13, no. 5 (2008): 4. <http://www.socresonline.org.uk/13/5/2.html>.

⁸⁰ Kaptani and Yuval-Davis, "Participatory theatre", 5.

⁸¹ Cubbit, "History and memory", 105.

⁸² Kaptani and Yuval-Davis, "Participatory theatre", 3.

between the participants and researchers in working towards a shared knowledge system.⁸³ Zukiswa's testimony became valuable information that led the researcher to investigate further the issue of missing Fingo Village title deeds. The issue of declaring title deeds to the local housing department had not come up in any of the primary interviews conducted. Her account, therefore, presented a viable avenue to explore what happened to the lost title deeds in Fingo Village.

According to Kingwill, "the Fingo Village registers were, and still are, held in the Cape Town Deeds Registry" for recording purposes and additional safekeeping.⁸⁴ This system was meant to be a trustworthy one, and to some extent, it was. However, the relentless probing by the GAB meant that this information could be used against freeholders to pressure them into selling their properties. The reality was that the Fingo Village community was confused by the ever-changing GAA announcements while under pressure to declare their properties to the government. Amidst the confusion, the GAB compiled a list of the properties in designated group areas.⁸⁵ The board drew up the list intending to gain control over those properties. However, it maintained that freeholders would keep their properties. The board justified its crude actions as an administrative mission. It kept records of "properties owned and occupied by disqualified persons within that group areas."⁸⁶

It soon became apparent that the board was making a list of the owners in each group area. They appraised the properties to determine the lowest sale value, at which they later forced owners to sell.⁸⁷ The declarations gave the board an avenue to abuse its power. The board used the information to freeze the "status quo regarding ownership and occupation in the large urban settlements in mixed neighbourhoods" like Fingo Village.⁸⁸ Owners realised that "once a property appeared on this list, the GAB had the pre-emptive right over it."⁸⁹ This right saw

⁸³Erel, Reynolds, and Kaptani, "Participatory theatre", 309.

⁸⁴ RA Kingwill, "The map is not the Territory: law and custom in "African Freehold": a South African case study." (PhD Thesis, University of the Western Cape, 2013), 301.

⁸⁵ Mesthrie, "Tinkering and Tampering", 196-197. According to Mesthrie all the list compiled (with all the contents) were shared with the registrar of deeds office.

⁸⁶ *Ibid.*

⁸⁷ *Ibid.*

⁸⁸ *Ibid.*, 180.

⁸⁹ *Ibid.*, 197. However, the board could "waive this right and allow the individual to sell it himself." Though an owner could 'choose' to sell their property, it is clear that it was not as voluntary as the board made it. It was not easy for people to leave communities that have known for decades to go settle in new ones, let alone leave their homes.

them force many disqualified owners to sell their properties and move to designated racial group areas.

This exact plan unfolded in Fingo Village. According to Menato, Johnson and Wright, there were some property owners displaced from Fingo Village.⁹⁰ Upon further investigation, Wells's project on the coloured people's experiences of GAA reveals who the displaced property owners were.⁹¹ Wells explains the displacement as follows:

Once the government resolved that the black people of Fingo Village would not be moved into the Ciskei, the provisions of the Group Areas Act required that Coloured people be removed into a strictly Coloured residential area. What was a victory for one part of Fingo Village was a tragedy for the other.⁹²

Dr Koornhof, Minister of Cooperation and Development ruled that Africans with freehold title deeds in Fingo Village retain their rights, although he set conditions in place.⁹³ The conditions did not compare to the loss that the coloured community endured. The coloured community was the most affected by the declaration, which forced family property sales. Despite the deeds held as security, the government was determined to find other ways to expropriate the properties. As Wells posits, between 1950 and 1986 the GAB forced a few people to sell their properties to the board at a set price.⁹⁴

Those who sold their properties moved to a new development area called Vergenoeg (meaning 'far enough'), a designated coloured area.⁹⁵ The forced sales were an exploitative ploy used to revoke land rights. Though they were promised new houses in the new location, those properties did not have secure tenure rights. As Higgs states, once the freeholders sold their properties, there were no more opportunities to acquire new freehold rights in the new area.⁹⁶ In this regard, people lost their freehold title deed status. As the participants in Wells' project explain, the change came with great sadness and complex adjustments as the new houses and

⁹⁰ Menato, Johnson and Wright, "Eastern Cape Resettlement ", 5.

⁹¹ Wells, "Remembering Fingo Village", 1.

⁹² *Ibid.*, 30.

⁹³ "Grahamstown: Fingo village, Coloureds and Indians," South African History Online, accessed April 28, 2018, <https://www.sahistory.org.za/archive/grahamstown-Fingo-village-coloureds-and-indians>. The condition was that the government could (as they now had power over the properties) use the properties should they require "public plots such as schools, churches and new street developments."

⁹⁴ Wells, "Remembering Fingo Village", 30.

⁹⁵ *Ibid.*

⁹⁶ United Nations Centre against Apartheid, and Higgs, "The Group Areas Act", 10.

plots were small yet unaffordable.⁹⁷ More than this, they lost their homes and friends they had known for years.

To this day, it is still unclear what the board did with the title deeds collected. There is a need to understand Fingo Village title deeds better, especially drawing from the experiences of those who lost their property status. In doing so, one could then assess how this regulation impacted female-headed households and discover links between the noted 40% record of female-headed households in Roux and St Ledger's study and title deed registration. As Benschop notes, "without legal protection, women are at risk of suddenly becoming landless."⁹⁸ Hence, it would have been interesting to determine how many women kept their homes during the GAA era and how many had to sell them.⁹⁹ At this juncture, the focus shifts to analysing how GAA policies and ploys impacted family property transfers among the African communities in Fingo Village. It is not to suggest that the whole community changed its ways. However, it is clear that the forced title deed declarations planted seeds of doubt and mistrust about the government's intentions with regards to Fingo Village freehold properties.

Untitled: transferring family property the African way

The suspect nature of the registration and sales of the freehold properties did not go unnoticed by the African residents in Fingo Village. Mama Grace remembered when the government wanted to change the Fingo Village title deeds from freehold to leasehold.¹⁰⁰ It makes sense that people became wary of this change because a leasehold and freehold carry different legal weight. One guaranteed ownership, while the former secured occupation. Protecting the freehold right was imperative, especially after African freeholders were given the all-clear in the 1980s.¹⁰¹ Before this, the GAA had conditions set in place in the 1960s, stating that "disqualified people who owned property could do so until their death, but their heirs would be required to sell the property."¹⁰² This condition was one of the many GAA amendments and

⁹⁷ Wells, "Remembering Fingo Village", 30.

⁹⁸ M Benschop, "Women's rights to land and property," *Commission on Sustainable Development*, April 22, 2004, https://www.un.org/ruleoflaw/files/1556_72513_CSDWomen.pdf.

⁹⁹ As witnessed in the film, I made numerous attempts to contact the Housing Department office. I wanted to find out more information about the title deeds history of Fingo Village and its implication on black and coloured women. My efforts, however, did not yield results. By noting this, I am not trying to prove government efficiency but instead trying to capture the struggle to have adequate information communicated.

¹⁰⁰ "Umzi ka mama Rhodes University PhD research project," 23 February 2021, produced by Phemelo Hellemann and Thingo Mthombeni", methodology video, 09:12-10:03, <https://www.youtube.com/watch?v=i4HPYRnFwok>.

¹⁰¹ "Grahamstown: Fingo village, Coloureds and Indians," South African History Online, accessed April 28, 2018, <https://www.sahistory.org.za/archive/grahamstown-Fingo-village-coloureds-and-indians>.

¹⁰² Mesthrie, "Tinkering and Tampering", 181.

implied an unusual family property inheritance practice. Its effects lingered well into the 1980s, though it was never fully implemented in Fingo Village. People feared the loss of family homes, so they resorted to the African way of keeping the family home. The Fingo Village community faced two potential losses, losing the freehold status and losing a family home altogether. Arguably, families presented both losses by adhering to the African practice of undocumented family property transfers.

I tackle the issue of the change of freehold status to leasehold status first. It is safe to say that the Eastern Cape Administration Board (ECAB) was under pressure to address overcrowding in townships. The ECAB was a larger administrative body that operated during apartheid. According to Blumenfeld and Nuttall, like other industrial hubs in the country, Grahamstown was facing overcrowding.¹⁰³ People from surrounding areas came to the town, searching for work opportunities, as some were brutally and illegally evicted from white-owned farms. If the government succeeded in forcing sales, then the plots could be divided to meet housing demands. The sales changed the title deed status of the properties. Therefore, the GAB's ploy to force people to sell plots benefited them greatly. In instances where African freeholders sold their plots, the board changed the status from freehold to leasehold. Such arrangements were standard for municipalities elsewhere in South Africa that successfully changed people's freehold status to a 99 year leasehold in targeted racial zones.¹⁰⁴ It was particularly prominent in the late 1970s and the 1980s.¹⁰⁵ The government took steps to accelerate the transfer of township houses into long-lease agreements.¹⁰⁶ They did this because they knew that many families were desperate for housing, including those forced to sell their houses.

The old Fingo Village plots were massive and landlords "set up makeshift zinc shanties in their backyards" as rooms for tenants.¹⁰⁷ The living conditions in Grahamstown townships were not ideal, due to landlords overcrowding their properties to make more money while neglecting to maintain good living conditions. Menato, Johnson and Wright explained that residents often complained about expensive rent, poor building structures, and sporadic evictions that left people stranded.¹⁰⁸

¹⁰³ Blumenfeld and Nuttall, "Grahamstown's Fingo Village", 18.

¹⁰⁴ Mesthrie, "Tinkering and Tampering", 181.

¹⁰⁵ Bolt and Masha, "Recognising the family house", 150.

¹⁰⁶ *Ibid.*

¹⁰⁷ Menato, Johnson and Wright, "Eastern Cape Resettlement ", 6.

¹⁰⁸ *Ibid.*, 5.

As noted earlier in the chapter, initially, coloured people cooperated with the sales. People sold their properties because they feared expropriation. They witnessed how their friends and families who sold their houses got little in return. Subsequently, a large portion of them sold their plots and lost their freehold tenure rights. The board, however, underestimated the legal knowledge of the residents. It was as though residents saw right through their plan. Eventually, people stopped selling because they realised that the forced sales under the threat of eviction were not as intimidating as they thought. The remaining residents were hesitant to participate in the declaration and sale of family homes. Rightly so, under the leasehold agreement, the houses were not assets but rather liabilities, because the occupants did not have secure ownership rights.¹⁰⁹ As Mama Grace reflected on the matter, the people were aware of this dubious exchange, and they were not willing to budge.¹¹⁰ Furthermore, one can assume that they knew that giving up their prominent properties was not worth it because the alternative deal presented undesirable living conditions. They realised that declaring their properties to the local housing authority exposed them to monitoring and possible eviction or forced sales.

The threat of forced declaration and sales is a plausible reason why some families opted not to document or legally state the next owner when the current occupant died. As Bolt and Masha affirm, the future of the family home comes under review when the present owner passes on.¹¹¹ It can be an unsettling moment, especially if external parties are interested in the property, like the GAB and the ECAB. Families had to use an alternative strategy to keep the plots in the family.

The reality is that selling the family home goes against the African belief, positing that an *umzi* should not be sold. As Kingwill explains, there is a strong belief in Xhosa culture that one's home is more than a property, and it is also a place of ancestral links; hence it cannot be sold.¹¹² According to Bolt and Masha

A family house is thus a social form of property which, after the death of an elder, instead of following testate or intestate succession law and registration of title, it continues a more collective family relationship to the property.¹¹³

¹⁰⁹ Bolt and Masha, "Recognising the family house", 151.

¹¹⁰ "Umzi ka mama Rhodes University PhD research project," 23 February 2021, produced by Phemelo Hellemann and Thingo Mthombeni", methodology video, 09:12-10:03, <https://www.youtube.com/watch?v=i4HPYRnFwok>.

¹¹¹ Bolt and Masha, "Recognising the family house", 164.

¹¹² RA Kingwill, "The Map is not the Territory: Law and Custom in 'African Freehold': A South African Case Study." (PhD, University of the Western Cape, 2013), 233.

¹¹³ Bolt and Masha, "Recognising the family house", 150.

The above description captures the essence of African property relations. To those who followed this way of transferring property, the approach was logical. In such instances, the family often chose a custodian to look after the family home, as Kingwill explored in her study. This method was not without fault, especially when families had strained relations. As Bolt and Masha further explain, some individuals chosen as custodians tended to pursue the exclusive individual title of the family home.¹¹⁴ This is the risk inherent in the custodial approach. Although untitled transfers were popular in some family practices, other families still opted to go the legal route which formalised property registration to include new owners in post-1994 family property transmissions. Those who pursued this route would have elicited the assistance of the Master of the High Court office. The office specialises in the legalities of the family home after the owner passes away by ensuring that the house and its remaining members are protected.¹¹⁵ However, the legal route often clashed with cultural beliefs opposing the sale of a family home. In this regard, there exists a tension between following legal avenues while adhering to cultural norms and practices out of respect and honour for one's family. Presumably, this is what worked in the remaining residents' favour. As shown throughout the chapter, the GAB had made provisions for

...black property owners not to sell their property in their lifetime, but in the same vein, they were confronted with the crucial question of getting people to dispose of their property to facilitate their relocation to new areas.¹¹⁶

As much as the board was sending mixed messages about immovable property regulations, the residents also employed mixed approaches that kept their homes in family lineages. Those who registered and declared their homes to the board had the sense to refuse to sell their homes during the GAA era. They invoked the customary "notion of the unsaleable family house" to keep the family home a collective ownership entity.¹¹⁷ Communal tenure practices meant that there was no single owner registered under the given title. This way, the government could not track down individual owners because they were not listed; as such, no one individual could be forced to sell the family house.

¹¹⁴ *Ibid.*, 156.

¹¹⁵ *Ibid.*, 164.

¹¹⁶ Mesthrie, "Tinkering and Tampering", 200.

¹¹⁷ Bolt and Masha, "Recognising the family house", 151.

Conclusion: towards property transfer practices that benefit female household heads

Arguably, there were three landholding systems in Fingo Village at odds with each other during the GAA era. Notably, the two western systems of freehold and leasehold had varying effects on the African residents. As much as the systems were western, their land regulation principles differed immensely, much like their political origins. The African landholding system was a buffer for the residents amidst the confusion of the GAA implementation and the eradication of English practices by the NP government.

As noted before, under English law, Africans in Fingo Village purchased properties with a freehold lease status. Owners received freehold title deed documentation as proof of ownership. Under the principles of liberalism, the colonial administration gave Africans in Fingo Village the same property rights as British settlers, although their intentions were political. These laws disrupted the local people's land practices by formalising and individualising land use in Africa. On the contrary, pre-colonial African land-use practices were informal and undocumented. The individual freehold status of Fingo Village plots went unchallenged for years until the NP took over and introduced Dutch laws.

When the NP assumed power in 1948, they reinstated property laws that followed leasehold agreements. Unlike English property laws that upheld freehold agreements giving owners authority over their properties and the land it stood on, Dutch-style laws favoured the leasehold system. With the leasehold, the owner only had authority over their property and not the land. The land belonged to the government. Therefore, Fingo Village was a massive obstacle for the Afrikaner government because local people still respected some English laws alongside their African customs and traditions. The NP was determined to undo laws and regulations that promoted British ascendancy. Removing the land rights of African freeholders was a central part of this strategy as the new Afrikaner government did not want Africans to have freehold rights in urban areas.

As Lund in Hornby et al. states, "property is an issue over which political and legal struggles intertwine."¹¹⁸ Therefore, changing the course of property rights in Fingo Village was about

¹¹⁸ D Hornby, R Kingwill, L Royston and B Cousins, "Introduction: tenure practices, concepts and theories in South Africa" in *Untitled: securing land tenure in urban and rural South Africa*, ed. D Hornby, R Kingwill, L Royston and B Cousins (Pietermaritzburg: UKZN Press, 2017), 29-30.

maintaining power over Africans and the NP eliminating as many English laws as possible. Consequently, the NP designed GAA policies, amongst other segregation policies, to override English laws. However, as noted throughout the chapter, the GAA plans failed in their implementation in Fingo Village. As literature has shown, it was evident that the GAA was successful in other parts of South Africa, much to displaced people's dismay. The long-term effects are notable even today. However, Fingo Village was a special case, where the implementation fell short on numerous occasions. The GAB's attempts to override the freehold title deeds documentation met with obstacles.

Those resisting the GAB's plans advocated for the preservation of the freehold status of African title deed holders. Thus, the activism for the preservation of African freehold rights united the townspeople. Hence, the title deeds have a historical significance as valid legal documents that transcended discriminatory policies meant to rob African freeholders of their urban land rights. In a time where the NP government undermined African people's rights, the title deeds provided assurance. They protected the right to own property, especially in an urban setting, which the NP government desperately tried to eradicate.

Though the Grahamstown community had a united front on the matter, the relentless challenging of the title deed status by the GAB caused some casualties. The forced sales and registration of family property left the coloured community disadvantaged. Nevertheless, the remaining residents learnt from this misfortune. Those instances stand as plausible reasons why people resorted to not documenting new owners, which resulted in a breakdown in administration. It helps one understand why the Fingo Village title deed record remains one of the most unresolved and unsolved mysteries historically. According to Kingwill, the "three successive Titles Commissions assigned to update the record in the 1960s, 1970s and 1980s" did not yield the desired outcome.¹¹⁹ The fourth attempt was in 2014, but it also proved challenging because of varying rules of succession between western common laws of inheritance, which require documentation, and African customary practices, which were usually undocumented.¹²⁰

¹¹⁹ Kingwill's research used Fingo Village and Rabula as case studies, but only the Fingo Village findings are relevant to this study. Kingwill, "The map", 151.

¹²⁰ RA Kingwill, "Papering over the Cracks: An Ethnography of Land Title in the Eastern Cape," *Kronos* 40, no. 1, (2012): 253.

<https://millennium.seals.ac.za/iii/cas/login?service=https://www.jstor.org/stable/24341942>.

The residents' legal knowledge served them well. As a result, they did not naively accept the proposal to change their title deed freehold status to leasehold status. Arguably, this is possible because, under the British administration, local people familiarised themselves with legal systems in place. Some people would have learnt about the value of formal registration of family property and passed this knowledge down to younger generations as a common practice. In this regard, the recognition that title deeds were the norm became widely accepted in Fingo Village.

Because of the ongoing breakdown in deed transfers under the NP government, communal tenure practices became the preferred method of transmission for African families in Fingo Village. However, these practices existed long before colonial impositions. The practices proved to be effective as a system that protected family property but caused a breakdown in regulation of title deed transfer. This lack of documentation is not necessarily as negative as the western legal system often posits, since this system is what people value and respect, often above legal routes.

Notwithstanding these practices, some families would have found both systems valuable and thus practised them both. Hence, the following two chapters explore the different property transfer methods selected families used to improve women's access to property during apartheid. The women participants' narratives help understand unconventional ways families employed, whether titled or untitled, to transfer property to women heads of households through inheritance. Furthermore, their personal experiences and narratives shed light on whether title deed documentation still carries the same significance as it did during the GAA era, showing how the existence of this legal document might play a role in the preservation and enhancement of their leadership status as heads of households.

CHAPTER EIGHT - UNCONVENTIONAL WAYS OF EMPOWERING AFRICAN WOMEN THROUGH LEGAL SYSTEMS OF HOMEOWNERSHIP IN FINGO VILLAGE

You have got to have a document...I would suggest anybody to have title deeds and a will...¹

The above quote is what Mama Grace had to say when asked whether there is value in having a legal document that proves property ownership. Her advice is a testament to the knowledge and insight that the women in this study have. It might have seemed redundant to have asked them what having a title deed mean to them. However, it was necessary to assess their knowledge and insight into the legal systems set to formalise property ownership. Moreover, her statement highlights how title deed documentation still holds value. Here lies the validation of a title deed as a legal framework that provides women with the confidence and agency to run their households as they see fit.

This chapter presents and analyses the women participants' stories and experiences by providing a narrative structure for each household. As Michelle Butina states, "narratives usually provide thick descriptions", offering an "in-depth meaning as participants usually reveal themselves in their stories."² Therefore, the narratives that follow present the women's experiences in conjunction with literature around themes of title deeds, security, and agency. Daniel Bromley posits that title deeds are like currency, and their value is backed up and protected by the government.³ Just as everyone understands the value of money, they also understand property value, making property the most desirable asset for many people. It made sense for Mama Grace to encourage people to have a title deed. It showed that she understood the value of property assets and their impact on ensuring women's housing security.

As highlighted previously, title deed registration constitutes a legal framework that "recognises legitimate owners and their rights to property."⁴ Therefore, it is an acceptable legal system of

¹ "Umzi ka mama Rhodes University PhD research project," 19 February 2021, produced by Phemelo Hellemann and Thingo Mthombeni", video, 18:00-19:08, <https://www.youtube.com/watch?v=WKH4I1ea2Gw>

² M Butina, "A narrative approach to qualitative inquiry," *Clinical Laboratory Science* 28, no. 3 (2015):191. <http://clsjournal.ascls.org/content/ascls/28/3/190.full.pdf>.

³ DW Bromley, "Formalising property relations in the developing world: The wrong prescription for the wrong malady," *Land Use Policy* 26, no.1 (2008): 20-27. <https://www.sciencedirect.com/science/article/pii/S0264837708000264>.

⁴ RA Kingwill, "Papering over the Cracks: An Ethnography of Land Title in the Eastern Cape," *Kronos* 40, no. 1, (2012):241-268. <https://millennium.seals.ac.za/iii/cas/login?service=https://www.jstor.org/stable/24341942>.

ownership in South Africa that gives the owner “authority and use over property: land or an object.”⁵ The document gives the owner complete control of the property with authority recognised by the law and government. Women like Mama Grace, who have both a title deed and a will stating legal ownership, are in an empowered position of agency. Here, Hornby, Kingwill, Royston and Cousins’ argument on how pro-titling and anti-titling approaches affect African women’s urban experiences and housing security is relevant.⁶

Pro-titling is a perspective affirming that “land tenure in the form of registered ownership encourages development; thus, it is the only way to overcome poverty.”⁷ In this regard, the authors linked titling to the economic benefits of land and housing registration. However, they criticised pro-titling as anti-poor. For them, pro-titling often serves the interest of market related sales, which frequently damage the livelihoods of the poor if they cannot manage the properties well.⁸ However, titling can secure women’s tenure security when applied correctly with intentions of accessibility and equitability. The authors also acknowledged how anti-titling perspectives contradict efforts to improve women's tenure security in South Africa.⁹ Anti-titling, therefore, holds that formal registration of property ownership clashes with existing customary systems and that most African communities find the legalities of titling inaccessible and unfamiliar.¹⁰

Therefore, this thesis adopts a pro-titling argument to hypothesise how women in the study functioned as leaders in their homes. For them, titling offered tenure security amidst family disputes and moments of uncertainty in their lives. Additionally, it gave them complete control over the running of their households. Although the women discussed in this chapter have title deed documentation, they expressed no intention of selling their houses.

Housing security continues to be a severe problem for black South Africans living in challenging economic conditions, more so for women than men. These challenges result from colonial and apartheid land and housing systems that denied black women housing security and agency in South Africa. These policies and laws did considerable social and economic harm. Since 1994, the South African government has pushed for gender equality in land and housing

⁵ *Ibid.*

⁶ D Hornby, R Kingwill, L Royston and B Cousins, “Introduction: tenure practices, concepts and theories in South Africa” in *Untitled: securing land tenure in urban and rural South Africa*, ed. D Hornby, R Kingwill, L Royston and B Cousins (Pietermaritzburg: UKZN Press, 2017), 23-24.

⁷ Hornby et al., “Introduction”, 24.

⁸ *Ibid.*, 25.

⁹ *Ibid.*

¹⁰ *Ibid.*, 25-26.

rights to make amends. The new policy and law amendments advanced black women's empowerment, particularly in regard to land and homeownership.

One area the government worked hard to change was the succession laws noted in previous chapters. On paper, inheritance in South Africa is no longer patrilineal. However, the reality is that each family decides how they execute inheritance. According to Elizabeth Cooper, "inheritance is a critical mode of property transfer in many sub-Saharan African countries."¹¹ South Africa is no exception in that inheritance still plays a significant role in opening doors to property ownership for black women. The women in this study, therefore, all gained property through inheritance. Indeed, the women in this study have significantly benefited from this type of property transfer. However, it was not without its challenges. Ogundipe-Leslie's metaphor of six mountains of oppression serves as a reminder that black women carry these challenges daily but overcome them. Notably, gendered inheritance practices are one such oppression that these women had to overcome to claim their space in their respective families.

Though the women did not outrightly say so, it was apparent from the interviews that the women relied on more than one tenure system to secure their properties. Kingwill discovered in her study that it is common practice for some Fingo Village families to follow both the legal registration and communal tenure systems when conducting their family property transfer practices. This proves that African people are, in fact, knowledgeable about the legalities of title registration and that families can apply both systems to secure their family property.

The researcher addresses the communal tenure practice first. Ben Cousin and Rosalie Kingwill's explanations as experts who have contextualised and written extensively on communal tenure practices provide much-needed context. As explained by Cousins, communal tenure denotes land rights given to a group of people who share access and ownership of rural land.¹² Kingwill views this description as problematic because the

Communal Land Rights Act 11 of 2004 (CLRA), while seeming to redefine a stream of ownership for black rural citizens known as 'communal tenure', in fact, situated communal ownership within a problematic schema that reinforces the old legal binaries between substantial ownership and locally recognised 'communal' rights.¹³

¹¹ E Cooper, "Women and Inheritance in Sub-Saharan Africa: what Can Change?," *Development Policy Review* 30, no. 5 (2012): 641. <https://onlinelibrary.wiley.com/doi/abs/10.1111/j.1467-7679.2012.00592.x>.

¹² B Cousins, "Characterising 'communal' tenure: nested systems and flexible boundaries", in *Land, Power and Custom: Controversies Generated by South Africa's Communal Land Rights Act*, ed. A Claassens and B Cousins (Cape Town: UCT Press, 2008), 109.

¹³ RA Kingwill, "Lost in translation: family title in Fingo village, Grahamstown, Eastern Cape," *Acta Juridical* 2011, no. 1 (2011):213, <https://journals.co.za/doi/10.10520/EJC124847>.

Indeed, Kingwill was correct because communal tenure was not a practice that was synonymous only with rural areas but was also prevalent to an extent in urban areas. This system was desirable because its original form fostered gender inclusivity, although in varying degrees.¹⁴ Multiple people's names, including those of female beneficiaries, may have appeared in a will under the communal system. Those whose names appeared on the records had access to the family home and tenure security, although these rights were not individual. As a result, women like Mama Grace, Mama Deso and Mama Noli gained their properties because their families saw them as equal inheritors of family property. The participants revealed how this practice protected their family property rights.

Another revered tenure system in Fingo Village is the individual tenure approach. As reviewed in earlier chapters, the west introduced this system to Africa. The individual tenure approach “recognises a one-to-one relationship between property owners and property objects.”¹⁵ Only one person’s name appears in the title deed making him or her the sole authority figure over the family property. Mama Margaret, Mama Thobeka and Mama Lizeka’s narratives revealed how they became individual tenure beneficiaries in their families. The women were not bothered about whether they gained their properties through communal or individual tenure because what mattered to them was that they gained housing security during difficult times in their lives. As Sobantu affirms, “housing access enhances women’s stability, self-esteem and dignity as well as empowering them to navigate other challenges in their lives.”¹⁶ Therefore, the women’s testimonies were affirmation that the legal system of registering the title deed in their name was indeed important and empowering.

In terms of their life challenges, the women faced external and internal difficulties. The external issues related to public issues of racial and gender discrimination imposed by apartheid policies, while the internal issues were private. These related to divorce issues, a death of a husband, job loss and dealing with prescribed gendered roles within marriages. Mama Grace, Mama Thobeka, and Mama Lizeka were among the few female household heads during apartheid who owned property. However, some only obtained legal documentation after the apartheid regime ended. Regardless of the delay in gaining proof of ownership, they defeated

¹⁴ *Ibid.*, 212.

¹⁵ Kingwill, “Papering over the cracks”, 247.

¹⁶ M Sobantu, “Revisiting gender and housing: housing as seen through the eyes of women in social rental housing in Gauteng, South Africa,” *Social Work* 56, no. 1 (2020):64.

<https://www.researchgate.net/publication/340473181>.

discriminatory policies in principle. Attaining ownership gave them the dignity and self-esteem that Sobantu mentioned. It also gave them legal authority and total control of their households, thus challenging the minor status usually associated with women. These women's stories are unique because they secured housing when housing/property rights were exclusive to men. It was remarkable how they navigated government policies and customary practices that prohibited black women from enjoying property rights. Because they were now in a position where they owned property, they were "secure in knowing that their rights to that property could not be challenged."¹⁷ The legal route thus brought a sense of relief to these women. Therefore, the title deed system proved to be a valid legal framework for the sampling of women in this study.

At a personal level, the women faced challenges in becoming heads of households, as mentioned earlier. However, these challenges did not turn them into victims. Instead, they became opportunities for the women to thrive as leaders and decision-makers in their homes. Moreover, having family property solidified their leadership qualities even more. As a result, the women present an image of empowered black matriarchs. Therefore, the narratives that follow narrate how these esteemed African female household heads came to acquire family property against the backdrop of oppressive apartheid policies and difficult personal circumstances.

Below, as well as in the next chapter, are photographs of the different houses the women in the study stay in. These provide insight into the architecture of the houses, which as observed in the photographs some houses still resemble the architecture and aesthetics from the 20th century zinc mixed with mud house structure of Fingo Village. Although most of the houses in Fingo Village are built with bricks, a few properties still have zinc and mud houses.¹⁸ The women's houses all look different in terms of size and style, with each house hinting to the class classification that each could possibly fit in. However, the focus is not to single out the women based on their economic standing but rather to acknowledge their properties as commodities that are meaningful to their survival and identity as African female property owners in Fingo Village.

¹⁷ Izumi, "Gender-based violence", 19.

¹⁸ C Gilili, "Toilets but no houses: Toilets built 8 years ago are now blocked and cracking and still no sign of promise for houses", *GroundUp*, Nov 20, 2019, <https://www.groundup.org.za/article/toilets-built-eight-years-ago-no-sign-houses/>.

Moreover, it is worth noting that housing remains an issue in Fingo Village as more people are desperate for better housing. This is historical issue that plagued the suburb dating as far back as during the GAA era and before as noted in previous chapters. According to Chris Gilili from GroundUp, Fingo Village residents have been waiting for new houses to be built since 2011.¹⁹ The majority of those on the waiting list are women. Therefore, the women in this study are more advantaged than most women in Fingo Village. Their stories are important to tell as survivors in their turbulent and uncertain history of housing security in the suburb/township.

Umzi ka Mama Grace's narrative



Figure 20: Mama Grace's house is located on the original Fingo Village plots in Wood Street. Image by Thingo Mthombeni.

The house that Mama Grace lives in originally belonged to her husband's family. Her husband's uncle and wife owned the house, and Mama Grace's husband lived here with them. The house is on the original Fingo Village plots in Wood Street, and it has a freehold status. Mama Grace's husband inherited the house as the first male when his uncle and aunt passed away. She explained that the family back then practised patrilineal inheritance. Subsequently, she and her husband lived in this house after they got married in 1972. Initially, there was no formal paperwork transmitting the house into her husband's name. However, they registered the house

¹⁹ Gilili, "Toilets but no houses".

after getting married.²⁰ When her husband passed away, he left the house to her in his will.²¹ According to her accounts, she is the second generation to inhabit and own this property.

Though she resides in the house, she notes that the house is a family home, and she is not opposed to people from her husband's family coming to stay with her in the house. She has no intention of changing the communal tenure registration to an individual title in her name. Instead, she intends to leave the house as a family property once she passes, retaining its original communal tenure rights.

A title deed as protection for black daughters-in-law in African culture

A woman's house is where her husband's house is- Nomathemba²²

The above quote was from Nomathemba's monologue in the play.²³ She was delivering social commentary, reflecting on what culture says about a married woman's housing security. The monologue, as mentioned before, included snippets of the women's verbatim dialogue derived from the original interviews. Because the director was responsible for keeping the script as authentic as possible, she did not change the views expressed by the women in the interviews. Instead, she used it to make Nomathemba's characters' monologue controversial as a way to provoke the audience to think about how, in this case, some aspects of culture oppress women.²⁴ Here, Nomathemba reflected on a controversial news report on the radio.²⁵ Her reflection emphasised that women should gain property through marriage. One of the participants expressed this view during the oral interviews. Cultural views such as this reinforce black women's subordinate status by linking their worth or access to men's property and marital status.

There are families in Fingo Village that still believe that a woman's husband's family should determine her inheritance rights. By extension, this view outlines how common it is for

²⁰ Interview with Deso Planga (Fingo Village, Makhanda, Eastern Cape, South Africa, October 30, 2018).

²¹ Planga, "interview".

²² "Umzi ka mama Rhodes University PhD research project," 19 February 2021, produced by Phemelo Hellemann and Thingo Mthombeni", video, 07:07, <https://www.youtube.com/watch?v=WKH41ea2Gw>.

²³ See *Appendix 3: Play Script, outline and breakdown*.

²⁴ "Umzi ka mama Rhodes University PhD research project," 23 February 2021, produced by Phemelo Hellemann and Thingo Mthombeni", methodology video, 02:10-03:26, <https://www.youtube.com/watch?v=i4HPYRnFwok>.

²⁵ Click on the link to listen to the radio news excerpt from the play. "Umzi ka mama Rhodes University PhD research project," January 15, 2021, produced by Phemelo Hellemann and Thingo Mthombeni, News audio, 2:37, <https://youtu.be/XJeR8bvDVes>.

women's birth families to exclude their daughters from family property inheritance. The transferral of inheritance responsibilities to the new family can either protect married women's property rights or disadvantage them. A successful outcome is reliant on family relations. For some women, their fate depends on whether they marry into a good family that will recognise their tenure rights should their husbands pass on.²⁶ If family relations are good, she enjoys property security under the protection of her marital family. In Xhosa culture, as in many African communities, there is no focus on individuality regarding family and identity because the people exist as a collective.²⁷ Therefore, everything they own, they own as a family. Hence, the family property also becomes a communal asset rather than an individual one.

For the researcher, the challenge was reconciling the exclusion of women from immediate family inheritance. The hot seating activity in the theatre event became a mechanism to discuss this.²⁸ This activity was an extension of Nomathemba's controversial reflections highlighting what the researcher perceived as oppressive practices in Xhosa culture. Moreover, Nomathemba emphasised that a woman cannot make her husband live in her family home because it was against cultural norms. Mama Grace was particularly vocal on this matter. Her view was that culture did not allow men to live in their in-laws' homes.²⁹ She firmly believed that men should be the ones who provide women with a house through marriage.

The reality is that although many people may hold this belief, it is common for in-laws to exclude widowed women and divorced women from inheritance. Consequently, the belief that one gains property through marriage brings false hope to some women. Unfortunately, more often than not, this type of tenure security is conditional. For example, women separated or divorced from their husbands often lose out on their husbands' family property inheritance, because it is taboo for them to be considered once the marriage is over. As a result, they frequently return home to "take up residence in the old family home."³⁰ Returning home,

²⁶ Benschop, "women's rights", 1.

²⁷ MA Venter, "Some views of Xhosa women regarding the initiation of their sons," *Koer Journal* 76 no, 3 (2011):567, <https://www.koersjournal.org.za/index.php/koers/article/view/42>. Though writing in the Xhosa manhood context, Venter's explanation of the collective identity among Xhosa people is relevant in explaining why unity and collective identity play a role in family property relations.

²⁸ See **Appendix 4: Day 1 Umzi ka mama Performance Event Schedule**.

²⁹ "Umzi ka mama Rhodes University PhD research project," 23 February 2021, produced by Phemelo Hellemann and Thingo Mthombeni", methodology video, 03:54-04:06, <https://www.youtube.com/watch?v=i4HPYRnFwok>.

³⁰ Kingwill, "The map", 233.

therefore, means returning empty-handed. As Kingwill explained, women who leave their husbands miss out on “intra-household rights and the transmission of those rights”.³¹

Widows’ experiences are slightly different, though their fate also depends on good family relations. Women like Mama Grace have been fortunate enough to be on the proper receiving end of this approach. She married into a family that recognised and respected her stake in the family property when her husband passed away. Therefore, it is not surprising that when asked to state whether she agrees with Nomathemba’s statement or not, she supported it. The hot seating activity, which allowed audiences to ask Nomathemba questions, was instrumental in discovering this information about Mama Grace and her position on the matter. Through this activity, the researcher gained insight into why this practice of daughters-in-law inheriting marital family property is not necessarily oppressive.

If anything, in the proper context, daughters-in-law stand to benefit from the transmission of household rights even when their husbands pass away. Unlike the Radebe family property case study in Kingwill’s research, which found it taboo for a sister-in-law to acquire family property, Mama Grace’s family acknowledged her legal inheritance rights.³² Arguably, losing a husband can bring much uncertainty in one’s life, especially when the widow’s house is a family home. However, Mama Grace was fortunate enough that her husband had taken the necessary legal steps to make her an identifiable property holder in his will. This move secured her tenure rights legally and asserted her position as an equal inheritor of family property.

The legal proof gave Mama Grace power and agency as a daughter-in-law. To this day, she still makes decisions about the house and who gets to live in it. Her biggest motivation is that she wants the home to be where people connect with their ancestors.³³ Mama Grace had a relatively positive experience of gaining property through marriage. She noted, however, that a minor incident occurred between her and her aunt-in-law after her husband passed. Mama Grace’s aunt-in-law, not clear about her direct relation to her husband, wanted to move into the house with her children.³⁴ She claimed that they also had the right to live there as family members.

³¹ *Ibid.*

³² *Ibid.*, 238. See Chapter 6 of Kingwill’s thesis for more details on the Radebe family case study.

³³ G. Ngcethe (Fingo Village, Makhanda, Eastern Cape, South Africa, 25 April 2019).

³⁴ Ngcethe, “Interview”.

Furthermore, she questioned the validity of Mama Grace's stake in the family property inheritance. She subsequently requested legal evidence from the lawyers. Once Mama Grace presented the legal proof, she happily accepted the will and the title deed list as valid. Mama Grace explained that she allowed the aunt to stay with her in the house even though she had questioned her stake in the family home. The situation would have escalated if there was no will or a title deed list to validate Mama Grace's rights.

The title deed list consists of names of people who have rights to the family property, and Mama Grace appears on that list. This type of registration establishes a "one-to-one relationship between a linearly-defined property object and identifiable property holder, whether an individual, a small or large group, a trust or a corporation."³⁵ In cases where disputes arise, it serves as a valid reference in confirming the names of identified property holders, as in Mama Grace's family. For Mama Grace, the house will remain a family home. As she stated, "I am not greedy, and this is also their home after all, because they grew up here."³⁶ Accordingly, cultural transmission matters to Mama Grace. However, she also believes in legal documentation. Notably, the cultural household transmission is standard practice for most families in Fingo Village, as Kingwill notes in her thesis:

though Fingo Village has a history of private property ownership, most people have not pursued it as a dominant practice because, for the people, no individual heir should have sole control over the property.³⁷

Mama Grace's family home narrative serves as an example of how prominent this practice is in Fingo Village. Similarly, Mama Deso also spoke about a title deed list in her interview. Her story is explored further in the next chapter. For families such as Mama Grace and Mama Deso, a title deed list is the preferred choice for legal proof of communal tenure. As Cooper states, there is no denying that, in African communities, "inheritance is about interpersonal relations and process", not so much about legalistic ways.³⁸ Therefore, one understands why pursuing private property ownership has not been common in Fingo Village. Although Mama Grace was not the sole owner of the family home, she was confident in her position as a daughter-in-law who

³⁵ R Kingwill, "Land and property rights: 'title deeds as usual' won't work" (2017): 5, accessed June 19, 2020. http://www.econ3x3.org/sites/default/files/articles/Kingwill%202017%20Land%20and%20property%20rights%20FINAL_0.pdf.

³⁶ Kingwill, "Land and property", 5.

³⁷ Kingwill, "Family title in Fingo Village", 215.

³⁸ Cooper, "Women and inheritance", 643.

inherited the property legally. She did not have to worry about being illegally evicted. Her strong position as a household head in her marital home was almost tangible.

Brenda Brown has validated the leadership of widows like Mama Grace. Brown states that they assume headship roles and have “power, decision-making, access to sources of economic support, and control over children responsibilities.”³⁹ Here, Mama Grace did not seem to occupy the subordinate position as many women do. Instead, she came across as a very empowered daughter-in-law. Though Mama Grace did not want to have sole control over the property, she still had authority. She used that authority to protect the family assets to benefit future generations. In the absence of her husband, Mama Grace became the new *umzi* authority figure.⁴⁰ Therefore, she is now the one who maintains good family relations.

The leadership role requires a person with a strong personality and sense of fairness like Mama Grace. She is secure and confident in her role as a respected head of the household by her in-laws. She has absolute power to make decisions reasonably, as seen with the incident with her aunt-in-law. She bears the additional responsibility of making legal decisions about the home as a family asset because her husband’s family trust her.⁴¹ She has also proven herself to be trustworthy and knowledgeable. As she said, “I would put it in my will, of course, this is a family home... whomever grandchildren or whoever wants to come and stay here, fine.”⁴² In this regard, her agency, position, and housing security rights are permanent. They have been so since her husband passed.

Mama Grace was fortunate, because some in-laws do not afford widows the same legal courtesy and permanent use of the family home. As Benschop argues, this is because “succession laws only entitle the widow to a temporary use of the marital home.”⁴³ In this regard, Mama Grace’s case is remarkable. Her in-laws respected her rights long before any policy changes embraced women empowerment practices regarding inheritance and tenure rights in South Africa. Mama Grace’s story narrates an ideal family setup whereby members respect both the cultural practice

³⁹ PB Brown, ‘where are the men? An investigation into female-headed households in Rini, with reference to household structures, the dynamics of gender, and strategies against poverty1’, (MA Thesis, Rhodes University, 1996), 15.

⁴⁰ Cousins, “Customary law of land”, 140.

⁴¹ See “Umzi ka mama Rhodes University PhD research project,” 23 February 2021, produced by Phemelo Hellemann and Thingo Mthombeni”, methodology video, 16:50-17:57, <https://www.youtube.com/watch?v=i4HPYRnFwok>.

⁴² “Umzi ka mama Rhodes University PhD research project,” 19 February 2021, produced by Phemelo Hellemann and Thingo Mthombeni”, video, 16:50-17:57, <https://www.youtube.com/watch?v=WKH4I1ea2Gw>.

⁴³ Benschop, “women’s rights”, 3.

of including daughter-in-law in family property relations and the legal practice of adding their names to the family title deed list. By adhering to both practices, the family minimised unfair practices that disadvantage black women's housing rights.

The reality is that not many families value the daughter-in-law's position regarding family property inheritance, especially if the husband is deceased. Legal documents such as wills and title deeds are only powerful or meaningful if people believe in them. Hence, should a woman have the misfortune of marrying into a family with strained relations and inheritance battles, then their property rights and representation are at the mercy of greedy in-laws. Kaori Izumi argued that many widows could testify to illegal evictions and property grabbing practices that greedy relatives used to undermine their inheritance rights as women.⁴⁴ Even with the aunt-in-law incident, Mama Grace did not allow her aunt to undermine her inheritance and displace her as a rightful heir to her husband's estate.

The title deeds list evidence saved her from being a victim of property grabbing strategies, which her aunt-in-law could have employed in the absence of legal proof. The legal proof helped her retain her position as an authority figure and the new head of the Ngcethe household. It is plausible that people like the aunt-in-law are more likely to accept the document as the final word in family disputes. After all, title deed documentation holds historical significance as a legal authority in Fingo Village. It is this document that continues to protect her communal tenure rights to this day.

⁴⁴ Izumi "Gender-based violence", 12.

Umzi ka Mama Lizeka's narrative



Figure 21: Mama Lizeka's house located in C Street Fingo Village in the area that used to be known as Old Municipal Location. Image by Thingo Mthombeni.

This house was Mama Lizeka's childhood home. It belonged to her parents, and when her father passed away in 1985, he left the house to his wife. However, when Mama Lizeka's mother passed away, she left the house to her son, Mama Lizeka's older brother. The transfer was done in secret, Mama Lizeka explained.⁴⁵ None of the children knew that the house now belonged to their brother. After losing her job as a security guard in another town, she returned home to live in the family home indefinitely.

When her brother passed away, Lizeka went to see their family lawyer about registering the house in her name. She was under the assumption that it was still in her mother's name. It was then that she discovered that the brother was the chosen heir of the family property. But the house is now in her name, and she is the second generation to live in and own this family home.⁴⁶

Initially, this house had a leasehold status under the apartheid government. However, the status subsequently changed under the Upgrading of Land Tenure Rights Act 112 of 1991

⁴⁵ "Umzi ka mama Rhodes University PhD research project," 19 February 2021, produced by Phemelo Hellemann and Thingo Mthombeni", video, 10:45-11:17, <https://www.youtube.com/watch?v=WKH411ea2Gw>.

⁴⁶ Interview with Lizeka George (Fingo Village, Makhanda, Eastern Cape, South Africa, June 17, 2019).

(ULTRA).⁴⁷ The Land Tenure Right Act of 1991 derived from land reform negotiations before the African National Congress came into power. According to Masha and Bolts, “leaseholders were automatically registered as titleholders once township registers were established.”⁴⁸ Therefore all leasehold properties established during the colonial period became freehold properties.

A title deed as security for single black women with children

But I realised my mother had changed the ownership into my brother’s name...and that’s when I went with a family member to the offices to rectify the issue, and they said ‘no problem’. Because we had the same surname, there was no issue.⁴⁹

The above quote is from Mama Lizeka; notably, Mama Lizeka makes the transfer sound too easy. Perhaps she did encounter a helpful official, or the family member who accompanied her carried some level of authority in the family. It is not clear why the process was effortless. Nonetheless, it made sense for her to get the house because she was the only surviving sibling and immediate family member of the deceased. As Duman Bahrami-Rad explains, in “lateral inheritance systems, the property is transmitted horizontally to siblings or indirectly vertically to siblings’ children.”⁵⁰ Following this logic, Lizeka was next in line to get the property as determined by the lateral inheritance system, since her brother was deceased. Therefore, in cases such as this, the Master of the High Court offices usually facilitates the legalities. An appointed official trained on the matter facilitates the change whilst paying close attention to the legislation.⁵¹ Because Mama Lizeka never married and kept her family name, this played a role in making the transfer effortless because it showed direct relation through matching surnames.

Furthermore, her story revealed how some families still uphold patriarchal practices. As a result, mothers can unwittingly disadvantage their daughters by choosing male heirs in family property transfer practices. Ogundipe-Leslie’s sixth mountain contextualises Mama Lizeka’s situation as a woman initially overlooked in family property inheritance. As Ogundipe-Leslie noted, women have internalised patriarchal ideologies and gender hierarchies that favour

⁴⁷ Bolt and Masha, “Recognising the family house”, 161.

⁴⁸ *Ibid.*

⁴⁹ “Umzi ka mama Rhodes University PhD research project,” 19 February 2021, produced by Phemelo Hellemann and Thingo Mthombeni”, video, 10:45-11:17, <https://www.youtube.com/watch?v=WKH4I1ea2Gw>.

⁵⁰ D Bahrami-Rad, “Keeping It in the Family: Female Inheritance,” *Inmarriage, and the Status of Women* (2019): 5-6. <https://ssrn.com/abstract=3250395>.

⁵¹ Bolt and Masha, “Recognising the family house”, 164.

men.⁵² Thus, it was not unusual that Mama Lizeka's mother chose the son to be the family property beneficiary. Given the time and context she grew up in, Lizeka's mother was possibly brought up to see men as the rightful heirs of family property. Thus, years of internalised patriarchal thinking influenced Mama Lizeka's mother's choices. The choice to give Lizeka's brother individual tenure over the family home disadvantaged Mama Lizeka. The problem here is that individual tenure is rigid and exclusionary especially when it is used as a default choice in cases where men are heirs.⁵³

Patriarchal beliefs have underpinned gender bias throughout Africa. As Benschop states, "in many sub-Saharan African countries, the idea of women inheriting land is seen as a threat to the continuity of clan land."⁵⁴ Perhaps Mama Lizeka's mother hoped Mama Lizeka would gain property through marriage as an expectation expressed and discussed earlier. However, Mama Lizeka never married; therefore, she did not have any other way of gaining property other than through inheritance from her family. Moreover, because customary practices tend to favour patrilineal inheritance, female heirs are frequently overlooked when there are male heirs.⁵⁵

Discriminatory practices like this often cause female siblings to compete with their male siblings for inheritance. As Gun Lidestav states, when it comes to ownership, even in first world countries like Sweden, women often have to compete with "a brother or another male relative" for inheritance.⁵⁶ Though Lidestav writes in a first-world context, her premise is relevant because it highlights similar forms of gender discrimination embedded in inheritance. Mama Lizeka's narrative, therefore, showed how single women in family units have to fight for their place to belong and to be seen as equal heirs to their brothers. As a result, back then and even now, families like Mama Lizeka's lacked awareness about the "serious repercussions that denial of women's rights" would have on single mothers.⁵⁷ If anything, Mama Lizeka could have benefited from being included in the inheritance earlier because she is a single mother with children. Therefore, she needed as much support as possible from her family.

⁵² M Ogunidipe-Leslie, "African Women, Culture and Another Development" in *Theorising Black Feminisms: The Visionary Pragmatism of Black Women*, ed. SM James and AP Busia. (London: Routledge, 1993), 114.

⁵³ *Ibid.*, 3.

⁵⁴ Benschop, "women's rights", 4.

⁵⁵ G Lidestav, "In Competition with a Brother: Women's Inheritance Positions in Contemporary Swedish Family Forestry," *Scandinavian Journal of Forest Research* 25, no. 9 (2010): 15. <https://www.tandfonline.com/doi/full/10.1080/02827581.2010.506781>.

⁵⁶ Lidestav, "In Competition with a Brother", 16.

⁵⁷ Benschop, "women's rights", 5.

Single women in African countries like South Africa often have “little access to credit and other resources.”⁵⁸ Therefore, owning property is impossible for these women unless they have a well-paying job and financial security. Mama Lizeka was in this position. As she stated, she had to work as a security guard to provide for her children but could not afford to buy a house; hence she moved back home after losing her job.⁵⁹ Though her brother’s death was an unfortunate event, it played a role in giving her a second chance at claiming the family inheritance. In a sense, she inherited the property by default, but she also recognised the legal procedures to follow. This new opportunity gave her the confidence she needed to empower herself legally by registering the house in her name.

For her, this was particularly important as a single mother. Drawing on Sobantu’s argument about how housing access improves women’s self-esteem, one can see how this is indeed applicable to Mama Lizekas’s case.⁶⁰ When she found out that she could register the house in her name, she was confident to take the initiative to secure the house for herself legally. This step empowered her to have ownership and control over the house and function at maximum capacity as a decision-maker and household head. Therefore, the tenure security allowed her to continue to survive “outside a given power structure of patriarchy or gender relationship through marriage.”⁶¹

The most empowering thing to observe about Mama Lizeka was her realising that she was entitled to the family home. According to Benschop, “many women do not have information, confidence, experience and resources to obtain what they are legally entitled to.”⁶² However, Mama Lizeka made sure that she was legally empowered. She overcame this mountain by not allowing herself to be defeated by her situation or reacting with a self-crippling attitude.⁶³ Instead, she took more assertive actions that even saw her change her family inheritance patterns. Having experienced how exclusive and gendered individual tenure can be, she decided to implement a communal tenure approach. Hence, she stated that the property would remain a family property, which all her children will share equally when she dies.⁶⁴

⁵⁸ *Ibid.*, 2.

⁵⁹ Interview with Lizeka George (Fingo Village, Makhanda, Eastern Cape, South Africa, June 17, 2019).

⁶⁰ Sobantu, “Revisiting gender and housing”, 64.

⁶¹ F Kalabamu, “Patriarchy and women’s land rights in Botswana,” *Land Use Policy* 23, no. 3 (2006): 238. <https://doi.org/10.1016/j.landusepol.2004.11.001>.

⁶² Benschop, “Women’s rights”, 5.

⁶³ Ogundipe-Leslie, “African women”, 114.

⁶⁴ These wishes are clearly stated in her will. Interview with Lizeka George (Fingo Village, Makhanda, Eastern Cape, South Africa, June 17, 2019).

Umzi ka Mama Thobeka's narrative



Figure 22: This is Mama Thobeka's house, located in the Ndacama area in Fingo Village. Image by Thingo Mthombeni.

Mama Thobeka inherited this house from her mother as a wedding gift in 1977.⁶⁵ She is the second generation to live in and own this property. This house was the first family house where Mama Thobeka's mother stayed with her children and husband. Though the house had a leasehold status under apartheid, the house now has an individual freehold tenure rights structure. Mama Thobeka's mother inherited the house from her husband when he passed away. It is not clear whether the transfer was recorded, but she was recognised as the house owner. Because she was a businesswoman, she managed to buy another house in B Street Fingo Village, where she now lives as a pensioner.

Furthermore, she has five properties in total, and all her children have inherited a property each. Thus, all the family's property inheritance has followed individual tenure transfers. The change of ownership of this house to Mama Thobeka was done legally through the magistrate's court. Though she is married, Mama Thobeka stays in Makhanda with her children. Her husband stays in his patrilineal home in Alice.

⁶⁵ Interview with Thobeka Ralo (Ndacama-Fingo Village, Makhanda, Eastern Cape, South Africa, June 10, 2019).

A title deed as empowerment for married black women

I was given this house as a wedding gift. I was told to stay here with my husband, but he is a Xhosa man. He doesn't want to stay here, he says he can't live with in-laws, so I really do not mind.⁶⁶

Unlike Mama Grace, Mama Thobeka decided to stay in her family home after getting married. Culturally, it goes against the practice of Xhosa brides and what happens to them after marriage. However, this arrangement served her interests because she wanted to stay in the house that her mother gifted her. As seen in Mama Grace's story, a married woman had to live either with her in-laws or with her husband in a new home for her to secure housing rights. Mama Thobeka presented a case where daughters who were married did not have to leave their family home. She challenged cultural norms, but more than that, she disrupted the patriarchal social order. To some, it might even be perceived as taboo, even more so if she stayed there with her husband. For the husband, living in his in-laws' home might come with relinquishing power as the head of house, which is not something that is easy to give up. Her situation revealed how society saw women who choose to protect their old family homes as defying culture. Moreso, it reveals that perhaps a patriarchal society fears the effect homeownership has on women, where it might be perceived as abnormal for a woman to seek out independent living in the institution of marriage.

Tradition has normalised men's control over women for so long that society vilifies women who choose to break away from them.⁶⁷ When women challenge this control by actively choosing to be independent, their independence exposes masculinity's fragile nature. Mama Thobeka's decision to live independently from her husband did not go unnoticed. The reality is that in African cultures like Xhosa culture, men's social status is more important than women. Men acquire this status through initiation into manhood. As Venter explained, men gain this status of respect and independence once they have completed their initiation.⁶⁸ Society expects them to maintain this respect and independence even when they are married.

Women like Mama Thobeka tip this scale of power and shake patriarchal practices at their core. Hence, men often consider such women a threat to social stability.⁶⁹ In this regard, I wonder

⁶⁶ "Umzi ka mama Rhodes University PhD research project," 19 February 2021, produced by Phemelo Hellemann and Thingo Mthombeni", video, 07:41-08:17, <https://www.youtube.com/watch?v=WKH411ea2Gw>.

⁶⁷ M da Silva, "African Feminism towards the Politics of Empowerment," *Revista de Letras* 44, no. 2 (2004): 137. <https://millennium.seals.ac.za/iii/cas/login?service=https://www.jstor.org/stable/27666802>.

⁶⁸ M A Venter, "Some views of Xhosa women regarding the initiation of their sons," *Koers - Bulletin for Christian Scholarship* 76, no. 3 (2011):568. <https://www.researchgate.net/publication/267705644>.

⁶⁹ Izumi, "Gender-based violence", 14.

whether Mama Thobeka's husband felt as though Mama Thobeka's independence took away his power and control over her. Nonetheless, Mama Thobeka's bravery and decision to stay independent possibly served as an example to other married women in a similar position.

Moreover, the researcher was intrigued by the community's response if Mama Thobeka's husband had agreed to stay in the family home. As a methodological approach, the researcher used Mama Thobeka's story to create Nomathemba's monologue to explore the audiences' views on the situation.⁷⁰ There is a scene in the play where Nomathemba refers to a *usbayeni*. The first time the researcher came across the term was in the interview with Mama Thobeka. She used the term to explain her husband's family views; they believed that it is wrong for a man to stay with his in-laws, implying that they would control him.⁷¹ Therefore, *usbayeni* means to be easily controlled or 'pulled by the nose' by a woman.⁷² It implies that the woman has power over her husband, which society perceives as taboo. She explained that her husband could not stay with her in her family home because his family was against it, and he did not want to be called *usbayeni*. Therefore, the researcher explored the meaning and context of the term further through a forum theatre activity, hot seating.

If Mama Thobeka's husband had agreed to live in his in-laws' house, he would have come across as surrendering his independence and respect. Losing power is not an unfounded fear in a patriarchal society. Hence, there was a sense of real fear of him being seen as weak and unable to provide for his wife by society. It remains a possible explanation for his refusal. Mama Grace's strong reaction to this situation, as posed by Nomathemba in the play, made it apparent that societies would go to great lengths to protect men's social status. It would have been interesting to see Mama Thobeka's reaction towards Mama Grace's comment, which emphasised that men should not live in their in-laws' homes. However, Mama Thobeka was unable to attend the performance event at the time.

Nonetheless, theatre as a mode of exploration and communication brought the issue of men refusing to stay with their in-laws to the surface.⁷³ Furthermore, the hot seating discussion

⁷⁰ See written script in **Appendix 3: Play Script, outline and breakdown.**

⁷¹ "Umzi ka mama Rhodes University PhD research project," 19 February 2021, produced by Phemelo Hellemann and Thingo Mthombeni", video, 08:09, <https://www.youtube.com/watch?v=WKH411ea2Gw>.

⁷² "Umzi ka mama Rhodes University PhD research project," 23 February 2021, produced by Phemelo Hellemann and Thingo Mthombeni", methodology video, 04:00-04:08, <https://www.youtube.com/watch?v=i4HPYRnFwok>.

⁷³ S Butterwick and J Selman, "Deep listening in a feminist popular theatre project: upsetting the position of audience in participatory education," *Adult Education Quarterly* 54, no. 1 (2003):9. <https://doi.org/10.1177/0741713603257094>.

allowed the researcher to understand the term and the power dynamics regarding men's position in the Xhosa community in Fingo Village.⁷⁴ This forum theatre technique helped interpret how gendered cultural norms change and why societies should eschew some established norms, because they have inherently oppressed women.⁷⁵ Such techniques in feminist theatre practices give participants the chance to “express their emotions and pinpoint political and ethical differences.”⁷⁶ These differences helped the audience formulate alternative opinions to those they initially held.

Mama Thobeka came across as a strong independent woman. Her husband's refusal to live with her in the old family home did not deter her. Though it is not clear if other factors influenced his decision, such as an unhappy marriage, she does not mind this arrangement.⁷⁷ Her confidence in her decision is admirable. It was evident that she enjoyed her independence as she spoke freely throughout the interview. The assurance the family inheritance gave her, when it was unusual for women to choose where to live after marriage, certainly played a major role. It set her free from the obligatory stay with the husband's family, which is the norm. Her story showed her ability to negotiate a new social status within the institution of marriage and culture. Thus, the new status improved her agency and power and made her power tangible. In this regard, owning a house gave Mama Thobeka additional bargaining power in the home and community.⁷⁸

As established by Ogundipe-Leslie, in African culture, marriage became an institution of women oppression where men control women. However, as Gqola suggests, black women actively challenge these mountains of oppression no matter their size.⁷⁹ Mama Thobeka demonstrated this type of agency. She did not passively agree to move to her husband's family home. Instead, she established a new living arrangement that protected her existing tenure rights. In the past, African women did not have such agency because customary practices regarding marriage mandated that women stay in their marital home. In this regard, Mama

⁷⁴ “Umzi ka mama Rhodes University PhD research project,” 23 February 2021, produced by Phemelo Hellemann and Thingo Mthombeni”, methodology video, 04:08-06:35, <https://www.youtube.com/watch?v=i4HPYRnFwok>.

⁷⁵ *Ibid.*

⁷⁶ Butterwick, “Deep listening”, 13.

⁷⁷ “Umzi ka mama Rhodes University PhD research project,” 19 February 2021, produced by Phemelo Hellemann and Thingo Mthombeni”, video, 07:52, <https://www.youtube.com/watch?v=WKH411ea2Gw>.

⁷⁸ Cooper, “Women and inheritance”, 642.

⁷⁹ PD Gqola, “Ufanele uqavile: black women, feminism and postcoloniality in Africa,” *Agenda: empowering women for gender equity* 50 (2001):12. <https://www.tandfonline.com/doi/abs/10.1080/10130950.2001.9675990>.

Thobeka's family could have also forced her to comply with cultural marriage norms. However, this would have compromised her position as an independent married woman. Fortunately for her, her mother believed in women's empowerment.⁸⁰ Her refusal to conform affirms black women's strategies to rising and redefining their terms of participation in a world that seeks to oppress them and hold them down.

Women like Mama Thobeka are forces to be reckoned with, because they are defying patriarchal norms. Wells' writing on Zimbabwean women's strategies to "undermine practical norms that they expressed to be oppressive" offers contextual relevance to Mama Thobeka's decision.⁸¹ There are parallels to be drawn between the strategies employed by the Zimbabwean women and Mama Thobeka. Just like Mama Thobeka, the women in Zimbabwe resided in urban areas. As reviewed before, women in urban areas tend to gain more agency in this new environment. According to Wells, "women who abandon rural life for urban life engage in some conscious revolt against stifling patriarchal cultural norms."⁸² Urban areas are a melting pot of cultures and beliefs. As a result, women often gain the confidence to try alternatives to family structures, such as becoming the head of the household.

In these new roles, women determine active participation in their family structures to gain more autonomy, often sabotaging patriarchal norms. Mama Thobeka gained independence by refusing to compromise her position as a property owner. Arguably, living in her husband's family property carried the risk of not having tenure rights and security. Fortunately for her, she also has a stake in her husband's house in Alice, where he lives.⁸³ If anything, Mama Thobeka is better off than most married women. Not only does she have her family home as an asset, but she also has communal rights to her husband's property. Even if she were to lose out on the Alice family property, she has guaranteed tenure security in the property in Fingo Village, and so do her children.

As expressed earlier, family relations can be complicated in African culture. However, women like Mama Thobeka, who benefited from birth family inheritance, were spared the painful evictions that most married women face when marriages dissolve. Her arrangement showed

⁸⁰ Interview with Thobeka Ralo (Ndacama-Fingo Village, Makhanda, Eastern Cape, South Africa, June 10, 2019).

⁸¹ JC Wells, "the sabotage of patriarchy in colonial Rhodesia, rural African women's living legacy to their daughters," *Feminist Review* 75 (2003): 101.

<https://millennium.seals.ac.za/iii/cas/login?service=https://www.jstor.org/stable/1395864>. Wells gives a detailed description of the different strategies women employed to defy patriarchal norm regarding "choice of marriage partners, formal education for their daughters and finding ways to generate income".

⁸² Wells, "the sabotage of patriarchy", 101.

⁸³ *Ibid.*

that married women could live independently from their husbands, an unusual arrangement even by today's standards. Kalabamu notes that this is because "private patriarchy reduces women's independence and the ability to live without a man."⁸⁴ Though Mama Thobeka does not elaborate on how long she and her husband have been living with this arrangement, it was clear that they had lived like this for a very long time.

Mama Thobeka's story proved that she was self-sufficient as a married woman. As a woman living in an urban area, she was not shy to "challenge the status quo and oppression under patriarchy."⁸⁵ Moreover, she has decided that she will not retain the individual tenure status of the house. In her will, she stated that the house is a communal home, and she is leaving it to her three children, who will all have equal rights to the house.

Umzi ka Mama Margaret's narrative



Figure 23: Mama Margaret's house located on Dr Jacob Zuma Drive in the original Fingo Village plots. Image by Thingo Mthombeni.

This house belonged to Margaret's great-grandparents, who bought the house during the 1855 plot sales in Fingo Village, therefore it has a freehold status.⁸⁶ They had two daughters, and they both inherited the property when their parents passed away. Of the two sisters, Mama Margaret's mother was the one who resided on the property. She had two children, Mama Margaret, and her brother. When she passed away, she left the property to Mama Margaret. Mama Margaret was a divorcée when she moved back to her family home in the early 1990s.

⁸⁴ Kalabamu, "Patriarchy and women's land rights", 238.

⁸⁵ Wells, "The sabotage of patriarchy", 103.

⁸⁶ Interview with Margaret Spencer (Fingo Village, Makhanda, Eastern Cape, South Africa, October 16, 2018).

Margaret is the fourth generation to reside in and own this family property. Out of all the women informants in the study, Mama Margaret was the only one who was comfortable enough to show me the house title deed. The deed is the original document, even though it was still in her grandmother and her sisters' names. After her mother's death, Mama Margaret started paying the house's rates and taxes to the local municipality because she had plans to build herself a new house on the property.

However, the municipality informed her that she could not do any building until she had legal documents showing that the house belonged to her. The municipality does not allow property owners to carry out any extensions to houses when one has no title deed.⁸⁷ The municipality was not unreasonable in its request in this regard. The challenge for Mama Margaret was that since inheriting the house, she had been involved in an ongoing legal struggle to get the house registered in her name. The fragmented documentation of Fingo Village title deeds affected her case considerably. The officials assigned to her case struggled to find paperwork that proved her mother as the previous beneficiary. Subsequently, her dreams of renovating the house were put on hold due to the ongoing legal battles.⁸⁸

Fingo Village women's knowledge about the legal systems in place: successes and disappointments in securing western tenure practices

They failed, somehow they failed, I think, or they did not have the knowledge that you need to hand it over to the next generation, so it is still in their names, and I am battling now.⁸⁹

Possibly, many families can relate to Mama Margaret's story. Accordingly, it was prevalent to find the first freeholder's names on the deeds rather than the "present owner because transfers were generally not registered."⁹⁰ Although Mama Margaret showed me a title deed document, it was outdated because it only noted owners' names two generations behind. Hence, there was no current documentation of Mama Margaret's mother as the most recent owner. But, as Mama Margaret mentioned, this was also due to a lack of information or knowledge. Arguably, this

⁸⁷ ME Magagula, and BC Mubangizi. "Government Housing Subsidy: Exploring Administration Processes in the Dispensation of Title Deeds in South Africa," *Loyola Journal of Social Sciences* 33, no.2 (2019): 49, <http://search.ebscohost.com/login.aspx?direct=true&db=sih&AN=142990352&site=eds-live>.

⁸⁸ "Umzi ka mama Rhodes University PhD research project," 19 February 2021, produced by Phemelo Hellemann and Thingo Mthombeni", video, 12:05-12:25, <https://www.youtube.com/watch?v=WKH4I1ea2Gw>.

⁸⁹ "Umzi ka mama Rhodes University PhD research project," 19 February 2021, produced by Phemelo Hellemann and Thingo Mthombeni", video, 12:30-13:18, <https://www.youtube.com/watch?v=WKH4I1ea2Gw>.

⁹⁰ Kingwill, "Papering over the cracks", 251.

contributed to the general breakdown in the administration and regulation of title deeds in Fingo Village.

As she explained and showed on the property's original title deed, the new inheritors crossed out the predecessor's names and added the new owner's name on top.⁹¹ The approach is not a legitimate transfer procedure. It cannot be accepted as such no matter how much Mama Margaret can prove her ancestry. This is the basis of the legal delay in getting the property in her name. Additionally, she has been dealing with officials who do not understand the urgency of the matter. As expressed before, she is desperate to build herself the house of her dreams. She has taken numerous trips to lawyers and government officials' offices since 2009. She explained that her local municipal officer told her to pause the renovation, unless she can show an official title deed document that proves legal ownership.⁹² Her frustrations are understandable, but unfortunately, she needs that document in order to resume renovations.

Therefore, one can empathise with Mama Margaret's grandparents' situation. Even now, laws and policies on succession and property transfer are challenging to understand. Benschop says that this is because "the guidelines and regulations are often very technical".⁹³ It can be a crippling disadvantage to families with a minimal western education background. Understandably, there was very little information or basic literacy on such matters in their time due to black South Africans' "inferior education stemming from gender, racial and class discrimination".⁹⁴ As seen in Mama Margaret's case, the lack of information and knowledge about the family property's transfer has caused legal repercussions for her. Her predecessors' incorrect land tenure procedures and titling have negatively affected her inheritance claim.⁹⁵

One would think that registering an inherited property in one's name would be less complicated for women in the 21st century. Unlike Mama Lizeka, Mama Margaret's journey has been a difficult one. Although she was dealing with fragmented documentation and legal loopholes,

⁹¹ "Umzi ka mama Rhodes University PhD research project," 19 February 2021, produced by Phemelo Hellemann and Thingo Mthombeni", video, 12:55-13:10, <https://www.youtube.com/watch?v=WKH411ea2Gw>.

⁹² "Umzi ka mama Rhodes University PhD research project," 23 February 2021, produced by Phemelo Hellemann and Thingo Mthombeni", methodology video, 12:07-12:24, <https://www.youtube.com/watch?v=i4HPYRnFwok>.

⁹⁴ M Hames, "Rights and realities: limits to women's rights and citizenship after 10 years of democracy in South Africa," *Third World Quarterly* 27, 7 (2006):1323.

<https://millennium.seals.ac.za/iii/cas/login?service=https://www.jstor.org/stable/4017757>.

⁹⁵ Cooper, "Women and inheritance", 642.

she was also frustrated by the service she received from the men helping her. Most of the people who helped her were men, and she felt as though they did not take her case seriously. As Mary Hames notes, progressive laws have been put in place to protect women's tenure rights and security, but "customs and traditions still offer barriers to efficaciousness."⁹⁶ Men's gender bias can filter into workspaces, thus determining their interactions with women. It is possible that the officials who were helping her still held patriarchal views that maintain gendered traditions and customs in the public sphere.

Though these men know what the law says about women's right to property, it is highly possible that they lacked gender awareness regarding their customary attitudes when helping women.⁹⁷ Her experience showed how "male bias among officials continues to stand in the way to women's enjoyment of their rights", as Ogundipe-Leslie explained.⁹⁸ It is as though the men in these positions have turned themselves into gatekeepers of property rights and services meant to be enjoyed by black women. A simple event of looking for information can become such a lengthy process that most women give up the fight.

Another possible reason for the delay could be that cases such as Mama Margaret's require multiple personnel involved in the process. According to Magagula and Mubangizi,

the involvement of multiple personnel can make the process lengthy and complex because some officials cannot deliver timeously. There is a lack of the necessary resources such as skilled and experienced conveyancers. It is sometimes impossible to pinpoint who is accountable or responsible for the delays in the process.⁹⁹

For divorced women like Mama Margaret, empowerment through legal means was paramount. She actively broke away from the dependency cycle that kept her reliant on men for tenure security. Like other women participants, Mama Margaret was involved in "legal battles to fight for her rights, be it for inheritance or sharing of property within marriage."¹⁰⁰ Though she did not discuss her divorce settlement details, it is evident that rebuilding herself in her family home meant a lot to Mama Margaret. She is remarkable in that she had remained determined to not only fight legally but to subconsciously fight to be taken seriously by men in official

⁹⁶ Hames, "Rights and realities", 1317.

⁹⁷ Benschop, "women's rights", 5.

⁹⁸ *Ibid.*

⁹⁹ Magagula and Mubangizi, "Government housing", 50.

¹⁰⁰ Ogundipe-Leslie, "African women", 110.

positions. Unlike her predecessors, Mama Margaret took an active role in ensuring that her tenure rights were secured.

As stated in the film, systems meant to help people with information can often fail women.¹⁰¹ The authorities in place might undermine people's right to information. Fortunately, Mama Margaret's persistence to fight for what is hers has paid off. The house is now in Mama Margaret's name after a ten-year-long legal battle.¹⁰² She can now carry on with her plan to build a new house. She proved that women could turn situations that disempower them around. She could have easily adopted a victimhood mentality that would have led her to accept her defeat, instead she reclaimed equality of citizenship in society by fighting for her legal rights to the family property.¹⁰³

Observations and conclusion

Although the narratives explored in this section speak to each woman's individual experience, they also showed the women's similarities as a collective. The researcher is not suggesting that the women's experiences are general practices in Fingo Village. However, their cases revealed how the legal route served them in times of uncertainty. They showed how they are knowledgeable in legalities regarding property registration. They acquired legal documents that guaranteed them security in the long run. I am aware that Hornby, Kingwill, Royston and Cousins have written extensively about why titling does not always offer security. However, they wrote about contexts where government and agencies used titling to push for a capitalist property market that does not consider the poor.¹⁰⁴ Indeed, individual tenure as the preferred mode of property transfer aids the property market economy and makes property ownership unattainable. Nevertheless, the reality is that women need legal protection for inheritance and property transfers, demonstrated by the women's narratives in this section. Subsequently, to be against titling would be "in contradiction of women's tenure security."¹⁰⁵

¹⁰¹ *Ibid.*

¹⁰² See "Umzi ka mama Rhodes University PhD research project," 23 February 2021, produced by Phemelo Hellemann and Thingo Mthombeni", methodology video, 11:32-12:24, <https://www.youtube.com/watch?v=i4HPYRnFwok>.

¹⁰³ Ogundipe-Leslie, "African women", 110 and Hames, "Rights and realities", 1314.

¹⁰⁴ D Hornby, R Kingwill, L Royston and B Cousins, "Introduction: tenure practices, concepts and theories in South Africa" in *Untitled: securing land tenure in urban and rural South Africa*, ed. D Hornby, R Kingwill, L Royston and B Cousins (Pietermaritzburg: UKZN Press, 2017), 25.

¹⁰⁵ Hornby, Kingwill, Royston and Cousins, "Introduction", 25.

Therefore, for women respondents presented in this thesis, title deeds were essential for their security and agency as female household heads. The title deed document's legal security helped them overcome situations meant to oppress them or prevent them from enjoying tenure rights. Their accounts offered alternate narratives as widows, married women, single women, and divorced women empowered through legal systems and good family relations. The informants took a proactive approach to empower themselves to know their inheritance rights and legal procedures to titling or transferring property. By taking a pro-titling approach, they demonstrated women's rights as human rights in their homes and communities, whether wittingly or unwittingly. Pro-titling affirms that women's tenure security is a rights-based approach. These women's actions have demonstrated determination and resistance against discrimination in bold and quiet ways.

Furthermore, their experiences revealed how communal tenure systems still hold importance as historical African tenure practices. It is not the individual tenure security they were after, because they knew how exclusionary it was, especially towards women. As a result, they adopted inclusive succession plans to make future property transmissions easier for their loved ones. In this regard, the next generation of daughters will not have to scramble for housing security or face legal battles. As Kingwill also discovered in her research, African communities seemed to reject the notion of western individual tenure practices, thus replacing them with communal inheritance practices.¹⁰⁶ It was not that the women in this study necessarily opposed formal registration of family property, yet they often opposed individual registration of family property.

Although titling is beneficial, as a rights-based approach, it works on the "assumption that *all* women can seek legal recourse."¹⁰⁷ As a result, some Fingo Village women might face similar situations as the sampled women, but not have the same legal resources to challenge unfair inheritance situations. In addition, legal battles can be costly and emotionally draining. Therefore, some women will not be fortunate to fight for property rights, be involved in extensive family battles, or even challenge gendered inheritance practices. Nevertheless, this does not mean that there are no alternative strategies to tackle these issues.

¹⁰⁶ Kingwill, "The map", 227.

¹⁰⁷ Hames, "Rights and realities in South Africa", 1315.

In some families, titling does not achieve finality, because customary values and practices determine family property transfer.¹⁰⁸ As Kingwill affirmed, titling is valueless to families that value customary norms to determine evidence of ownership.¹⁰⁹ Indeed, titling might have worked for the four women informants explored in this chapter, but it does not mean it benefited all women in this study.

The following chapter discusses family property access beyond the legal route. The next three informants' narratives in the study present exceptional cases where the notion of titling is challenged as a limited understanding of tenure security in Fingo Village. If anything, their cases show how hard it is to generalise titling as the only preferred choice. The examples provided introduce scenarios that families decided on regarding family property transfers. Hence, the subsequent three cases lend themselves to showing more unconventional means through which women attained tenure security in Fingo Village. Therefore, the researcher explores customary family property transfers that the women's families used to empower them.

¹⁰⁸ Hornby, Kingwill, Royston and Cousins, "Introduction", 30.

¹⁰⁹ Kingwill, "The map", 232.

CHAPTER NINE - UNCONVENTIONAL NARRATIVES OF CUSTOMARY PRACTISE IN FAMILY PROPERTY TRANSMISSION AND SECURITY IN FINGO VILLAGE

Uku gcina ikhaya: the practice of keeping the family home the African way in an urban setting



Figure 24: Home reflections activity facilitated by Phemelo Hellemann. Image by Thingo Mthombeni.

As reviewed before, an *umzi*, or “family home”, is a sacred place. It is a place where family members practise rituals and customs to appease their ancestors. Therefore, some practices are about preserving the family home and protecting it by keeping it in the lineage. However, as Bolt and Masha state, families go to great lengths to make different arrangements depending on how “they see the family house in practice.”¹ Hence, I used the home reflections activity to gather additional information on what ‘home’ and ‘house’ meant to the participants present at the event.² In so doing, I explored how one’s perspective of a home influenced the decisions one made about the house.

¹ M Bolt and T Masha, “Recognising the family house: a problem of urban custom in South Africa,” *South African Journal on Human Rights* 35, no. 2 (2019):158

<https://www.tandfonline.com/doi/full/10.1080/02587203.2019.1632737>.

² See **Appendix 5**: Day 2 Umzi ka mama Documentary screening and image Event Schedule.

One view from a male audience member was that a home is a personal place, which he attributed to himself as an individual.³ His view came across as patriarchal; thus, he assigned the value of *umzi* to the individual man. By viewing himself as a home, he assigned himself the individual power to decide what happens to the family home. His view, indeed, does not represent all Xhosa men's views. However, it did reveal the patriarchal undertones that might be prevalent in some families. It goes against the ubuntu philosophy of collective identity and belonging. As Kingwill explained, an individual view of the family home validated male authority and threatened the lineage.⁴ In such cases, the perception of what a family home means has implications on women's access to family property. Therefore, such views perpetuate the belief that an *umzi* should carry a patrilineal commitment.

This mindset creates patriarchal links between property ownership and men's positions as heads of households.⁵ As Bolt and Masha argue, the family home's patrilineal approach is an apartheid legacy that individualises family history.⁶ The danger in this approach is that it does not acknowledge women in the narrative. Instead, it constructs men as sole decision-makers; thus, it is an individualistic view that does not serve the common good. It also goes against the communal concept of African family structures. Kingwill noted a similar prevalent pattern in Fingo Village amongst male family members. In addition, she discovered cases where men made personal decisions that threatened the tenure security of the family home. For example, she noted cases where men made selfish decisions by taking out loans from money lenders and using the family home as collateral.⁷ Such examples help prove why men are not always the best choices for household and family home keeper positions.

Unlike the male audience member, Mama Grace views the home as a communal space. As she explained, a "home is where everybody's heart is."⁸ Her view affirmed that a family home is a place for everyone; thus, both male and female children have the right to access that space.

³ "Umzi ka mama Rhodes University PhD research project," 23 February 2021, produced by Phemelo Hellemann and Thingo Mthombeni", methodology video, 112:5, <https://www.youtube.com/watch?v=i4HPYRnFwok>.

⁴ Kingwill, RA. "The Map is not the Territory: Law And Custom in 'African Freehold': A South African Case Study" (PhD., University of the Western Cape, 2013), 237.

⁵ F Kalabamu, "Patriarchy and women's land rights in Botswana," *Land Use Policy* 23, no. 3 (2006): 238. <https://doi.org/10.1016/j.landusepol.2004.11.001>.

⁶ Bolt and Masha, "Recognising the family house", 151.

⁷ *Ibid.*

⁸ "Umzi ka mama Rhodes University PhD research project," 19 February 2021, produced by Phemelo Hellemann and Thingo Mthombeni", video, 13:15-13:30, <https://www.youtube.com/watch?v=WKH411ea2Gw>.

Furthermore, as upheld by Kingwill, the family property is a “symbolic place to which all members continue to have access...”⁹ Mama Grace’s statement showed how she understood the significance of this access. Thus, her view aligned with ubuntu’s communalism aspect, which I explain in the succeeding paragraphs.

Although a home is a communal space, customs and rules govern the occupants’ interactions. For urban places like Fingo Village, customs and rules remained flexible regarding decisions in the family home. Notably, Kingwill stated how it was prevalent in Fingo village for families to select women into authority positions as family home custodians.¹⁰ The families who did this believed that choosing trustworthy women over irresponsible men saved the family property from being exploited by greedy male family members.

Here, the researcher uses the communal understanding of family property to explore customary practices and rules of succession and transmission of the family property that tend to favour women. The focus here is on presenting scenarios that saw women become family home custodians, determined by family customs and traditions in Fingo Village.

Housing access and security beyond titling: the customary way

The social embeddedness of customary systems is the source of both their (women) strength and their weaknesses.¹¹

The previous section made a compelling case for why titling was a beneficial practice for Africans in Fingo Village. African tenure, however, offers an alternative and additional approach that benefited Fingo Village women during apartheid. Throughout the thesis, it has been shown how historically, customary practices such as property inheritance were patriarchal. However, the researcher also noted the standard assumption that these systems disadvantaged African women consistently. Indeed, this was often the case, but there are also instances where customary practices favoured and empowered women in private and public spaces. As the above quote by Hornby, Kingwill, Royston, and Cousins suggests, customary systems not only have gender weaknesses; they also have strengths. Unfortunately, scholars

⁹ Kingwill, “The map”, 238.

¹⁰ *Ibid.*

¹¹ D Hornby, R Kingwill, L Royston, and B Cousins. “Introduction: tenure practices, concepts and theories in South Africa” in *Untitled: securing land tenure in urban and rural South Africa*, edited by D Hornby, R Kingwill, L Royston, and B Cousins. (Pietermaritzburg: UKZN Press, 2017), 31.

rarely write about these strengths because “customary practices tend to have a lower status than imposed western law and values.”¹²

Accordingly, this chapter engages with the sample narratives of women who have benefited from customary practices favouring women in family property transmissions, thus shedding light on positive aspects of African traditions and customs. Notably, widows, mothers, sisters, daughters, or unmarried women are all roles and “modes by which women gain access to land”, as Kingwill states.¹³ These identities are more relevant and vital in customary practices regarding access to family property and inheritance. It is these titles that influence how customary rules are applied to advance gender equality within families.

The narratives of Mama Ntombizodwa, Mama Deso and Mama Noli validate the status of women in a positive light, and their stories offer personal insight into practices outside the conventional ways of property transmission. Here, one is reminded of the pre-colonial African matriarchal culture context presented by Amadiume, which portrayed black women as leaders and independent in family relations.¹⁴ Amadiume’s argument offers parallels with the abovementioned women’s experiences as chosen family home custodians, thus highlighting the fluidity and flexibility of African customary practices.¹⁵

Additionally, indigenous knowledge systems offer a framing concept to analyse and interpret the women participants’ experiences. Traditionally, indigenous knowledge systems ideas feature in “disciplines such as ecology, biodiversity and environmental conservation, land and natural resources management, health and education”.¹⁶ However, as a framing concept for this chapter, indigenous knowledge of customary practices which enable women to gain family property without formal documentation is shown to be relevant.

Indigenous knowledge systems refer to a set of traditions or values practised by local communities who share particular “life orientations, ethics, human development, social

¹² *Ibid.*, 30.

¹³ Kingwill, “The map”, 231.

¹⁴ I Amadiume, “African Women: Voicing Feminisms and Democratic Futures,” *Macalester International* 10, no. 9 (2001):55. <http://digitalcommons.macalester.edu/macintl/vol10/iss1/9>.

¹⁵ Hornby, Kingwill, Royston and Cousins, “Introduction”, 31.

¹⁶ G Magni, “Indigenous knowledge and implications for the sustainable development agenda,” *Eur J Educ* 52, (2017):438. <https://doi.org/10.1111/ejed.12238>.

relations, and institutions.”¹⁷ Customary practices are part of these knowledge systems because they govern social relations and ethical practices that determine how families co-exist. Community members or families respect these values and consider them sacred principles that govern their social interactions and relations. Some customary practices grant women a high position in society in African communities, thus elevating their status. Hence, it is not uncommon for indigenous women, especially in an African setting, to hold a higher status than the widely accepted subordinate role. Arguably, the measure of status and equality in an African context was not always gendered, as imposed by the west. Niara Sudarkasa argued that non-hierarchical relationships between males and females in African societies were more appropriate to their realities.¹⁸ This was because African societies operated from the philosophical principle of *ubuntu*.

The *ubuntu* concept “speaks to morality of compassion and communalism,” which focuses on its people’s collective well-being.¹⁹ Within this indigenous framework, women, especially older women, occupy an essential social status in public and private spaces. In the social and home setting, African women have rights and responsibilities. Therefore, as Sudarkasa explains, they are “expected to meet certain obligations the same way males are.”²⁰ Mama Ntombizodwa, Mama Deso and Mama Noli occupy an essential social status in their families. As women whose families entrusted them with family property, they had certain obligations and responsibilities. Therefore, as beneficiaries of their predecessors’ customary knowledge and practices, they were able to share that knowledge with me based on their experiences. In this regard, their testimonies challenge the notion that all customary practice devalues women.

Furthermore, their stories provide links between African indigenous practices such as African spirituality, girl-only families and birth hierarchies as indicators of high status for daughters. Once more, these aspects show how kinship as a binding force can facilitate social relationships positively or negatively to “determine an individual’s behaviour towards another.”²¹ Accounts offered in the literature explored how kinship has negatively disadvantaged African females

¹⁷ PK Kubow, “Teachers’ Constructions of Democracy: Intersections of Western and Indigenous knowledge in South Africa and Kenya,” *Comparative Education Review* 51, no. 3 (2007): 313.
<https://www.journals.uchicago.edu/doi/full/10.1086/518479>.

¹⁸ N Sudarkasa, “The Status of Women’ in Indigenous African Societies,” *Feminist Studies* 12, no. 1 (1986): 94.
<https://millennium.seals.ac.za/iii/cas/login?service=https://www.jstor.org/stable/3177985>.

¹⁹ Kubow, “Teachers’ Constructions”, 313-314.

²⁰ Sudarkasa, “The Status”, 95.

²¹ JS Mbiti, *African Religions and Philosophy* (Oxford: Heinemann, 1989), 102.

from inheritance. However, for these women, kinship helped place them in positions of power within their families as females. Mama Deso occupies a spiritual healer and leader's status. Mama Noli is a firstborn child, and Mama Ntombizodwa brings in the perspective of a girl-only family. Their narratives provide examples of the different arrangements that are available in safeguarding or keeping the family home.

Umzi ka Mama Deso's narrative



Figure 25: Mama Deso's house located in A street Fingo Village in the Old Municipal Location plot. Image by Google Maps.

This house, like Mama Thobeka and Mama Lizeka's houses, used to have a leasehold status, but now it is a freehold property as determined under ULTRA. The house originally belonged to Mama Deso's grandparents.²² The grandparents left the house to their four children, but Mama Deso's aunt is the only surviving child alive out of four siblings. Mama Deso's father was the firstborn child, and her aunt is the last born of the family. Because she is the only living elder, her aunt occupies the role of the family leader. Mama Deso considers her to be the 'big boss' because she makes legal decisions regarding the family home. They have a good relationship, and thus, Mama Deso does not always have to ask for permission to do things around the house.²³ Instead, she has agency as a custodian and family traditional/spiritual healer and leader.

²² Interview with Deso Planga (Fingo Village, Makhanda, Eastern Cape, South Africa, October 30, 2018).

²³ *Ibid.*

Advancing women's access to the property through the spiritual realm

Registration is just a formality. Underneath the formality, the family works out its own arrangements.²⁴

Mama Deso's case is interesting because it presents two generations of women leaders and managers of Planga family property. In this instance, they, like a few other indigenous women in African communities, hold a unique position as custodians.²⁵ As the above quote states, it is standard practice for African families to plan for family property registration and succession. One common customary practice involves family members appointing an individual to take up the role of family property custodian. According to Kingwill, the chosen individual takes up the trustee's role but understands that their occupation is fluid.²⁶ Fluidity does not always mean insecurity, but it can pose a challenge when family relations are uncivil. In such cases, fluidity can threaten the custodian's housing security. Furthermore, this arrangement can either benefit or exclude women depending on the family's attitudes towards gender equality. In Mama Deso's family, the arrangement benefited her and her aunt.

As a result, the two women play fundamental roles, respectively. Mama Deso's aunt occupies a unique position as a mediator and elder in the family. With that role comes specific responsibilities, which include following traditions and customs that govern the family. As Magni explains, older women in indigenous communities carry traditional knowledge to facilitate harmonious family relations.²⁷ Though she is not the family property custodian, she oversees family property decisions to benefit the lineage. This approach upholds the view that "people belong to the property rather than the property belonging to people," as stated by Kingwill.²⁸ Therefore, it lends itself to the ubuntu philosophy. Mama Deso and her aunt are a team. Although her aunt is the elder, she respects Mama Deso's extraordinary role as a spiritual healer and co-leader of the family. They both understand that, culturally, there are specific implications for honouring the spiritual element regarding property transmission. It is part of the sacred indigenous practices that African communities revere. In this instance, the aunt knew

²⁴ RA Kingwill, "Papering over the Cracks: An Ethnography of Land Title in the Eastern Cape," *Kronos* 40, no. 1, (2012):241. <https://millennium.seals.ac.za/iii/cas/login?service=https://www.jstor.org/stable/24341942>.

²⁵ Magni, "indigenous knowledge", 441.

²⁶ Kingwill, "The map", 229.

²⁷ Magni, "indigenous knowledge", 439.

²⁸ Kingwill, "The map", 229.

that she could not oppose Mama Deso's stay at the family house even if she wanted to because it would upset the ancestors.

As mentioned in the heading above, Mama Deso is a sangoma, meaning she is an African spiritual healer and leader. According to Mbiti, African spiritual leaders are specialist professionals who occupy a sacred role and position in their communities.²⁹ This position comes with its own set of responsibilities. Faith Ngunjiri believes that African spirituality upholds the long-standing tradition and customary practice of connecting living people to their ancestors.³⁰ For Mama Deso, the connection played a part in her being chosen as the family property custodian, as explained in the interview.³¹ There is no separation between living and dead in African culture and spirituality, even when it comes to inheritance, as Mama Deso's case proved. As Kingwill explained, property transmission also happened between generations and between the living and the dead.³² In unique cases, ancestors can still communicate their preferences when it comes to family property custodians. In this regard, Mama Deso was the ancestors' preferred choice. Mama Deso's appointment as a spiritual and physical guardian of the family home gave her special family status and family ritual responsibilities.³³

Cheryl Stobie's exploration of traditional healers and their relations to the gender of the ancestors provide context for Mama Deso's vital role and status in her family and community. She explains the significance of women sangoma's status in society and the reverence they receive:

Sangomas enjoy great power in the Zulu community (as in any African community). Although most are women, all are referred to respectfully as Baba, or Father. The occupation is not chosen but is selected for certain sensitive individuals by ancestral spirits, who visit the chosen one with symptoms such as dreams, visions, and hallucinations, culminating in being led to a trainer and being inducted into the mysteries of healing of self and of others. Once trained, sangomas act as diviners, mediating between the world of the spirits and the human realm.³⁴

²⁹ Mbiti, "African Religions", 162.

³⁰ FW Ngunjiri, "Lessons in spiritual leadership from Kenyan women," *Journal of Educational Administration* 48, no. 6 (2010):758. <https://www.emerald.com/insight/content/doi/10.1108/09578231011079601/full/pdf>.

³¹ "Umzi ka mama Rhodes University PhD research project," 19 February 2021, produced by Phemelo Hellemann and Thingo Mthombeni", video, 21:26-21:53, <https://www.youtube.com/watch?v=WKH41ea2Gw>.

³² Kingwill, "The map", 228.

³³ Interview with Deso Planga (Fingo Village, Makhanda, Eastern Cape, South Africa, October 30, 2018).

³⁴ C Stobie, "'He uses my body': female traditional healers, male ancestors and transgender in South Africa," *African Identities* 9, no. 2 (2011):150 <https://doi.org/10.1080/14725843.2011.556792>.

Remarkably, it was Mama Deso's grandmother's ancestral spirit who nominated her to be the family home custodian.³⁵ She accepted the nomination, just like she accepted her calling. Both roles came with sacrifices. As a healer, she made certain sacrifices in life, including celibacy. Here Jenifer Weir's writings on celibacy among women in Southern Africa provides contextual relevance. According to Weir, celibacy in women is "sacred, and it represents a special status."³⁶ Weir's analysis of the special status aligns itself to women chief positions. However, there is another group of women who likewise assume celibacy status in African communities.

Though not applicable to all, spiritual women leaders can also be celibate in African spirituality. As Weir explains, these women play powerful roles in rituals. Because of this, their families often entrust them with various forms of practices, including "custodianship of a sacred object."³⁷ In this regard, Mama Deso's ancestors have entrusted her with the family home, a sacred place. Traditional healers who remain unmarried like Mama Deso receive honour from their lineage and ancestors.³⁸ For her, the honour as a celibate traditional healer came in the form of a house and a family home custodian position. Family members have to accept and respect the ancestors' nomination as sacred. She accepted her position and destiny and enjoys tenure security at present.

It would be taboo to go against the ancestors' choice; therefore, the fear of being punished in the spiritual realm precludes any eviction plans by other family members. Drawing on Weir once more, it is important that the status of spiritual women, who hold sacred power and knowledge in African communities, can never be suppressed.³⁹ It speaks to the historical significance they possess, dating from pre-colonial times. By implication, spiritual women leaders like Mama Deso benefited from family property's spiritual transmission, but their experiences were barely documented. Linking her role to property transmission serves as a dynamic discovery of this study about different ways black women come to acquire property through customary practices.

³⁵ "Umzi ka mama Rhodes University PhD research project," 19 February 2021, produced by Phemelo Hellemann and Thingo Mthombeni", video, 21:42-21:53, <https://www.youtube.com/watch?v=WKH411ea2Gw>.

³⁶ J Weir, "Chiefly women and women's leadership in pre-colonial southern Africa," in *Basus' iimbokodo, bawel' imlambo/They remove boulders and cross rivers: women on South African history*, ed. N Gasa. (Cape Town: HSRC Press, 2007), 15.

³⁷ Weir, "Chiefly women", 10.

³⁸ *Ibid.*, 15.

³⁹ Weir, "Chiefly women", 10.

As she mentioned in the interview, the family house has a title deed list with various names of family members legally entitled to the family home.⁴⁰ However, they accepted that Mama Deso was the ancestors' preferred choice. It does not mean that others are not welcomed to visit the home; they are just not allowed to reside there permanently. When I asked her what her plans were regarding future property transmission, she explained, "I don't know what I will do because I don't even have a child, and I am not married, so my aunt will have to decide; this is a family home anyway."⁴¹ Her response highlighted how Mama Deso knew that family property transmissions in their family were not individual decisions. She trusts that other family members will maintain the communal status of the family home.

Umzi ka Mama Noli's narrative



Figure 26 Mama Noli's house located in Victoria Road, in the original Fingo Village plots. Image by Thingo Mthombeni.

This house is on the original plots of Fingo Village, which had freehold status; consequently, the house is a freehold property. It belonged to Mama Noli's father, who inherited it from his uncle in 1986.⁴² Mama Noli's mother inherited it when her husband passed away. When she passed away, she left the house to all her children, but legally the house is still in her name.

⁴⁰ "Umzi ka mama Rhodes University PhD research project," 19 February 2021, produced by Phemelo Hellemann and Thingo Mthombeni", video, 22:00-22:20, <https://www.youtube.com/watch?v=WKH411ea2Gw>.

⁴¹ Interview with Deso Planga (Fingo Village, Makhanda, Eastern Cape, South Africa, October 30, 2018).

⁴² Interview with Noluthando Shelle (Fingo Village, Makhanda, Eastern Cape, South Africa, June 12, 2018).

There was no formal transfer of the property title deed to reflect the children's names. However, their names appear in the will.

As the firstborn child, Mama Noli has the responsibility of being the family home custodian. She manages the house, and she shares it with her brother. She intends to register the family property as a communal tenure because she believes that it is selfish for one person to be the sole owner of the property.

Empowering first female daughters through family property management

As an older sister, I don't just make decisions, I consult others.⁴³

Mama Noli presents another unique circumstance whereby women accessed family property through customary practices that recognised seniority among siblings. She falls under a group of women who gain a higher status in African societies like Fingo Village through birth. This may not be a standard practice amongst families in Fingo Village. Nonetheless, as Sudarkasa states, African interpersonal relations are also governed by "seniority as determined by birth order rather than by gender."⁴⁴ Therefore, there are instances where "senior sisters outrank junior brothers."⁴⁵ In these instances, sisters gain status in the family based on their position in the birth hierarchy.⁴⁶ Amadiume's conceptualisation of 'male daughters' serves as a valuable example for explaining the significance of birth hierarchies in African communities. As Amadiume stated, firstborn daughters, fall under the category of women referred to as "male daughters".⁴⁷

Traditionally, these women enjoyed wealth and privileges such as "possessions of houses, livestock and ancestral lands amongst other material possessions."⁴⁸ The definition of 'male daughters' was a pre-colonial practice that saw women occupy high places in society.⁴⁹ It designated a context in which senior sisters benefited from inheritance rights like their male counterparts, but this depended on family composition. Not all African cultures necessarily

⁴³ *Ibid.*

⁴⁴ Sudarkasa, "The Status", 95.

⁴⁵ *Ibid.*

⁴⁶ *Ibid.*, 92.

⁴⁷ I Amadiume, *Male daughters, female husbands: Gender and sex in an African society*, (London: Zed Books Ltd., 1987), 31.

⁴⁸ Amadiume, "Male daughters", 31.

⁴⁹ Sudarkasa, "The Status", 91.

embraced the birth hierarchy approach in inheritance practices that included property transmission. Amadiume writes about the Western African context, however, her premise on the high social status given to women is relevant here. Though there are no specific titles given to these women in the South African context, honour and privilege take a similar form. Thus, parallels can be drawn between Amadiume's concept and Mama Noli's case.

As an earlier form of merit-based systems, the gender birth hierarchy approach is one of the local knowledges and practices that fostered gender equality in family property relations. Nevertheless, this approach was interrupted by a western view of democracy that pushed for "personal/individual fulfilment through property ownership."⁵⁰ Consequently, it devalued communal property practices as knowledge systems. It is this individual fulfilment that allowed patrilineal succession to thrive. Nonetheless, some families still honour the female primogeniture strategy, though it is not without its challenges.

What was apparent throughout her interview was that Mama Noli valued her mother's legacy and the decisions she made to push for gender equality in her family.⁵¹ Furthermore, she admired her mother's equitable treatment of male and female children. In this regard, Mama Noli's mother embraced a "participatory form of governance" in the home, which encouraged gender equality among her children.⁵² She passed this knowledge on to Mama Noli, who now also believes that gender is not always the deciding factor in property management.

Although Mama Noli does not have sole rights or ownership of the family home, she has acquired specific responsibilities as a firstborn in the family. For example, she is responsible for managing the family property's legalities and its upkeep. The birth hierarchy approach empowered Mama Noli as the family's chief negotiator and senior sister. By extension, younger siblings are supposed to respect this position. Even though Mama Noli can make decisions as the firstborn child, she does not believe in monopolising that power; hence, she often consults her siblings.

Since she has two younger brothers, it is possible that there is often some form of resistance towards her leadership. As she noted, they sometimes find it challenging to accept decisions

⁵⁰ Kubow, "Teachers' Constructions", 308.

⁵¹ Interview with Noluthando Shelle (Fingo Village, Makhanda, Eastern Cape, South Africa, June 12, 2018).

⁵² Kubow, "Teachers' Constructions", 308.

she makes about the family property.⁵³ Because it is common for men to take up roles as heads of households, they might find it challenging to live under female headship. Therefore, there is a chance that Mama Noli's brothers struggled to accept her authority because they were disappointed about not being chosen as custodians. Nevertheless, she has not allowed this resistance to deter her or force her to compromise the power she possesses within the family. For Mama Noli, there is no threat of eviction unless her brothers decide to challenge the household's current leadership status quo. There was a general sense that, although they might have difficulty accepting some of her decisions, they understand that she is responsible for managing and running the household.

Moreover, she is the financial provider of the family as the only member with a full-time job. She takes her role as household head seriously, but she does not use her position to oppress her dependents. Instead, she adopts a gentle, yet firm approach to leadership. One can see how her role as an elderly female transformed the family home into a collective space that allows for good relationships between her and her brothers.⁵⁴ She runs and manages the family home without the legal authority of a title deed document. In her case, it was not a legal document that gave her authority but her mother's decision to honour and empower her as a firstborn female child.

⁵³ "Umzi ka mama Rhodes University PhD research project," 19 February 2021, produced by Phemelo Hellemann and Thingo Mthombeni", video, 24:24-22:20, <https://www.youtube.com/watch?v=WKH4I1ea2Gw>.

⁵⁴ Magni, "Indigenous knowledge", 441.

Umzi ka Mama Ntombizodwa's narrative



Figure 27: Mama Ntombizodwa house located in C street Fingo Village in the Old Municipal Location. Image by Thingo Mthombeni.

Mama Ntombizodwa has lived in this house since the 1980s. This house initially belonged to her father, and the house is still in his name. Like all the other Old Municipal Location houses, this house changed from leasehold to Freehold under ULTRA in 1991. Her parents were never married. Her paternal grandfather asked her to be the family property custodian after both her parents passed away.

She is the youngest in the family, and there are two other female cousins in the family.⁵⁵ Her extended family has girl children only. They have their own properties/homes, which they acquired through marriage, but they all visit each other regularly.⁵⁶ Although her cousins have not expressed an interest in the family home, the uncertainty of not having a legal document is unsettling for Mama Ntombizodwa. So, she worries about not having a title deed to the house, because other family members from her father's side can claim ownership at any time.⁵⁷

⁵⁵ Interview with Deso Planga (Fingo Village, Makhanda, Eastern Cape, South Africa, October 30, 2018).

⁵⁶ *Ibid.*

⁵⁷ *Ibid.*

An example of African family property transmission for families with only daughters

Sometimes, I get worried by the fact that I do not have the title deed.⁵⁸

Mama Ntombizodwa's case has its unique nuances. She presents two scenarios where she inherited family property, initially her father's, but he subsequently passed away. Though the property belongs to her, there is no legal document to confirm ownership. Instead, the family has followed an untitled transmission of property as an inheritance. As Kingwill explains, "African social systems do not readily yield to naming on title deeds and formal subdivision or the rules for the market."⁵⁹ Indeed, this happens to be the case for Mama Ntombizodwa. As noted before, untitled family property transmissions are typical amongst families in Fingo Village, but it does not mean that they do not value formal titling of the home into their names. As seen in this case, Mama Ntombizodwa worries about not having a legal document that proves that she is the home's legitimate owner. Though this is a valid concern, it is apparent that the traditional way benefited her immensely over the years. The family valued and upheld the grandfather's decision; hence, there have been no disputes about the property so far.

Other than the firstborn daughter's respected status, scenarios where families have only girl children present a nuanced application of inheritance and status. As Duman Bahrami-Rad argued, leaving land or family property "to sons only, such as in male primogeniture, is not always an option."⁶⁰ In families where there are no male heirs to take over family assets, female primogeniture is inevitable. Therefore, in Mama Ntombizodwa's family, all the children born into that family were girls, so female primogeniture was mandatory. Her name, Ntombizodwa means *just daughters* in isiXhosa. A brief explanation of the significance of naming is essential to understanding Mama Ntombizodwa's family status. According to Benson Igboin, African names often convey a message or meaning, and their meaning links to the "circumstances of the child's birth."⁶¹ In Mama Ntombizodwa's case, her name bears meaning as a record of the gender makeup of the children born into that family. Her name directly captures their family composition.⁶²

⁵⁸ "Umzi ka mama Rhodes University PhD research project," 19 February 2021, produced by Phemelo Hellemann and Thingo Mthombeni", video, 20:19-20:22, <https://www.youtube.com/watch?v=WKH4l1ea2Gw>.

⁵⁹ Kingwill, "Papering over the cracks", 242.

⁶⁰ D Bahrami-Rad, "Keeping It in the Family: Female Inheritance," *Inmarriage, and the Status of Women* (2019):10. <https://ssrn.com/abstract=3250395>.

⁶¹ BO Igboin, "An African religious discourse on names and identity," *Filosofia Theoretica: Journal of African Philosophy, Culture and Religions* 3, no. 1 (2014):27. <https://www.ajol.info/index.php/ft/article/view/109943>.

⁶² Igboin, "African religious discourse", 28.

It is unclear whether the name was given to elevate the status she would occupy later as the family home custodian. Nevertheless, her name bears power. As Igboin further explains to “confer a name is therefore to confer personality, status and destiny.”⁶³ Her name manifested her new status as a female custodian who, by extension, had “the responsibility to create a new social order” in family property management. Thus, she indirectly changed the course of family inheritance when she, an African woman in the 1980s, inherited property. Under “normal” circumstances, the property would have gone to the men in the family. However, because there were no male heirs, she inherited it. Female inheritance is not an unusual occurrence in patrilineal societies.⁶⁴ This option might come across as transmission by convenience. Nonetheless, it played a significant role in placing Mama Ntombizodwa within the family property inheritance terrain as an unmarried woman.

Mama Ntombizodwa was fortunate enough to benefit from this practice, given that there are rare opportunities for female inheritance. Historically, the lateral inheritance system was standard in Africa, especially south of the Sahara.⁶⁵ The family property was transmitted horizontally to male sons, deliberately excluding females.⁶⁶ However, in instances where male heirs were not present, then females could be considered as heirs. Once again, this was not a general practice for most families. Therefore, each family had to decide whether to embrace female inclusion or not. Mama Ntombizodwa’s grandfather embraced female inclusion when he appointed her as a custodian. Here, one encounters a case where a man became a promoter of gender equality when society did not afford women such privileges. Arguably, it is unclear whether he intended to promote gender equality or whether he recognised that he had no other option. Regardless, Mama Ntombizodwa’s social role shifted when she inherited property and subsequently became head of the family.

Mama Ntombizodwa’s narrative serves as an example of how customary practices or rules such as inheritance can change to fit a specific family’s situation. As Wilmien Wicomb and Henk

⁶³ *Ibid.*

⁶⁴ *Ibid.*

⁶⁵ *Ibid.*, 5-6.

⁶⁶ *Ibid.*

Smith explain, customary practices and rules are not as rigid and fixed as western law.⁶⁷ Instead, they make allowances for exceptions, as seen in Mama Ntombizodwa's case.

Reflections and conclusion

The discoveries offered by the unique circumstances of women custodians sampled in this section shed much-needed light on unconventional property acquisition. These ways echo pre-colonial African knowledge systems that governed communities. Many centuries later, these practices continue to thrive, as demonstrated by the families sampled. Even though western law, inheritance and property transmission practices are the norm in modern-day societies, people have not neglected the African ways.

It is evident from the women's family practices that transmission with documentation is not the primary goal. Customary land and property transmission practices in African societies, like Fingo Village, continue to survive even in urban settings. To these women, it is not the title deed that affirms their security, but rather the practices that their families have put in place. These indigenous practices survived the assimilation approaches employed by the British and the ruthless policies of the apartheid government that denied women property rights for years.

Moreover, as one of the six mountains of oppression, patrilineal inheritance as a prevalent customary practice and tradition is one of the unfair rules and regulations imposed on women's right to family property. There is no denying that the instances where tradition and culture have oppressed women and denied them equality outweigh good practices that empower them. Protecting women's rights against African customs and practices remains a complex cultural issue.⁶⁸ Culture and tradition continue to shape and influence gender relations in countries like South Africa.⁶⁹ Mama Deso, Mama Noli and Mama Ntombizodwa's narratives serve as adequate examples of customary practices and rules exceptions that can benefit women. However, as seen, this depends on each family's readiness and commitment to embracing gender equality.

⁶⁷ W Wicomb, and H Smith, "Customary Communities as Peoples and their Customary Tenure as Culture: What We can Do with the Endorois Decision," *African Human Rights Law Journal* 11, no. 2 (2011):427. https://www.ahrli.up.ac.za/images/ahrli/2011/ahrli_vol11_no2_2011_wicomb_smith.pdf.

⁶⁸ Kubow, "Teachers' Constructions", 325

⁶⁹ *Ibid.*

As the sampled women's narratives attest, women can operate in total capacity as heads of households. These capable leaders can execute home leadership responsibilities just as men do. Their life stories show that people can continue to live by rules set by tradition and culture, while also embracing women's status and access to material possessions such as family homes in inheritance. Literature explored in previous chapters discussed how widows and unmarried women are negatively impacted culturally by oppressive customs. However, there is also a need to explore how alternative identities and hierarchy positions equip women to take up positions of power within the family.

Firstborn daughters, spiritual leaders, older women, and women from girl children families represent exceptions that are taken seriously when applying and implementing customary rules. Granting women equal opportunity to communal tenure rights does not necessarily compromise culture and tradition. Providing women fair opportunities for property acquisition adds value to their leadership roles as household heads. Furthermore, these women's experiences showed that men's absence does not determine female-headed households' worth. Instead, their value and agency lie in their ability and power to lead themselves and those in their family.

CHAPTER TEN - CONCLUDING REMARKS

As African feminist researchers have argued over the years, African women's stories have either been omitted or written about and represented through theoretical lenses that perpetuated stereotypes. To challenge these stereotypes, African feminists such as Molaria Ogundipe-Leslie advanced African scholarship away from such limiting perspectives and brought African women's stories to the fore. Unlike privileged researchers claiming to give African women a voice, African feminist researchers employed research projects and writings that positively represented African women's experiences. They enabled participants to articulate their stories on their own terms. Therefore, this study went beyond traditional oral history interview methodologies to embrace shared research power with the sampled women. This was achieved by positioning research participants as co-knowledge producers of social content about Fingo Village through the employment of applied theatre strategies.

The participants' stories are emblematic of the history of Fingo Village as a unique place where Africans held freehold title deeds. Moreover, the place is steeped in the complex narratives of Fingo identity expressed in varying perspectives about how the groups of amaMfengu people came to settle in the eastern region of the Cape Colony. Experts have tested these assumptions concerning Fingo history, although some have perpetuated stereotypical writing about Africans as passive participants. What has remained a constant is that the different amaMfengu groups were searching for a new place to call home. Their quest led them to make alliances where and when they saw fit. Though they participated in British Cape Liberal ideals, which assimilated them into the adoption of English laws and practices, they consciously decided to secure land for themselves amid territory battles between the British and the Xhosa. This historical decision benefited their descendants for two centuries. Additionally, unbeknownst to them, a decision made in the 19th century would continue to impact South African property laws in the 20th and 21st centuries.

However, the conversion to western cultural practices interfered with some customary practices that included women's land use, although they did not at the time have decision-making powers. Western practices disadvantaged African women further by denying them the right to purchase land. Nonetheless, Princess Emma made history when she was recorded as the first African woman to own and inherit land under the British government. Although this was a monumental achievement, African women could only buy land legally after apartheid was

abolished. Even under restricted racialised leasehold housing schemes that became synonymous with urban living, African women could not buy houses as the apartheid government saw them as minors. In this regard, no land rights meant no documentation; hence it is challenging to find official records of women who owned land in South Africa pre-democracy.

African women were not oblivious to the challenges they faced. Although official records omitted their names, they made their struggles and experiences known numerous times in the 20th century. They took to the street protesting discriminatory legislation such as pass laws and influx control policies that limited their movement and occupancy in urban areas. Examples from Women of Phokeng, Gugulethu and Fingo Village case studies showed the evolution of African women as heads of households and decision-makers. These accounts highlighted how African women progressed from renting backyard rooms in overcrowded townships to buying their first leasehold houses, then ultimately being granted freehold and equal inheritance rights under the new democratic government. In this regard, African female-headed households' status improved as the government empowered African women through land rights, amongst other human rights granted in the 'new' South Africa.

The case studies discussed above employed traditional oral history interview methodologies, an approach which I found to be one-dimensional. Kingwill's research methodology is worth singling out as her research topic bears similarities to mine, although we crucially arrived at our findings differently. To use Alexandra Gheondea-Eladi's term, what Kingwill's study and mine share is "surface similarity", which in qualitative research denotes an "identification of the characteristics of the target population to which a generalisation is sought."¹ There are identifiable similarities in our studies, because our targeted research participants came from the same backgrounds and location. What differs, though, are our methodological approaches to varying degrees. As a result, there are some findings that Kingwill's methodology did not enable her to uncover.

For example, she offers limited commentary on the role of apartheid policies and laws such as the Group Areas Act (GAA) in changing family property transfers patterns amongst families. Furthermore, she does not discuss the intersecting issue of the missing title deeds in Fingo Village. Moreover, she did not determine whether there is a correlation between female

¹ A Gheondea-Eladi, "Is Qualitative Research Generalizable?," *Journal of Community Positive Practices* 3 (2014): 117. <https://ideas.repec.org/a/cta/jcppxx/3148.html>.

household headship and homeownership. Therefore, I established a correlation between property ownership and female-headed households by drawing on the cases Kingwill presented and those from the participants in this study. Her methodology was effective and commendable in getting the stories out in the open. However, her strategies offered limited participation for the informants, though she conducted follow-up interviews with some of them.

The methodologies I used in this study made it a unique public history study. Through a combination of drama and oral history methods, I worked with Fingo Village women to unearth silenced stories, feelings and knowledge of women property owners. I believe that my in-depth immersion methodology stands as an essential addition to Kingwill's earlier research techniques. Even so, our different methodologies led us to discover different findings about Fingo Village. I reflect on these differences in the section below.

Methodology reflections

Notably, Kingwill's study drew on a series of interviews with informants and various government officials, photographs, relevant research on the topic and European law documents that show the evolution of access to family property through inheritance and custodianship. Overall, her methodology followed a standard oral history interview methodology akin to a quantitative survey. These are all rich methods that assist in the acquisition of information. However, they tend to serve the researcher more than the participants as a top-down research approach.

As noted before, top-down approaches do not encourage shared authority, because the researcher has limited interaction with their participants. In this regard, the researcher often misses out on additional discoveries that frequently come up in research projects in which the researcher has continuous interaction and relationship with their participants beyond the interview phase. Moreover, with this approach, informants do not have the opportunity to revisit their stories or change their views on a particular standpoint, nor do the participants have a chance to meet each other and form a collective community of people with similar stories.

In terms of data handling, analysis and dissemination of the research, the top-down methodology also serves the academic more than the participants. Kingwill's presentation of results is somewhat exclusionary. Because she comes from an Economic and Management Sciences background, she presented her results quantitatively using statistical recording.

Furthermore, her study is disseminated in the traditional academic format of thesis. I wonder if her respondents found it accessible and if they shared it with their families as part of preserving family histories.

Another noteworthy difference was the number of participants interviewed. Although Kingwill interviewed 32 participants, she only managed to interview four families of female title deed holders in Fingo Village, whose names I cited earlier. For this study, I interviewed seven women, which is adequate considering that they agreed to extended participation in the research, which saw most, although not all of them due to personal circumstances, participate in various phases of the research.

Therefore, the extended participation process gave them a platform to share their stories and make them known in multiple ways. In this regard, the study proved why an interdisciplinary research approach was beneficial for the untold stories of Fingo Village women. In addition, the multiple methods used by the researcher provided rich knowledge production and interpretation opportunities.

As Friedman Tilden states, participation is an integral part of the interpretation of historical information.² Applied theatre strategies became the ideal tools for participation and historical content interpretation for this study. The process required me to abandon the purist mindset of the historical researcher that only focuses on discovering historical facts and presenting them. Instead, I relied on drama activities such as hot seating of characters, an interactive exhibition, and a staged play to interpret the historical facts and information gathered from informants. These strategies gave the participants and me a chance to engage in a practical and active process of interpretation together. In addition, the African feminist perspective was a guiding analytical framework that kept my positionality in check as an academic.

Using a participatory research methodology helped facilitate genuine conversations with the participants about customary patriarchal practices that disadvantage women's land and property rights. I observed how the primary participants and audiences engaged in open dialogue and exchanged opinions about why some aspects of culture are oppressive. Given how open-minded applied theatre methods are, the women interchangeably moved between opinions and perspectives as they gained more social consciousness from listening to other women's testimonies. Initially, in our preliminary and follow up interviews, some women, like

² F Tilden, *Interpreting our heritage* (North Carolina: The University of North Carolina Press, 1977), 76.

Mama Grace, had reflected common social gender values and prescripts about married women who inherit the family home. Her perspective shifted as the study progressed and as she met other participants who were custodians of their family homes. The dialogue included authentic exchanges about why having a formal document like a title deed was essential to these women. The women drew on their personal experiences of the Group Areas Act period in Fingo Village and minor family disputes they experienced, respectively. These experiences revealed how title deed documentation saved them from evictions.

Notably, I did not try to convince women without a title deed to pursue formal documentation. They arrived at this realisation themselves, as Mama Ntombizodwa expressed. Having heard and witnessed each other's stories, these women acknowledged the importance of pursuing formal documentation as a way of feeling truly secure in the complex world of competing values concerning gender roles and cultures. The forum theatre technique response to Nomathemba's dilemma achieved the goal it set out to achieve, which was to encourage participants to rehearse making decisions that will empower them in their real lives. That interaction assisted them in growing in their thinking about how the legal approach can benefit them in the future, without disregarding customary practices that have served them well thus far.

Because the primary focus of this study was to make the women's histories known, the way the researcher presented the findings and disseminated the stories is also noteworthy. The advantage of using creative outputs to disseminate research was that they became available to the greater public. The creative outputs served as education material and entertainment, thus making knowledge relatable and information accessible. In addition, the women received copies of the documentary film, so they could keep sharing their stories with more audiences beyond the limitations of conventional theatre spectatorship. Therefore, their stories are now known, and they are in formats that have long-term sustainability and security. In this way, the documentation of the women's stories will not die in archives. Additionally, the two documentary films now serve as visual reference points for academics and the general public interested in the participants' histories and interdisciplinary methodology processes.

The reality is that history material is not always accessible to people due to language barriers or information control issues present in academic spaces. Therefore, there is a need for diverse ways of disseminating research, thus minimising the knowledge gap and intellectual ownership

of research outputs between researchers and their participants. As noted before, the ‘town and gown’ divide in Makhanda often affects the researcher-participant relationship. I experienced this challenge when a few of the participants I contacted were wary of participating. As a result, some declined to take part, while others agreed. The open-ended applied theatre research methods helped ease the anxieties of those who went forward with the research. Hence it is vital to establish sustainable research relationships and methodologies that build trust.

In this instance, as a facilitator, I was responsible for curating carefully constructed activities that helped nurture the researcher and participants relationship. Subsequently, this built a relationship that saw the public and the historian develop a collective understanding of the historical significance of title deed documentation in Fingo Village. Although the women were initially unsure of why their stories mattered and why they should participate in the extended research activities, they ended up feeling stronger and more self-confident about the roles they played as the research progressed. The four phases of the research gave us time and the continuity needed to build a sustainable researcher-participant relationship and the confidence to work with each other accordingly.

Strengths and revelations from the *umzi ka mama* participants

This study explored unconventional ways African women acquired a family property amongst selected families in Fingo Village. The study brought to light several revelations, while cementing existing findings. Firstly, the study showed consistency with Kingwill’s 2013 research study on the prevalent nature of the dual land systems operating in Fingo Village. Much like the original amaMfengu people who assimilated to some British ideals and laws, these contemporary women confidently participate across the two realms.

Their individual experiences revealed that, although they live in urban areas, following traditions and customs holds greater power in families’ handling of property relations. Even after an extended period of westernisation, African people have not entirely abandoned some of their cultural practices. These women demonstrated how western impositions did not successfully replace the much-valued African traditions and practices.³ In this regard, they continued to rely on customary practices for social patterns that determine family property

³ D Arowolo, “The effects of western civilisation and culture on Africa,” *Afro Asian Journal of Social Sciences* 1, no. 1 (2010): 4. <http://mail.onlineresearchjournals.com/aajoss/art/53.pdf>.

relations. Thus, they kept the knowledge and traditions inherited from their ancestors alive. At the same time, they recognised that it was necessary to adhere to western practices in instances where legal matters were concerned.

However, this does not suggest that the women believed the western way was better than the African way. If anything, what their dual practices show is that not all African cultural practices oppress women, as western values might suggest. As Dare Arowolo explains, westernisation in Africa created negative assumptions about African practices, thus leading to the distortion of African values and beliefs.⁴ Arguably, there was an assumption that all customary practices are inherently patriarchal. However, some of the women's accounts have disproved this misconception. Indeed, most customary practices are patriarchal, but exceptional circumstances saw women in Fingo Village become the preferred candidates to inherit or occupy the family home. Although families respected their customs and traditions, they appreciated the legal protection of a title deed document. Disputes over family property made them see and appreciate the value of formal property registration.

Unlike Kingwill's study, which does not outrightly state the importance of formal registration of family property, this study confirms its importance to women. As seen, some families value the practice of registering the new family heirs as property holders because they believe in the legal documentation of family assets. As the women expressed, having legal proof of ownership is vital regardless of good family relations. The proof can either be in the form of a will with a list of family members who have legal rights to the family home or a title deed registration.

For some, the title deed document offered them legal control and complete power over their homes. As noted before, the constitution of South Africa acknowledges women's housing rights as human rights. Indeed, there have been numerous improvements and efforts to accelerate gender equality and inclusion. Unfortunately, however, there is often a gap between what the constitution states about women's rights to property through inheritance and what people practice due to different beliefs and customs in South Africa.

Notably, legal transfer and registration of title deeds empowered Mama Grace, Mama Margaret, Mama Lizeka and Mama Thobeka. Gaining legal control of their properties helped them participate in family life after facing challenges such as the death of a partner, divorce

⁴ Arowolo, "The effects of western", 2.

and exclusion from family inheritance. Property ownership granted them dignity and self-esteem as leaders. However, the registration did not follow individual titling for all the women in the study. Some families, like those of Mama Ntombizodwa, Mama Deso and Mama Noli, practised the communal tenure system.

What also became apparent is that the women all expressed their tenure security plans for future generations. As much as they all articulated the significance of the unconventional customary practices that advanced their property acquisitions, their family property succession plans followed the legal route. They equipped themselves with the legal knowledge to minimise potential family conflicts amongst their children in the future. However, they are not leaving the house to one specific individual but to all immediate family members regardless of their gender or birth hierarchy. They know how exclusionary such social practices can be, having overcome them themselves. Hence, they are determined to practice communal tenure in its originality by giving everyone equal access and rights to the family home.

The women in this study are trendsetters. Their attitudes as capable heads of households showed that they did not allow African culture to dictate their social status and positions in the family. Each woman recounted a different narrative. Some went against cultural norms and expectations by choosing not to get married or have children. Others have made choices to stay in the family home regardless of their marital status. These decisions were testament to their abilities as independent women, who are leaders in their own right.

Furthermore, they confronted patriarchal practices that kept women reliant on men for tenure security. As a result, they broke cycles of female dependency in their families. By discarding traditional gender roles that made them subservient to men, the women fought and protected their rights as family homeowners and custodians. They were not afraid to do things their way to protect their tenure security. Gender prejudices embedded in customary practices and family property inheritance did not deter women from applying gender equality in their own future family property transmission decisions.

Unresolved questions and limitations of the study

The revelations explored in the succeeding paragraphs show how this study achieved its research goals. The study presented exciting discussions on the western versus African practices of ownership and rights. The Group Areas Act emerged as the central point of reference for understanding the history behind the lost title deeds of Fingo Village. However, the study has limitations in terms of the unanswered questions that linger beyond its scope. For example, the research provided accounts of the women property owners in Fingo Village. However, this small sample of participants offers names of women heads of households who lived in Fingo Village between the 1970s and 1994 and subsequently acquired family property in the 21st century.

Having said this, the researcher wishes to provide a preliminary list drawn from Kingwill's research and this study as a starting point toward establishing a comprehensive list for other researchers interested in the topic. Part of reclaiming women's histories involves writing their names into historical records. The study deviates from omitting women's names and providing only fragmented details of their lives, as Roux and St Ledger's study did. Therefore, the names below are of historically known female property owners in Fingo Village. The first nine names come from Kingwill's findings. The additional five names are of women who had legal proof of ownership in this study.⁵ The names are:

1. Nontusi Xhayimpi
2. Lilian Kate Xhayimpi
3. Babalwa Tshezi
4. Letita Siziwe Myamana
5. Nofele Gumanda
6. Jane Nompumelelo
7. Mabel Gaza
8. Edith Mpande
9. Gertrude Kadi
10. Grace Ngcethe
11. Deso Planga
12. Margaret Spencer
13. Lizeka George

⁵ The other two women could not be included in the list because they do not have legal proof of ownership, even though they are recognised as family home custodians.

14. Thobeka Ralo

This list shows that local people have followed legal routes if they want to register their family property in a western way. At the same time, there is still a hesitation to only rely on the legal route given the tumultuous history behind the registration and declaration of family homes at the local housing department. Further research, with a broader scope, could look into different views on title deed documentation to gain a better sense of why people in Fingo Village do not want to talk about or even show evidence of their title deeds. Nevertheless, the study's current findings contribute to Fingo Village history research and serve as an additional knowledge and information repository that supplements previous studies.

More than this, this study revealed the need for the local municipality to improve its efforts in updating and gathering information/records of title deeds in Fingo Village. With more transparent intentions, recovering records this time around does not need to pose a tenure security threat to the owners as during the GAA era. However, the unfinished nature of the title deed recovery still lingers. Without reliable documentation, women's use of title deeds becomes extremely difficult. Given the small sampling of this study, this is not something that could have been achieved. Therefore, there is a need for a much more extensive research project that will require collaboration across different government and university departments with local people. However, for this to happen, the community, academics and government officials need to build trust with one another by forging transparent and open lines of communication. The hope here is that the recovery of documents would carry a different tone than that of the GAA era and thus be more comprehensive.

This new list could include names of generations of African women who were family property custodians and the years they occupied those homes. Further details regarding the circumstances that made them the desirable choice as custodian could be added, along with information on the roles they played in deciding the next family home custodian. The method of transmission could also feature, to indicate whether the transfer followed customary or western practices, in this way making their journeys easily traceable. Such a substantial rollcall of Fingo Village women who were property owners and family custodians could serve as a rich primary source that theatre-makers or literary writers could draw on to write novels or stage performances, like the play that derived from Princess Emma's life history.

Umzi ka mama: an ode to African heads of households

The study explored the lives of black female household heads in Makhanda. Drawn from a small sample, the women participants in this study provided me with valuable data. Moreover, they welcomed me into their homes and trusted me with their stories. Together, we ventured into this interdisciplinary journey. To capture their impact on me, I wrote the brief ode below to show my appreciation. The ode affirms the creative history methodology used in this study, but it also encapsulates their narratives as historically worthy.

What a commanding presence you have,
Neither loud nor quiet
A leader to observe.
Your story is no longer silent,
It is now in the open for all to observe.
They called you a woman, a minor,
Bestowing piles of oppression on your name.
But you carved yourself out of the grave and emerged a victor.
You renamed yourself and rose from which that was meant to bury you.
Now, in this place called Umzi ka mama, your leadership reigns.

Untitled, unwritten, and undermined,
You were denied rights.
You were called incapable, forgetting that you have your own mind.
You transcended every limitation.
Now present and visible,
Your story has come alive through imagination.
You have made your history tangible.
Here I write your name,
In this place, Umzi ka mama.

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Appendix 1: History Department's Informed consent form



RHODES UNIVERSITY

Academic Research Information and Consent Form

INFORMED CONSENT FORM

Department of History Department

**** To be signed in duplicate – one copy to be returned to the researcher and one copy to be retained by the participant.**

Research Project Title:	Umzi ka Mama
Principal Investigator(s):	Phemelo Hellemann
Participation Information	
Thank you for your participation. By submitting this form, you are indicating that you have read the description of the study, are over the age of 18, and that you agree to the terms as described in the short questionnaire that follows:	
I have read this form and received a copy of it. I understand the purpose and nature of this study, and I am participating voluntarily. I understand that I can withdraw from the study at any time without any penalty or consequences. I have had all my questions answered to my satisfaction.	
Yes	
No	
I agree to take part in this study , and I hereby grant permission for the data generated from this research to be used in the researcher's publications on this topic.	
Yes	
No	
I grant permission under the following conditions:	

I grant permission for the research to be recorded and saved for the purpose of review by the researcher, supervisor / principal investigator, and ethics committee.

Yes

No

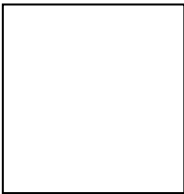
I have read and signed the Documentary release form, and I grant permission for the research recordings to be used in presentations or documentation of this study.

Yes

No

Voluntary Consent

I,, hereby voluntarily consent to participate in the above-mentioned research.

Signature:.....	OR, picture 	Date: / /
	Witness signature:.....	

If you have any questions at any time about this study or the procedures, you may contact the Principal researcher.

Investigator Declaration

I, Phemelo Hellemann, declare that I have explained all the participant information to the participant and have truthfully answered all questions ask me by the participant.

Signature:.....	Date: / /
-----------------	-----------------

Contact:	
-----------------	--

Translator/ videographer Declaration	
<p>I,, declare that I translated a factually correct version of:</p> <ol style="list-style-type: none"> 1. all the contents of this document 2. all questions posed by the participant 3. all answers given by the investigator <p>In addition, I declare that all information acquired by me regarding this research will be kept confidential.</p>	
Signature	Date: / /

Thank you for taking the time to read this information sheet.

Appendix 2: Documentary release form

(UMZI KA MAMA FILM)

I, _____ (Name), the Participant, of _____
_____ (Address) agree to participate in and be
filmed / recorded for a documentary/short film (“My Contribution”) provisionally known as
_____.

I agree to be filmed / recorded on the understanding that:

My name and likeness and opinions may form some of the subject matter of the above film.

1. The producer/director may edit the contribution entirely at her/his sole discretion, and that the interview(s)/scenes will be edited and the sequence of questions and answers/scenes may be juxtaposed with other parts of the programme mentioned above, or any other film.
2. I hereby grant to the Producer/director the perpetual right to use, as the Producer may desire, all video, still picture, motion picture and sound track recordings and records which the Producer may make of me or of my voice, and the right to use my name or likeness in or in connection with the exhibition, advertising, or any other use of such images and recordings.
3. All copyright and any other rights (including moral rights) from my contribution are assigned to and shall be the property of the organisers of **UMZI KA MAMA FILM** being **RHODES UNIVERSITY-PHD RESEARCH** in perpetuity throughout the entire universe.
4. The producer/director may reproduce my contribution in its various versions and associated promotional material or any other film, and the finished material may be distributed throughout the world by any means and shown on any available format.
5. I am not working for **RHODES UNIVERSITY-PHD RESEARCH** and will not receive remuneration for my participation in and contribution to the film at any stage.
6. **PHEMELO CORDELIA HELLEMANN** will acknowledge my participation in the film once the film has been completed.

SIGNED BY THE PARTICIPANT

DATE

PHONE NUMBER

EMAIL ADDRESS

SIGNED BY ***PHD RESEARCH-RHODES UNIVERSITY*** DATE

REPRESENTATIVE

WITNESSED SIGNATURE

WITNESS NAME

DATE

Appendix 3: Play Script, outline and breakdown

An overview of Umzi ka mama performance play

Kwa Nomathemba

1. Background of the story/performance

Umzi ka Mama Performance is a short 10-minute one-woman play reflecting family property inheritance issues and women's role in this regard. The play is a research-based creative output project that infuses academic literature and oral history interviews. The script was conceptualised by consulting a wide range of modern academic literature on black women's rights to property inheritance as defined by African culture and tradition. Additionally, seven African women residing in Fingo Village, Makhanda, were interviewed to capture their experiences of family property inheritance. The play uses normalised gender stereotypes as a dialogue that mirrors how society views and ascribes roles to women.

Moreover, the play offers social commentary on how women can also become upholders of patriarchal practices and systems that disadvantage and undermine women's agency in the home. The play is used to provoke and encourage discussion about customary patriarchal practices that disadvantage women's land and property rights. The performance is to be followed by an interactive Forum Theatre style question and answer session to create a dialogue on how women can empower themselves and each other to be in positions of power as heads of households.

The performance explores essential issues relating to the following questions pertinent to the study's overall research focus. The questions are as follows:

- How do black women acquire family property in a patriarchal society?
- Does registering the family property in their names improve or affect their lives in any way?
- How do black women view themselves in the roles that African culture ascribes to them?
- What are some of the tensions or internal conflicts the women in Fingo Village face regarding customary practices and family property inheritance vs formal family property registration practice?
- How can theatre-based research methodology help facilitate genuine conversations about customary patriarchal practices that disadvantage women's land and property rights?

Nomathemba, the primary and only on-stage character, engages in reflective conversation-like dialogue while trying to sense relief from the responsibility that awaits her as per her father's request.

She uses her conversation with the audience as a tool to justify her views and decision to refuse her father's request for her to be the family home custodian.

2. Style

The play employs a realist performance style to capture Nomathemba's everyday life and interactions. The dialogue embodies everyday language. The realistic dialogue makes it easy for the audience to relate to the character, Nomathemba. The script is in isiXhosa as the dominant language in Fingo Village, but it includes phrases and minimal English interchange. Forum theatre techniques such as hot-seating, question and answer sessions and role swapping were used as tools to respond to questions posed by the facilitator.

3. Setting

The play is set in a two-bedroom, lounge and kitchen house in Fingo Village urban areas located in Grahamstown/Makhanda, Eastern Cape, South Africa. The year is 2019, and the country had just celebrated Women's Day on the 9th of August in commemoration of the brave women who took to the street to fight against pass laws in 1956. *Umzi ka mama* was performed when women now have the right to own property as per the Sout African constitution, but what the constitution says is not always practised by all people.

4. Characters

There is one on-stage character in the play, but she does refer to other off-script characters. There is a voice of the newsreader coming from the radio. A newsreader is a man, and he introduces two women to share their stories. The women's experiences are excerpts from original oral history interviews used to add to the story's essence regarding the cultural and legal challenges women face regarding family property inheritance acquisition.

Nomathemba

4.1. Personal background

Nomathemba is a 52-year-old woman. She grew up in Fingo Village, and she still lives there with her family. She is the firstborn, and her younger brother is Chupster. She is married and lives with her husband and two children, her son Khaya and daughter Thembeke. Nomathemba takes pride in running her household and taking care of her family. Her hobbies include sewing, singing, and she is a well-known member of the local church. She is a Xhosa woman who believes in preserving culture by adhering to specific gender roles that men and women should play.

4.2. Character traits

Nomathemba is an energetic and friendly woman. She respects and loves her Xhosa customs and traditions, especially regarding women's roles and marital responsibilities. She always

wants to do what is right by her culture and does not want to cause what she views as an unnecessary conflict by deviating from the norm.

4.3. Struggle/inner conflict

Nomathemba strongly believes that inheritance should be patrilineal even though her father has offered her the family home. She does think about what it would mean for her to have her family home registered in her name. However, she does not feel equipped to deal with family conflict and the tedious legal processes she would have to get this done.

5. Important characters that do not appear on stage:

Nomathemba's father

He is a traditional Xhosa man, and though he loves his culture's customs and traditions, he wants his daughter Nomathemba to be the family home beneficiary. His wife (Nomathemba and Chupster's mother) passed away when the children were teenagers. His health is ailing, and he needs Nomathemba to agree to his request. He believes that Nomathemba should be rewarded for her loyalty to the family and help with Chupster's upbringing when their mother passed away.

Nomgodi

A young widow whose husband recently passed away. She is determined to keep the house that she shared with her husband and children, but her in-laws keep fighting back, and they have accused her of murdering her husband.

Chupster

Nomathemba's younger brother. He is not married, but he has his own house. He and his father have unresolved issues arising from his childhood. It is unclear whether he is interested in the family property or not, but he is not his father's first choice regarding who is next-in-line to inherit the family home.

Nomdoko

Nomathemba's good friend. She inherited the house she grew up in when her parents died because she was seen as her parents' responsible one. She has an older brother Jongilanga who is used to running their brick family business. She does not want to leave her house to live with her in-laws because she knows her brother will not look after it properly. She wants to renovate the house to keep the market value up if she wants to sell it one day (she is unsure if she wants to sell it).

Jongilanga

Nomdoko's older brother. He inherited the family business, and his sister inherited the family home. Jongilanga has an alcohol addiction problem, and it has cost him the family business. He wants the family home, and he keeps fighting with Nomdoko.

6. Structure and plot development

Nomathemba's father is not well; he keeps insisting that Nomathemba inherit the property. She does not want to take the property because she feels like it will disrespect her brother and culture. Hearing the news about women wanting to register their family homes in their names brings up conflicting feelings that she has been avoiding. She processes this by talking about other people's experiences and the challenges they have had to face to get the property registered in their names. She needs reasons to justify why she is not the right person to inherit the property.

7. Themes

Property inheritance and marriage

Patrilineal inheritance

Tradition and culture: responsibilities and expatiations

Women as upholders of patriarchal systems

Women's agency within the home

Deviation from the norm (father doing the unexpected, daughter scared to deviate from the norm)

Missing title deeds

Dealing with authorities and government officials

8. Symbols

The songs

The pants with holes

Housing Department

Magistrate court

9. Dramatic elements:

9.1. *Set*

The play is in Nomathemba's open-plan lounge and kitchen. The inside of the house looks like an ordinary house in Fingo Village. The couch is positioned to face the doorway to catch the sunlight and have a partial view of the street from where Nomathemba likes to sit. Next to it, there is a small coffee/tea table. The audience can see just the lounge area; the bedroom space is at the back and is not accessible to the audience. The performance space is a small intimate area that somewhat confines Nomathemba to her daily duties and routine.

9.2. *Properties of the Character (props)*

1. There is a **small portable radio**. Nomathemba loves listening to the local radio station, Radio Fingo. She mainly looks forward to hearing the news updates.
2. A **tea set** (kettle, cup and saucer). Nomathemba loves drinking tea between her duties. She uses it as a reward and time to rest. She got this tea set as a wedding present.

3. There is a **washing basket** full of clean clothes that Nomathemba sorts out. She is very particular about making sure that her husband's clothes are well-folded and hung on a hanger for immaculate presentation.

4. The **needle and thread**. Nomathemba uses these to fix her husband's pants.

9.3. Costume

Everyday clothes, a dress, headscarf and apron.

10. Script breakdown

Name of Production: Kwa Nomathemba			Date: 17/09/2019		
Actors/performers:	character name	Location name:	Wardrobe	Hair and make-up	
Nox	Nomathemba	Fingo Village	Own clothes	none	
Set	Couch, small coffee table,				
No. of scenes/acts	Script page	Atmosphere	Sound effects/Music	Props	Notes and cues
Scene by scene sequence					
1. Opening scene: cleaning	2	Vibey	Zabalazaby Thandisa Mazwi	Broom and dustpan	
2. Nomgodi	2	Cheerful	Music in the background	Same	
3. News on the radio	2-3	Serious	Voice of news reader	Radio and teacup and kettle	
4. Nomdoko	3	Conversational	Newsreader sound fades	Teacup	
5. Nomathemba's story	4-5	Busy		washing/laundering basket	
6. Ending	5-6	Busy	Emzini kababa by Blaq Diamond		

11. Script and performance analysis

Scene by scene sequence	Intention	Feeling and emotion	Vocal expression quality (tone, pitch, rhythm)	Action (movement/gestures)	Focus (audience, self, direction)
1. Opening scene: cleaning	Set the mood for the play	Cheerful and happy	Humming along to the song on the radio	Sweeping	On self
2. Nomgodi	To find out more about Godi's situation, any developments	Nosy and still cheerful	'loud gossiping' like speech, greeting a neighbour	Waving at Godi and some hand signals	On off-stage character.
3. News on the radio	To highlight the challenges women still face regarding registration of title deeds and to integrate my (Phemelo) interaction with the Housing Department official	Serious but with a level of dismissive tone	Newsreader tone, with a dismissive approach.	None	On the research participants in the audience.
4. Nomdoko					
5. Nomathemba' story					
6. Ending					

Kwa Nomathemba

(a short one-person play)



Written by

Phemelo Hellemann

Ntomboxolo Donyeli

Performed by: Nox

Directed by: Phemelo Hellemann

Performed by Nox Yafele

About the character

Nomathemba is a 52-year-old woman. She grew up in Fingo Village, and she still lives there with her family. She has a younger brother named Chupster. She is married and lives with her husband and two children, her son Khaya and daughter Thembeke. Nomathemba takes pride in running her household and taking care of her family. Her hobbies include sewing, singing, and she is a well-known member of the local church. She is a Xhosa woman who believes in preserving culture by adhering to specific gender roles that men and women should play. Nomathemba strongly believes that inheritance should be patrilineal even though her father has offered her the family home.

The Set

The play is set in Nomathemba's open-plan lounge and kitchen. The inside of the house looks like an ordinary house in Fingo Village. The single-seater couch is positioned to face the doorway to catch the sunlight and have a partial view of the street from where Nomathemba likes to sit. There is a small coffee/tea table next to the couch. The audience can see just the lounge area, the bedroom space is at the back, and it is not accessible to the audience. The space is set up as a small intimate area that somewhat confines Nomathemba to her daily duties and routine.

(Song playing on the radio: Zabalaza by Thandisa Mazwi)

We meet Nomathemba, cleaning her house. Whilst she is doing this, she is listening to the radio. A song is playing, and she is dancing to the music whilst cleaning. She reaches down to scoop up the dust with her broom and dustpan.

Nomathemba scoops up the dust from the floor and goes outside to throw it away. She sees one of her neighbours, Nomgodi. Standing by the doorway, she shouts to greet Nomgodi.

NOMATHEMBA:

Nomgodi,..Godis, molo sisi.. sobuyile kulandawo...(pause to listen)...ok, bye bye.(Godis, hi sister, you are back from that place?)

Nomathemba goes back into the house. She put the broom and the dustpan down. She approaches the side table, she puts the radio volume softer and starts to make herself a cup of tea. (The radio continues to play softly in the background)

NOMATHEMBA:

Yho! Her husband has just passed away, asazi noba ubulewe yintoni.(I don't know what she was told)

(She pauses to sit down and sips her tea). Ifamily iaccuser yena, bathi iligqirha (the family is accusing her, they say she is a witch). Hai ngoku ngama hieri hieri ifamily iyalwa.(so now there are rumours that the family is fighting) Bathi a phume phele amzini wakhe, uyilonto ngoku engu up and down equqa ecourt, kwa mantyi.(they say she must leave her house, that's why she is going up and down to the court, magistrate court) *(sips tea).* hayi ubusy namaphepha amthetho wabelungu, usistress njee.(she's busy with the paperwork and the white people's laws, that's a lot of stress) *(sips tea, and pauses to think...).* Andazi angayeki umalume wakhe amlwele lempi ngoba zinto zamadoda ezo, hayi thina bafazi.(I don't see why she doesn't just leave her uncle to do this battle for her because this a man's thing, not for us women to do)

The news comes on the radio. Nomathemba puts the volume louder to listen attentively. She continues to drink her tea. She responds with sighs and mumbles as she listens to the news content.

NEWSREADER ON THE RADIO:

(New soundtrack plays) This is your 10' o'clock news with Radio Fingo. Today's top story, a group of women gathered outside the local housing department offices demanding to hear from the officials about the lost title deeds of Fingo Village. The officials refused to talk to the women, and they have issued a statement to say that they do not have any information relating the missing Fingo Village title deeds. They encouraged the women to make an appointment or phone the office to clarify any confusion on the matter. This is what one of the women had to say about why they were outside the offices. *Sis T: lendlu ndayinikwa mna kunye nomyeni ngoba nditshatile, kwathiwa hlala apha nomyeni wakho. Kodwa ke umyeni wam yindoda yomXhosa, akafuni ukuhlala uti yena akanokuhlala ebukhwini.(this house was given to me and my husband because I'm married. I was told to stay here with my husband, but my husband is a Xhosa man he doesn't want to stay here, he says he cannot stay in the in-law's house.) Indlu yam, ndisinile thina saya pha kwa mantyi, ecourt. (My house , I signed for it, we had to go to the magistrate court)*

Another woman shared her frustration about the process of getting the house she inherited from her mother registered in her name through the local housing department.*Mama M: I went to the municipality and they told me that part of the package is you know is getting the title deeds transferred to my name, so they told me that they have this project running. And they told me the entire story that I have to find out from the state attorney, and I got the state attorney's contact numbers and he gave me people's names that were working with him to get this project done. So, it meant that I had to go to East London, and I was referred from one person to the next from 2009.*

More news update on the women's journey in the next hour.

(News soundtrack)

Nomathemba stands up to put her tea down and turns the volume completely down. She goes to behind the couch to fetch the washing/laundry. She starts to sort the laundry by putting her husband's clothes on one side and hers on the other, while looking for holes to fix in the husband's pants.

NOMATHEMBA:

a! a! a! iyho! Hay namhlanje ziyatshisa kwi radio (today's news are interesting) no, no I have NEVER heard of a woman inheriting iproperty, no! Indluyomfazi isemzini, aphakele indoda yakhe yondleke ibesisiquqa esinentetshe. anike idoda yakhe abantwana, acoce indlu, hayi ukubiza umhla ngano wekhaya lakhe to removate ikhaya lakhe bubuvuvu obo.(a women's house is where she gets married. She cooks for her husband, looks protect his dignity, gives him children, clean the house, not this thing of calling family meetings about wanting to renovate the family house) Umzebenzi wandoda! Uyabona lento yeinheritance affects umshado.(that's men's role, you see this thing of inheritance affects marriages) It's exactly what is happening to Nomdoko, I told her and she doesn't want to listen. If your husband does not want to stay in your family house noba seyiyakho wayiphiwe kokwenu. (even if the house is yours, leave it, you must leave your maternal home) Phuma, humba (leave. Go and follow your husband) and follow your husband. He is the head of the house, sell the house. Thengisa londlu, okanye ushiye uJongilanga umtakwenu (sell the house or leave it to Jongilanga, your brother) (*pauses, laughs*) Yhuu enxila enjalo uJongilanga.(yoh, Jongilanga is always so drunk)

Nomathemba starts humming one of her favourite church songs. She gets up to hang up her husband's shirt and then pants. She sits back down on the couch and starts telling her story.

NOMATHEMBA

Yazi,utata uza kum apha endlini yam with my husband, uthi mando hlala ekhaya.(you know my dad came to me here in this house I share with my husband and he said I must go live in my childhood home) Hayi kaloku, I'm married. Iculture itsho umsebenzi wa madoda lowo. (but no, I can't do that because I am married. Our culture says its men who do that) Kutheni angathathi uChupsta mntakwethu, nguyey indoda.Be kuzoba ngcono babe ndiligqirha lekhaya...(why doesn't he go ask my brother Chupsta, he is a man after all. It would make sense if I were a family sangoma) (*pause, she gets up to wrap the cloth around her waist and puts the radio volume up. She picks the laundry basket up, pauses*) yhoo thank God I'm not. Unongendi? Uxwaye umthwalo wamadoda...yho sham igqirha lekhaya...(to remain unmarried? Carried men's burdens on my back... yoh poor family sangomas)(*walks away shaking her head*)

(Song on the radio: Emzini kababa by Blaq Diamond)

*** The end ***

Appendix 4: Day 1 Umzi ka mama Performance Event Schedule



Phase 3: Performance and Forum Theatre techniques

In this session, the women participants are invited to come to watch the performance. The session involves forum theatre techniques that I am using to discuss further how society perceives women who own or are custodians of family property. The session took place in the Fingo Library with the women and invited participants. The performance is used to provoke emotion and critical thinking to confront society's perceptions of different ways in which black women can acquire property. The main focus is on inheritance and how each family deals with the issue and the implications of culture and tradition on women's rights to property within

a family structure.

People to invite:

- Julie
- Masi (assistant/scribe)
- Sasha (assistant/scribe)
- Mwenda
- Tumi (assistant/scribe)
- Allan
- Prof Msindo
- Seven women (each can invite a friend/family member)
- Nichole

Theme: To explore society's perceptions of women who have acquired family property

Aim: To use forum theatre techniques as a creative tool for conversation and discussion on how society perceives women who have acquired the property through inheritance and the role of culture and tradition.

Activity	Description	Skill/Motivation	materials
1. introduction session (5 min)	Opening: Phemelo as the facilitator Welcome everyone to the event and explain the purpose of the event. PJ introduce the performance and explain what it is and how it was created. To provoke conversation/discussion	To set the tone for the event and build the participants' confidence to engage in dialogue by encouraging them to share experiences.	
1. performance (10min)	Watch performance		Speaker, laptop

<p>2. Q and A (5 min)</p>	<p>I agree, maybe and disagree with Nomathemba's comments.</p> <ol style="list-style-type: none"> 1. That Nomdogo should go live with her in-laws and let her brother look after the house. 2. Her brother Chupter should get the house, not Nomathemba. 		
<p>3. Hot seating (10 min)</p>	<p>PJ as a facilitator: invite the audience to interact with Nomathemba or become Nomathemba.</p> <p>A. The audience can ask Nomathemba questions. If they do not have questions, then I will ask.</p> <p>Q: Do we agree that Nomathemba cannot go live with her husband in her family home?</p> <p>Still working in-role as Nomathemba (one of the audience members)</p> <p>B. What advice would you give to someone who does not have a title deed?</p>		
<p>4. Reflection and closing</p>	<p>Share thoughts on the event/experience.</p> <p>Address any questions relating to legal documentation on property. Alternatively, ask people to share their experiences of getting wills OR the title deeds process. (Nox to translate)</p>		

Appendix 5: Day 2 Umzi ka mama Documentary screening and image Event Schedule



Phase 3: Documentary, Image and Playback Theatre techniques

In this session, the women participants are invited to watch the second draft of the documentary. The session involves image and playback theatre techniques that I use to encourage further discussions by revisiting their stories and retrieving any memories or untold stories about their journey to family property acquisition. The session takes place in the Fingo Library, an existing exhibition on Fingo Village's history. The exhibition captures Fingo Village title deeds' origins and the challenges of maintaining homeowner status during the colonial area whilst surviving apartheid laws and passes that threatened to take property away from its owners.

People to invite:

- Julie
- Masi (assistant/scribe)
- Sasha (assistant/scribe)
- Mwenda
- Tumi (assistant/scribe)
- Allan
- Prof Msindo
- Seven women (each can invite a friend/family member)
- Nichole

Theme: To explore the meanings of home and homeownership.

Aim: Use playback and image theatre techniques as creative output tools to interpret emotions towards the stories being witnessed and a reflection on what property ownership means to the women participants.

Activity	Description	Skill/Motivation	materials
2. Engaging with the exhibition (10 min)	<p>Opening: Pj as a facilitator Welcome everyone to the event and explain the purpose of the event. Introduce the people in the room.</p> <p>Participants and audience members are invited to walk around and look at the exhibition on the floor. They can go in pairs, and Julie, Nox and Sasha can each go with a pair.</p> <p>Each person will receive three sticky notes. They can place it on any area of information on the display.</p> <p>1. I have a vague memory of this time/period in my life. OR I have a</p>	To set the tone for the event and build the participants' confidence to engage in dialogue by encouraging them to share experiences.	<p>Three different colour notes</p> <p>Notebook and pens for scribes.</p>

	<p>memory associated with this place/name/person</p> <ol style="list-style-type: none"> I did not know this information; now I know. This is the time I started staying in my house, and I want to tell you more. <p>The women can briefly share each point, but conversations here must be brief.</p>		
3. Watching the Doccie (30 min)	A moment of witnessing their stories. Metaxis.		
4. Reflection from watching	<ol style="list-style-type: none"> What stood out for you when you were watching? Which woman resonates with you or do you share the same experience 		
5. Chair story (5 min)	<p>Pj as conductor Nox as Actor</p> <p>Pj to ask two women to share their thoughts and link them to third point from the first activity.</p> <ol style="list-style-type: none"> While I was watching this, I remembered... Any additional information or developments since the recording of your story... <p>Pj recaps the story and clarifies emotions/feelings to be captured.</p> <p>Let us watch...Nox to act out (capture feeling and mood) a brief improvisation of the story through physical gestures, sounds and limited dialogue.</p>		
3. Reflection and closing	<p>Ask everyone to share/complete the following phrase. What does a home or house mean to you?</p>	To gain an understanding of people's perceptions of home as both a physical and spiritual space. In a sense, they are exploring what meaning people attach to the house as a material object.	