



Becoming a Population: Seeing the State, Being Seen by the State, and the Politics of Eviction in Cape Town

Zachary Levenson^{1,2} 

Accepted: 27 January 2021/Published online: 14 February 2021

© The Author(s), under exclusive licence to Springer Science+Business Media, LLC part of Springer Nature 2021

Abstract

While existing literature has amply demonstrated how states may “see” their populations, we know less about which residents are legible to the state *as* populations. Drawing on extended ethnographic fieldwork and interviews conducted between 2011 and 2019 in Cape Town, South Africa, this paper compares the fate of two large land occupations, one of which was evicted, one of which was not. In doing so, this paper demonstrates how rather than taking “populations” as a given, this status should be understood as an outcome. It suggests that participants in each respective occupation began with different views of the state. In other words, the way residents saw the state impacted each respective organizational outcome, which in turn affected how they were seen by the state. In one occupation, participants saw the state as a partner in obtaining housing, and so they organized themselves as atomized recipients. In the other, they viewed the state as an obstacle, and so they organized themselves collectively. Only in the latter case were residents viewed as a population; in the former, they were all evicted. Ultimately, this paper argues that, by bringing tools from political sociology to bear upon urban ethnography, we can gain insight into a process otherwise overlooked in the literature, allowing us to make sense of a question that is central to understanding urban politics in the global South: how do municipal governments decide which occupations to evict and which to tolerate?

Keywords Eviction · Housing · Urban informality · States · Collective action · Post-apartheid South Africa · Biopolitics

✉ Zachary Levenson
zachary.levenson@uncg.edu

¹ Department of Sociology, The University of North Carolina at Greensboro, 337 Frank Porter Graham Building, PO Box 26170, Greensboro, NC 27402-6170, USA

² Department of Sociology, University of Johannesburg, Johannesburg, South Africa

Introduction

In 2011, thousands of houseless South Africans occupied two stretches of land on Cape Town's periphery, just before that city's municipal elections. In one of these occupations, Rivenland, 1000 residents converged on a publicly owned field adjacent to the final stop on a commuter railway. None of the shacks that were erected interfered with the train's functioning. This was the poorest section of the township, and there were no middle-class homeowners nearby who were worried about property value. Every single participant identified as "Colored," an apartheid-era racial category distinct from "African," and this occupation took place in a neighborhood that was itself nearly entirely "Colored." "Colored" people in this township overwhelmingly vote for the city's governing party, the Democratic Alliance (DA), and so there was no reason for DA-affiliated officials to suspect that the occupation was a political ploy to bring supporters of their chief rivals, the African National Congress (ANC), into DA territory.

Meanwhile, a couple of kilometers down the road in the same township, a few hundred squatters set up shop on a plot of land called Holfield that was split between two absentee landlords: the one a demolition company, the other a property holding concern. Despite initially being smaller than the first occupation, it quickly grew until there were 2600 shacks on the field within a few months. The majority of the occupiers were "African," their first language being isiXhosa, and they largely moved from adjacent majority "African" townships into "Colored" territory. In both of these nearby townships, residents overwhelmingly vote for the ANC, and so it would not have been a stretch to read this occupation as an attempt to dilute DA support in this ward. Moreover, the occupation was quite visible. If Rivenland was located in a far-flung cul-de-sac in the poorest part of the township, Holfield abutted the main thoroughfare along its wealthiest section. And whereas no neighbors challenged the Rivenland squatters, middle-class residents across the street consistently mobilized against the Holfield occupation, demanding that the city oversee their eviction.

Within a year, Rivenland's shacks were cleared, every one of its residents evicted and left to fend for themselves. But Holfield was a different story: a judge ruled that they could not be legally evicted, and they were granted the right to stay put. Despite their best efforts, no such ruling was forthcoming for Rivenland. How can we make sense of this counterintuitive outcome? In other words, why would the more visible settlement, whose middle-class neighbors advocated their removal, and who were overwhelmingly "African" in "Colored" space, avoid eviction?

This paper suggests that this appears as less of a paradox when we examine it from a perspective that tends to be overlooked in the literature: the self-organization of occupiers. Recent work on the eviction of land occupations has done much to help us understand how local governments see and why they evict squatters, whether in the name of "the public interest" (Bhan 2016), "world-class city" branding (Ghertner 2015; Huchzermeyer 2011; Roy and Ong 2011), or reasserting state power (Weinstein 2013). In most of these cases, the state is imagined as active and civil society passive, with the state gazing out over a landscape of preexisting populations. But civil society is never passive. As I argue here, each *population* – by which I mean the popular identification of a people with a territory – emerges through an active process of collective deliberation. In other words, occupiers must *become* a population; they are not inherently part of one that already exists. Only then do they become il/legible to governmental actors, which has real material consequences for their wellbeing – in this case, whether or not they are able to avoid eviction. For James Scott (2009, 105, ix), being "seen"

means “being incorporated as a state subject,” which implies being dominated in the process of state formation. But in the argument I am making here, remaining invisible can be liability, with the illegitimacy that such a condition entails serving as grounds for exclusion from access to municipal goods and services, and even eviction.

This perspective adds another dimension to the existing literature on urban dispossession. Certainly municipal governments do make determinations from a privileged vantage point, “seeing” populations below (Scott 1998). But we can complicate this picture by investigating how it is that populations form in the first place: which ones come to be viewed as legitimate and on what basis? And to what extent can self-organization play a role in shaping how the state sees? For example, if we were to imagine an instance in which an occupation degenerated into multiple, violently contending factions, each one claiming to be the legitimate representative of a given plot of land, we would not be surprised to learn that the local government might view this population with suspicion. It might even refuse to recognize them as a legitimate population in the first place. By contrast, an orderly occupation with a functioning system of self-governance and a sense of collective identity would be easily recognizable to the government as a distinct population. How states see populations, therefore, is shaped by how (or even whether) collective actors comport themselves as such. This resembles what Xuefei Ren (2020, 131) has recently termed “associational politics,” in which “demand groups” emerge in the “unorganized sector” and struggle to hail “weak local territorial authorities.”

As it turns out, the two occupations considered here approximate this contrast, essentially what Sartre (2004) described as the opposition of the series to the fused group. A series is a collection of people all acting in relation to a common object, in this case the land. But a fused group requires a sense of collective purpose; merely acting in simultaneity is insufficient. Rivenland was a *serial* occupation: residents erected shacks on the same field at the same time, but they understood themselves to be mutually exclusive proprietors – homeowners in the making. But in Holfield, residents organized collectively and elected a leadership that functioned as an informal government. They were a *fused group*, acting consciously and collectively rather than simply simultaneously.

This is not to suggest one-to-one correspondence between collective form and eviction outcome. There are many cases of occupiers comporting themselves as a fused group but facing eviction nonetheless, just as there are cases of serial occupations that manage to fend off forced removal. But it does suggest that urban sociologists should consider the collective agency of squatters rather than naturalizing populations as features of a social landscape to be governed from above. Residents must *become* populations, and in this sense, they are outcomes. But under what circumstances do they become populations? This paper argues that how residents see the state affects how they are seen by the state. How they imagine this state and what it wants from them impacts their organizational form. In Rivenland, residents viewed the state as a potential partner in delivery; they were under the impression that each individual household would receive a plot sanctioned by the government. As a result, they were interpellated as members of a series. But in Holfield, residents understood the state to be an obstacle to their occupation. They were hailed as members of a fused group.

The next section of the paper develops a framework for thinking about the politics of populations through a critical engagement with political theorist Partha Chatterjee (2004, 2011). His work on “political society” is useful for thinking about how governments see informal settlements as populations, relating to them as collective entities. But not all land occupations manage to achieve this status; the organizational form an occupation takes is

crucial to understanding how (and whether) an occupation *becomes* legible as a population. The third and fourth sections draw on ethnographic fieldwork to explain how residents came to see the state as each respective occupation unfolded. In Rivenland, they saw the state as a partner in delivery, whereas in Holfield, they tended to see it as their primary antagonist. These sections explain why. And of course, how occupiers saw the state affected how they organized themselves, which in turn affected how they were seen by the state, the subject of the fifth and sixth sections. In Rivenland they were dismissed as opportunists, while in Holfield they were seen as legitimate occupants. The paper concludes by considering the factors that contribute to successful recognition, and more specifically, the intelligibility of a population.

Being Seen like a Population

Why do municipal governments evict squatters from land occupations? The simplest answer is that local states have inextricably connected economic and political aims: they want to limit social spending costs while managing unruly surplus populations. But neither of these explanations can be applied to South African cities without caveats. First, squatters frequently build shacks on public land, which would actually save the government money if it were to construe these populations as no longer in need of homes. Even when occupations on private property remove land from the market (Levenson 2017a), they serve as a form of self-provisioning (Holston 2008; Simone 2004), meaning that, if the government were to define this as adequate housing, they would no longer need to provide alternative accommodation in accordance with their constitutional mandate to do so (Huchzermeyer 2001, 2003; Levenson 2018).

Second, evictions do not tend to dissipate the political rage of the precariously housed. While they may be deployed as a means of partisan retaliation (Auerbach 2016; Levenson 2017b; Roy 2003), the removal of militant squatters has done little to extinguish their political demands. The relocation of land occupiers to state-run encampments has typically been a source of, rather than solution to, mass mobilizations and sustained protests (Powell et al. 2014). More broadly, the most comprehensive analysis to date of demonstrations in South Africa lists housing and evictions as the second largest catalyst of new protest actions (Alexander et al. 2014), coming in just behind deficient service delivery. Evictions then are clearly inefficient instruments of pacification or control; their effect reveals that they actually augment what we might assume they would diminish.

A third explanation suggests that evictions constitute a strategy of rendering the city “world class.” In the most general sense, this is a reference to a “transnational urban system” (Sassen 2001, xxi) in which cities compete with one another in order to become privileged sites of investment, producer services, and corporate control functions (McDonald 2008; Weinstein 2021). Evictions play a role insofar as they represent governmental attempts to emulate existing urban nodes in the global financial circuit by invisibilizing poverty to create a desired image of the city. Whether pressured by local elites (Bhan 2016; Ghertner 2015), growth coalitions (Berrisford and Kihato 2006; Wei 2012), or international real estate developers (Goldman 2011; Weinstein 2014), municipal governments are viewed in this formulation as calculating actors who make eviction decisions in the name of boosting their image. But Rivenland, which was evicted, was hardly visible to middle-class residents, let alone investors; whereas Holfield was located along a major thoroughfare but was ultimately tolerated. While this does not mean that Cape Town’s “urban beautification” did not enter into the municipality’s calculations, it does suggest we need to complicate this narrative.

Fourth and finally, urbanists have argued that clearances are tied to a program of gentrification, applying Neil Smith's (1996) classic rent-gap hypothesis to Southern cities (Lees et al. 2016; Slater 2017). In this formulation, governments do not select real estate for its present value, but rather for its developmental potentiality. What matters is not the absolute value of the land, but the difference between its currently capitalized ground rent and the rent it would fetch were it developed under its "highest and best use" (Smith 1996, 62). Yet nearly eight years after the eviction of the Rivenland occupation, the land remains largely vacant and unlikely to appreciate in value in the near future.

All four of these explanations can help us understand the mindset of a local government that "sees" land occupations as potential threats and develops a plan for their eviction. But since municipalities lack the capacity to evict all new land occupations simultaneously, they need to prioritize some over others. To do this, they constitute a comparative system that treats each land occupation as a "case" (Foucault 1995, 190–191), or what I refer to in this paper as a "population."

Political theorist Partha Chatterjee (2004, 2011) usefully adapts this Foucauldian account to a postcolonial context. In postcolonial democracies, he argues, marginalized populations are excluded from civil society, meaning that they do not relate "to the state through the mutual recognition of legally enforceable rights" (Chatterjee 2011, 13–14). The sphere of rights-bearing citizens, in other words, is limited to the elite and middle classes. This means that the urban poor cannot make claims as individuals but only as members of larger "populations" – a clear nod to Foucault (2007): biopolitics for surplus populations, the sphere of individual rights for everyone else.

Chatterjee's framework is particularly helpful for making sense of urban politics in the global South. Often the rights enumerated in postcolonial constitutions only apply in practice to members of civil society. By contrast, the populations of political society must work to demand access to state-provisioned goods and services, which plays out in a number of ways, ranging from oppositional (e.g., mass protests, collective violence) to collaborative (e.g., petitioning the municipality, organizing a public meeting with officials, electing a *de facto* leadership that comes to be recognized by the state). The local government then responds by making "a political calculation of costs and benefits" in each individual case (Chatterjee 2011, 13–14). This is where postcolonial *democracy* becomes important: democratization means that postcolonial states are suddenly accountable to their populations. Governments can no longer indiscriminately relegate surplus populations to socio-spatial oblivion. Instead, the municipal state must appear benevolent in order to reproduce its own legitimacy. Chatterjee's model provides a way to think about how most postcolonial democracies balance the need to appear inclusive with the fact that they lack the capacity to treat all residents equally. Of course, scarcity does not necessarily yield inequality – unless scarce resources are hoarded by "full" citizens at the expense of the poor. Full citizenship then plays out as upward redistribution, with the urban poor fighting over the scraps. A stratified system of access to the state emerges, with squatters left to articulate their demands collectively as part of a population.

This is a particularly useful framework for thinking about post-apartheid South Africa, where constitutionally guaranteed access to housing and freedom from eviction are limited in practice when it comes to members of political society: hence the existence of a waiting list for housing, for example, with average wait times lasting decades (Levenson 2021a). While Chatterjee describes the process of hailing the government, he does not discuss what happens to those populations that fail to do so. Given the finite nature of the resources to be distributed – housing, services, and so forth – political society assumes an inherently competitive

dimension: populations must compete with one another over access to the state. The government's "political calculation," as Chatterjee calls it, therefore entails the selection of one population over another. But the question remains: *how* is such a calculation made? What are the factors that make this possible?

It is here that the theory developed in this paper nicely complements Chatterjee's: rather than naturalizing all informal settlements as part of a broader landscape of populations, I argue that a settlement's status as a population is an outcome that must be explained. Adapting Brubaker's (2002, 168) suggestion that we should shift "attention from groups to groupness," treating "groupness as variable," we might say that "populationness" is a variable outcome which must itself be explained.

The status of a population is something to be achieved through political struggle, collectively mobilizing in such a way as to appear legible to the state. One potential drawback to Chatterjee's formulation is that it renders squatters passive: the state reads them as populations and makes political calculations accordingly. But which populations is the local government likely to favor and on what basis? Few have a more comprehensive analysis than land occupiers themselves. Based on their countless experiences with occupations in their own neighborhoods, they develop distinct understandings of how the local government perceives these settlements and comes to read them as populations. How they project themselves to the state is inseparable from how they decide to represent themselves.

It is this question that is addressed in the body of the paper. How residents view the state impacts how they decide to represent themselves politically, which in turn affects how (and indeed whether) they are recognized by that state. In Rivenland, occupiers saw a state that wanted them to comport themselves as aspiring property owners – or in Sartre's terms, introduced above, as members of a series: a collection of people all acting in relation to a common object, the land. As a consequence, they were preoccupied with protecting their own individual plots, rather than trying to represent themselves as a collective with shared goals undertaking a common project. The latter situation, akin to Sartre's fused group, captures the occupation in Holfield. This is a collective that not only acts in simultaneity, as in the case of a series, but equally remains unified toward a collective project. In this latter case, residents saw a state that wanted them to organize themselves collectively, and they did so.

Data and Methods

The accounts of Rivenland and Holfield developed in this paper come from ethnographic fieldwork carried out between 2011 and 2019 in Cape Town's Mitchells Plain, the township where both occupations were located and the city's second largest. As a white American academic, I stuck out like a sore thumb in Mitchells Plain, where my very presence risked shifting group dynamics. A settlement leader, for example, might be less confrontational during a meeting in my presence, assuming that I was the bearer of extensive resources – donations, municipal services, building materials, and so forth. For most residents, the only white people they encountered were police, government representatives, and charity workers. I therefore tried to carry out as many one-on-one conversations during my fieldwork as possible, fully conscious of a methodological conundrum: my presence affected the outcome, yet without being present I could not gain firsthand (if any!) knowledge of the occupations at all.

I carried out frequent site visits to both occupations, and I lived with a family that was evicted from the Rivenland occupation and now lives in a nearby shack, staying for weeks

(and sometimes months) at a time over the entire period. We discussed both occupations with other participants on a regular basis. I often gave them rides when they needed them, and we would discuss the occupation in my car. In addition, I collected over twelve hours of camcorder footage shot during the Rivenland occupation and watched (and rewatched) it with participants, pausing frequently for their commentary. I also assembled an archive of all mentions of either occupation in two community newspapers, as well as citywide newspapers, between 2011 and 2017. One participant provided me with her daily diary, which covered both occupations. I was able to use this to corroborate the timeline in newspaper accounts. Finally, I conducted 30 interviews with housing officials, policy consultants, and housing lawyers with specialized knowledge of these two occupations. These data were analyzed and interpretively coded for emergent patterns.

Seeing the State in Rivenland

When the occupation in Rivenland began, participants did not view it as an illegal act. Instead, they understood it to be the legal distribution of plots of land by an organization ambiguously related to the state. A group called the Mitchells Plain Housing Association (MPHA) began holding meetings in the area, explicitly appealing to backyarders. Most people who lived in informal housing in Mitchells Plain, a solid 15% in this particular area, occupied backyard shacks. Sometimes backyarders would find friends or family members who allowed them to erect structures behind their formal houses. Or else they would pay monthly rent to the homeowner in return for access to the land and, if they were lucky, water and electricity.

This is why the MPHA's meetings in their neighborhood immediately appealed to participants. In the months leading up to the occupation, they held gatherings at a local community center and a nearby elementary school. As word spread, there were soon hundreds of people at these meetings. They were always chaired by MPHA members, though they sometimes brought guests with them: elected ward councilors or representatives of the local South African National Civic Organization (SANCO), for example. Most backyarders who attended these meetings were under the impression that the MPHA was related to Cape Town's Department of Human Settlements, the arm of the municipal government responsible for housing delivery.

What they did not know was that the MPHA was actually a front group for the African National Congress (ANC), the ruling party nationally but the official opposition in Cape Town since 2006. Mitchells Plain residents voted overwhelmingly for their chief rivals, the Democratic Alliance (DA), with ANC supporters few and far between. In general, voting is strongly correlated with race in South Africa, with Cape Town's "Colored" population tending to support the DA, and its "African" population going for the ANC. Due to the spatial legacy of apartheid, these voting blocs are often adjacent but mutually exclusive. Bordering Mitchells Plain to the east, for example, is Khayelitsha. While Mitchells Plain is the largest "Colored" township in the country, Khayelitsha is the largest "African" township in Cape Town. When the MPHA brought an ANC ward councilor to a meeting, for example, he actually represented Khayelitsha. And SANCO, despite its nonthreatening name, is actually an ANC-affiliated community organization, and its members in Mitchells Plain were openly partisan.

What was an ANC front group doing organizing a land occupation in non-ANC territory? In the run-up to local elections, party operatives often organize land occupations in rival territory to expand their voter base. In order to pull off this operation of gerrymandering in reverse, moving people rather than district boundaries, MPHA members could not order a group of residents, even those in desperate need of land, to simply walk onto a field and build.

They would lack the trust of participants, and besides, given the precarity of land occupations, people would typically want some guarantee that they would not be evicted as soon as the sun rose the next morning. The MPHA would need to figure out how to stave off the city's Anti-Land Invasion Unit (ALIU), a relatively autonomous arm of the Department of Human Settlements tasked with monitoring new occupations. While ALIU employees are not legally certified to use force or even remove people's belongings, they work in conjunction with the South African Police Service (SAPS), which is authorized to do so. The ALIU acts as quickly as its capacity allows, since South African law prohibits evictions once people's homes are established, even in cases of illegal occupation. While the definition of "established" has changed over time in accordance with new court rulings, the 1998 Prevention of Illegal Eviction from and Unlawful Occupation of Land (PIE) Act stipulates that courts must consider the occupiers' vulnerability, the duration of their tenure, and their likelihood of finding housing elsewhere. For this reason, if ALIU and SAPS can act before residents finish erecting and furnishing their structures, they can prevent an occupation; but if they do not catch them in time, they need to secure a court ruling before they can legally proceed.

So the MPHA held meetings in southeastern Mitchells Plain for months until there were hundreds of people at each assembly. Backyarders shared their stories of hardship from the floor, and the MPHA succeeded in building a certain amount of rapport among potential occupiers, but with one major caveat. The organization did not try to transform this empathy into solidarity and facilitate the birth of a collective organization, let alone a social movement. Rather than building a cohesive force that could unite in the face of anticipated state repression, the MPHA represented the occupation as the distribution of plots of land to residents, as if they were homeowners-in-the-making. The group's generic name gave off the impression that it was working in conjunction with the municipal government. Next door in Khayelitsha, for example, groups like the Khayelitsha Development Forum, while certainly not government entities, often worked closely with the City in public-private partnerships. The presence of ward councilors and SANCO officials at their meetings also did not hurt.

This was on full display when one of the occupiers shared with me a copy of the diary she kept throughout the occupation. On its first day, she described its origins.

People moved onto the Rivenland field on the 13th of May 2011. I was on my way to [the] hospital and came across a meeting of the MPHA. They told us about this land invasion that was going to take place. They didn't use those words, "land invasion." They told us we were going to get plots. They gave out numbers, little numbers, with their stamp on it and charged people 10 rand [80 cents] for registering with them and gave us a plot. They had a book where they put your name and ID number, which they said would then secure your plot. They said we will get the plots that Friday the 13th May, 2011.

The formal order imposed by the MPHA, as well as the involvement of local politicians, made the initial process appear less as a land occupation and more as yet another means of legally obtaining access to housing. They would register with an administrative body, in this case the MPHA, and then would subsequently receive the equivalent of title deeds: the moral authority to lay claim to a given parcel of land. In a real sense, whether this was a self-appointed committee with ambiguous ties to the ANC or an actual representative of the Department of Human Settlements, residents initially perceived their participation as a legitimate engagement with an arm of the welfare state.

The Rivenland occupiers saw the state as a partner in the occupation, and they comported themselves accordingly: as a group of property holders in the making. As atomized individuals

acting out of self-interest, they formed small, mutually exclusive factions with the aim of protecting their claims to the land against rival occupiers. The irony was that it was precisely this factionalism that rendered them less likely to be “seen” as a population in need of housing. Instead, they would appear as disorderly opportunists whose immediate demands for inclusion undermined the formal rationality of the government’s housing delivery program. It was in this sense that a judge dismissed them as “queue jumpers.”

Seeing the State in Holfield

Holfield was a different story entirely. From the outset, the occupation was articulated as a collective project rather than the centralized distribution of plots to prospective homeowners. This occupation was not organized by an outside group, let alone by political operatives who did not even live there. Instead, it was self-organized by a group of informal settlement residents who could no longer stay in their former homes. In February 2012, a few hundred of them left their homes to seek vacant land.

This first wave came almost exclusively from an informal settlement in the township immediately west of Mitchells Plain. Residents erected shacks on an open field along a major thoroughfare connecting Mitchells Plain to the city center. From their perspective, it was clearly not in use. Unbeknownst to them, the field was actually two adjacent pieces of private property – one owned by a sand mining business, and the other by a demolition company. The former used the land for dumping but had never actually mined on the plot; the latter was simply an absentee landlord. They also did not worry about the fact that there was a fairly large, well-organized, middle-class neighborhood on the other side of the road. This neighborhood was effectively entirely “Colored,” whereas the informal settlement west of Mitchells Plain was primarily isiXhosa-speaking “Africans.”

In this first wave, the occupiers cultivated a collective spirit, though it was not quite that of a social movement. None of the occupiers framed their actions in terms of post-apartheid land restitution, let alone decommodification, nor did they talk about making collective demands on the municipal government. In Cape Town, housing-related social movements typically deliver memoranda to government officials at the Civic Centre, listing their demands. But the Holfield occupiers simply wanted to be left alone; rather than making demands on the state, they hoped to evade its gaze altogether. This largely had to do with how they saw the state. Most of the participants in this first wave came from the same perpetually expanding informal settlement in the next township over. The majority of its residents were officially tolerated, but as new shacks emerged in its interstices, the Anti-Land Invasion Unit would try to have them removed. This perpetual tussle with an arm of the municipal state was an entirely different experience from the backyarders who occupied Rivenland. Backyard shacks are rarely policed by the Anti-Land Invasion Unit, and an external organization, the MPHA, framed their occupation as actually involving the state. But in the case of Holfield, residents shared a collective memory of the local government as their ceaseless antagonist.

For this reason, they represented themselves very differently than did the Rivenland occupiers. In the case of Holfield, they sought safety in numbers, even appointing an unofficial representative of the occupation. This was Bonginkosi, who was with the occupiers from the very beginning. Residents’ selection of this particular individual as their representative can partly be attributed to Bonginkosi’s charisma: he always seemed to have a plan, or at least spoke as if things were proceeding according to plan, and he was particularly skilled as an organizer.

As in most sizable land occupations, there were other people vying for leadership, including, as in Rivenland, front groups for political parties or even people who explicitly represented major parties. These included a left-wing ANC front group called the Ses'khona People's Rights Movement, as well as the Economic Freedom Fighters (EFF), currently South Africa's third largest party in terms of parliamentary presence. In all cases, residents viewed them as divisive and voted to expel them from the occupation. I later asked one of the committee members named Ntando, who would succeed Bonginkosi as chairperson, about the EFF presence in the occupation. He told me it was there to be sure, but that residents – and above all, Bonginkosi – were quite clear from the outset: no parties would be involved in the occupation. I asked him if he preferred the EFF's politics to those of the other parties. "No, none of them," he replied. "That's what Ses'khona does. They just try to get more members, but they're not living here. They don't know us."

When the occupation was not met with resistance, others began to move in. The ALIU can only intervene on private property when the landowners file for an eviction injunction, but it took them many months to do so. Once a few hundred shacks had gone up, others from the informal settlement in the next township over joined them, as did a number of backyarders from that township. Then squatters facing eviction in another nearby township began to join the occupation. This brought in a number of Afrikaans speakers, who quickly established a "Colored" corner of the occupation. By the end of the year, there were at least 6000 inhabitants living in Holfield.

This corner grew once Bonginkosi led a march some five miles to the Rivenland field as it was facing eviction. This was immediately after the final ruling when the residents had a month to find alternative accommodation. Some two dozen Holfield occupiers urged the Rivenland residents to move with them back to Holfield, explaining that there was safety in numbers, and that there were already hundreds of shacks up. Besides, unlike in Rivenland, the ALIU and police had not been a daily thorn in their side. Certainly, police harassed residents, but they could not legally remove them from the field.

A few dozen evicted residents followed the contingent back to Holfield. When they arrived, they received a warm welcome. They were shown into a larger shack that functioned as a crèche and told to rest. Residents brought them food and began to move them into shacks while they built their own. Most of them identified as "Colored" and so moved into that section of the occupation, though it depended where there was space. Many of them lived among amaXhosa residents. While they were initially apprehensive, due to both linguistic and cultural barriers, the hospitality they received more than made up for it.

Being Seen by the State in Rivenland

When the Rivenland occupation commenced in May 2011, roughly 1000 residents set up camp on the field across the road from the Rivenland train station. They had each paid a small fee to the MPHA, who instructed them to arrive early that morning to secure their plots. With members of the organization supervising, residents got on their hands and knees and began to define the boundaries of each of their "yards" with wooden stakes and bits of string, mimicking the logic of enclosure. Even if the homes they built were flimsy and the plots small, residents perceived themselves as homeowners in the making, acquiring a sense of autonomy absent to backyarders. In this preliminary phase, they therefore viewed the state as a partner in the occupation. They had not planned for a confrontation with law enforcement, nor had they talked about defensive strategies more generally.

But six days later, the ALIU and the police arrived, announcing that they were there illegally. An officer produced an interdict and gave them five minutes to vacate the land. The occupiers moved to another field just a few hundred feet away and waited for their day in court, to which they were entitled by the South African Constitution. Residents therefore needed to think about how they would be seen by the state. One of them, a longtime activist, secured representation from the Legal Resources Centre (LRC), a high-profile public interest law firm. The lawyer told them that they would have their day in court a few weeks later.

In the meantime, residents continued to look to outside organizations for advice and material support. One such outside actor was Marina, a white, Norwegian-born director of a charity that claimed to help “poor Coloreds.” She was also affiliated to an anti-“African” political party called the Cape Party, of which her son was a leader and perennial candidate. While it might seem odd that a white supremacist would align with “Colored” squatters, she convinced them of the necessity of forming a white-“Colored” alliance against “Africans,” whom she defined as migrants, in contrast to the “Colored” population, which she described as indigenous to the Cape.

By late June, Marina succeeded in forming an alliance with the MPHA, and they worked to force the tiny minority of “African” squatters from the field. At an occupation-wide meeting on the last day of the month, residents who were skeptical of the MPHA’s maneuvering called attention to the danger of continuing to split the occupation into contending factions of small proprietors. A few days later, they formed a rival alliance called Residents Unite that sought to break with the exclusivist politics of the MPHA’s alliance with Marina. The day after their first official meeting, the land occupation physically split into opposing camps. Members of each faction threatened the opposing groups with violence, and in some cases, altercations broke out.

The court date was postponed repeatedly. In the meantime, the City government’s spokesperson told a community newspaper, “We are sympathetic that some people have been waiting for a long time for housing and may be impatient. But the City cannot allow people to illegally occupy vacant land or build informal structures. Illegally invading land may delay or prevent formal housing in areas of invaded land. The [Rivenland] site has been identified for future housing projects” (Papier 2011). Today, more than eight years after this statement, no housing developments are currently planned for the Rivenland field. But the City’s statement does get at one important truth: the municipal government views self-provisioning as a threat to the order required to operate a functioning housing delivery system (Levenson 2019, 2021b). From the City’s point of view, ordered homelessness is preferable to disorderly survivalism. Legal decisions and government statements obey a logic that opposes order to opportunism, mapping the former onto unitary organization and the latter onto factionalism.

The High Court finally issued a ruling on August 30, 2011, but the occupation was not organized in a form legible to the municipal government. Instead, residents’ search for recognition from the local state was impacted by their seriality, which was in turn shaped by how occupiers saw the state. Since they initially viewed it as a partner in a redistributive project, they largely comported themselves as petty proprietors forming small alliances and competing with other occupiers. Whenever outside entities entered the scene, including the MPHA and Marina’s charity, factions jockeyed with each other to align themselves with these organizations, hoping to secure a leg up over other residents.

The same might be said for residents’ orientation toward their legal team. Rather than collectively interfacing with their lawyers through established representatives, members of each faction would scramble for the lawyers’ attention. Exasperated, each lawyer would

demand a single person with whom to exchange information, leaving it up to the residents to resolve their struggle over representation.

When the judge issued his final ruling, he upheld the eviction order. He began by reproaching the occupiers as “opportunists” in Afrikaans, lecturing them about how the South African government was trying to secure their futures and that their disorderly composition made this impossible. He went on to condemn the MPHA: “For their own selfish purposes, they abuse the homeless and the poor... This is criminal on the face of it,” he declared. “Such elements do not belong in an ordered society, who then abuse their own people who are vulnerable to their schemes.”

The judge dismissed the MPHA as a group engaging in “haphazard business” as opposed to “an organization that fights for the rights of backyard dwellers.” It was as if he were directly criticizing them for failing to form a fused group. The squatters’ penchant for individualized rather than collective demands particularly irked the judge. “That piece of land seems to me to be very nice with the sea air blowing over the hill,” he joked. “I want to stay there, so now I’m going to take me a piece of land so I can just sit there. Then it takes the City Council months to get to me, and since I built my place and brought my children, even if I’m brought to court, it’s now too late to evict me. It does not work like that.”

The judge concluded his ruling by insisting that the remedy should not be to reward those who have jumped to the front of the line, but rather to help them insert themselves onto the housing waiting list in an orderly fashion. Their lawyers, he suggested, should provide guidance in getting them back on the list so as to ensure “that things run smoothly and you do not have this situation.” That was his approach to the victims. The perpetrators, however – those who made the occupation appear legitimate and orderly in the first place – would face possible charges: “The deceivers must be denounced.” He then read the eviction order, giving the occupiers a month to vacate the field.

Being Seen by the State in Holfield

For the first few months of the Holfield occupation, representative power was concentrated in the hands of Bonginkosi alone. He was in direct communication with the occupiers’ pro bono lawyer, whom they had secured through the LRC, just as in Rivenland, and he seemed to have amicable relations with representatives of the Department of Human Settlements whenever they would stop by the field. Over time, however, residents grew skeptical of his authoritarian tendencies. At the height of Bonginkosi’s rule, residents would line up outside his shack waiting to talk to him, and the queue would stretch around the corner. It began as a way for residents to access their lawyer, or at the very least figure out what was going on with their case, but it quickly became a venue for mediation in interpersonal disputes, as well as informal governance of the settlement more broadly. Beyond these individualized sessions, he would periodically brief the community, but often this was to a crowd of hundreds. Many people wanted personalized information, or at the very least, assurance that eviction was not imminent. Or else they would urge Bonginkosi to negotiate some concession from the municipality.

Over time, Bonginkosi grew less active in settlement-level politics. He accepted a gig from the City coordinating a toilet-cleaning operation in the “African” township immediately east of Mitchells Plain. The idea was that he would secure jobs for Holfield residents in return for political support. Residents demanded an alternative, but they also feared splitting the population into rival factions. Their solution was to elect a twelve-person committee that included both Bonginkosi and his chief rival, a middle-aged man who went by Ntando, introduced

above. It was evenly split between men and women, though when I attended their meetings, the men would invariably dominate discussion. But the inclusion of both Bonginkosi and Ntando, as well as other more neutral members, eased the transition to a more representative body. Residents' demands for this newly democratized committee appeared to have less to do with abstract principles of democracy than with the practical necessity of accessing information about the status of their court case.

Just as in Rivenland, court dates proliferated. Given that Bonginkosi stopped reporting back to residents with any frequency, no one seemed to know what was going on. The residents managed to secure a legal team through the same public interest firm used by the Rivenland occupiers. Key to their victory was their combined ability to represent the residents as a population – a people legitimately associated with a given territory – rather than as opportunists, queue jumpers, or other self-interested individuals whose presence in Holfield was represented as fleeting and nomadic.

The municipal government had urged the owners of the two adjacent plots upon which Holfield was built to apply for evictions so that the High Court could issue interdicts. This was in February, immediately after the first wave of squatters set up shop. At the time, the City's advocate would subsequently argue, "The City had the resources to accommodate 100 households under its Emergency Housing Programme." When there were only 300 or so squatters on the land, the government could find them alternative accommodation. This was feasible. But with the population now roughly twenty times that number, "the demand for housing under the City's Emergency Housing Programme outstrips its supply."

Throughout the hearing, the City represented the squatters as "opportunists," to use their advocates' word. This fit with the City's larger attempt to represent all land occupiers as free riders in search of a quick buck rather than as homeless people in need. "It is submitted that the legal position is that opportunists should not be enabled to gain preference over those who have been waiting for housing, patiently, according to legally prescribed procedures," they wrote. But where were they to go? Even the City's advocates acknowledged the lack of options for many of the Holfield squatters but these same residents are tarred as "opportunists." This is despite the fact that "the residents assert in terms that they do not wish to bump anyone off the housing list" and that they "do not assert a claim for formal, permanent housing." So what was the nature of this opportunism?

Ultimately, it boiled down less to a specific instance and more to the way the government imagined the logic of land occupations. "Land invasion is inimical to the systematic provision of adequate housing on a planned basis," the City's advocates argued. Occupiers are invariably "opportunists [who] should not be enabled to gain preference over those who have been waiting for housing, patiently, according to legally prescribed procedures." This unmanageable opportunism was counterposed to orderly subjects of redistributive democracy – "those who have been waiting for housing, patiently." The advocates continued: "For this reason, the residents should not be permitted to claim permanent housing ahead of anyone else in a queue."

The residents' legal team challenged the City's argument as inconsistent. First, the very notion that the squatters are opportunists was belied by the fact that the City admitted that they were largely homeless. Whereas in Rivenland the City was able to successfully represent the squatters as opportunists vying with one another for plots of land, in the case of Holfield it failed to do so. If the City argued that the spontaneity of land occupations threatened the functioning of the delivery apparatus, the squatters' lawyers responded by questioning the inflexibility of the City's plans: "The failure of a municipality to plan for or foresee the

possibility of the eviction of a large number of poor people is no excuse for refusing to formulate a rational plan to provide alternative accommodation, once the possibility of an eviction and consequent homelessness is drawn to its attention.” It is undoubtedly frustrating to those overseeing housing delivery when unanticipated externalities threaten the system’s very functioning. Yet formal rationality is never an end itself; the entire reason the City even has a housing policy is to accommodate those in need.

On June 3, 2013, the judge ruled in favor of the occupiers but with some qualifications. “The City of Cape Town and the two landowners agree,” he wrote, “that the consequences of an eviction at this stage will render the majority of the occupants homeless.” He discussed them as a population, never as individual opportunists. “Judging from the expert reports filed, [they] have settled to the extent that there are now some 1,800 structures, including crèche’s [*sic*] and spaza shops on the land.” He never refers to contending factions or internal strife, as was the case in Rivenland, but always discusses them *en bloc*. For now, the squatters were safe.

Discussion and Conclusion

This then is how Rivenland was designated for eviction, whereas Holfield was tolerated, ultimately growing to roughly 18,000 residents in 6000 shacks. Now more than eight years since Rivenland was cleared in 2012, the municipal government has no plans to develop the land. This was clearly not a straightforward case of gentrification or a land grab. An alternative explanation would be to assume government hostility to “African” squatters moving into a predominantly “Colored” area, especially given the sustained campaign by “Colored” middle-class residents to have them removed. But it was the “Colored” occupation that was evicted. The same is true for partisan affiliation: the DA government would presume that “Colored” occupiers would be more likely to support their party, whereas “African” occupiers would be more likely to support their rivals, the ANC and the EFF. But again, it was the former occupation that was cleared.

If we shift our focus to intra-occupation dynamics, rather than taking these populations as facts on the ground, we come to understand how residents *become* populations. Not all residents are represented in populations; the “populationness” of any given settlement is itself variable. From the vantage point of government officials, “populationness” is quantitative: a population is either more or less legible. But from the perspective of occupiers, “populationness” can be qualitative: it can assume multiple possible forms. To its participants, both occupations produced populations, albeit organized in different forms: Rivenland was serial whereas Holfield was a fused group. But government officials, judges, and lawyers did not share their vantage point; they only recognized the fused group as a legible population, which increased the likelihood that Holfield would avoid eviction.

An occupation’s organizational form then helps us explain an otherwise paradoxical outcome. But we also need to understand the conditions under which occupiers assume one form or another. Why, in other words, did Rivenland assume the form of a series whereas Holfield was articulated as a fused group? First, we need to understand organizers’ history of engagement with the government, as this strongly shaped occupiers’ collective vision of the state. The Holfield occupiers, for example, originally moved to the field from a large nearby informal settlement, sections of which had been contested for years. As such, they regularly came into contact with the Anti-Land Invasion Unit and came to see the state as their

antagonist and united in opposition to it, almost as if they were a social movement. They were actually closer to what Asef Bayat (2013) calls a social *non*movement: they were not trying to make demands on the state so much as to evade the state's gaze altogether. It was particularly unexpected that they were ultimately the more legible of the two occupations. Meanwhile, in Rivenland, the bulk of the occupiers came from backyard shacks in the immediate vicinity. Because they were living with homeowners' approval, they did not experience representatives of the state in a particularly antagonistic way. And since the MPHA represented itself as a legitimate distributive arm of the state, occupiers initially viewed the government as a partner in their occupation. By the time they realized otherwise, it was too late: their organization was segmented.

Second, race likely played a significant role. "African" residents saw a need to represent themselves collectively given the history of their marginalization in Cape Town. "Colored" residents were of course also marginalized, but insofar as the apartheid-era racial hierarchy continued into the present, they saw themselves as more likely to be heard than their "African" neighbors. And they were: in the waning years of apartheid, "Coloreds" gained formal political representation whereas "Africans" did not. In Chatterjee's terms, "Africans" were conscious of their exclusion from civil society, whereas "Colored" residents were not and continued to act as if they were rights-bearing citizens.

Third, the presence of political parties had an effect. In Rivenland, even before the morning of the occupation, an ANC front group had interpellated participants as atomized recipients of government housing, almost as if it viewed them as potential voters. In this sense, they were hailed as members of a series: all participating in the same political project, but simultaneously rather than collectively. But in Holfield, organizers were wary of the role of parties, expelling an ANC front group early on and other party representatives as the occupation continued. These organizations were seen to be divisive, parasitic, and above all, not particularly useful toward their collective goal of evading the state.

Additional factors were surely in play. But the point is that we need to understand how and why residents come to see the state as they do, which in turn impacts how they come to be seen by the state. The way they collectively articulate their "populationness," while appearing in this or that form from their own perspective, can affect whether they are legible to the state as populations at all. It is this legibility, this ability to collectively project themselves as a worthy population, that ultimately affects whether they are even allowed to stay put in their self-provisioned shacks, or else are doomed to lives of perpetual houselessness.

Acknowledgments I want to thank Tad Skotnicki, Sahan Karatasli, Sneha Annavarapu, and the two anonymous reviewers for critical feedback that substantially strengthened this paper. Additional credit goes to Michael Burawoy, Gillian Hart, Dylan Riley, Carter Koppelman, Mara Loveman, and Vinay Gidwani for generative criticism on earlier iterations of this paper.

References

- Alexander, Peter, Carin Runciman, and Trevor Ngwane. 2014. Media briefing: Community protests. Paper presented at the social change research unit, University of Johannesburg, South Africa, 12 February 2014.
- Auerbach, Adam M. 2016. Clients and communities: The political economy of party network organization and development in India's urban slums. *World Politics* 68 (1): 111–148.
- Bayat, Asef. 2013. *Life as politics: How ordinary people change the Middle East*. Stanford: Stanford University Press.

- Berrisford, Stephen, and Michael Kihato. 2006. The role of planning law in evictions in sub-Saharan Africa. *South African Review of Sociology* 37 (1): 20–34.
- Bhan, Gautam. 2016. *In the public's interest: Evictions, citizenship, and inequality in contemporary Delhi*. Athens: University of Georgia Press.
- Brubaker, Rogers. 2002. Ethnicity without groups. *European Journal of Sociology* 43 (2): 163–189.
- Chatterjee, Partha. 2004. *The politics of the governed: Reflections on popular politics in most of the world*. New York: Columbia University Press.
- Chatterjee, Partha. 2011. *Lineages of political society: Studies in postcolonial democracy*. New York: Columbia University Press.
- Foucault, Michel. 1995. *Discipline and punish: The birth of the prison*. New York: Vintage.
- Foucault, Michel. 2007. *Security, territory, population: Lectures at the Collège de France, 1977–1978*. New York: Picador.
- Ghertner, D. Asher. 2015. *Rule by aesthetics: World-class city making in Delhi*. Oxford: Oxford University Press.
- Goldman, Michael. 2011. Speculative urbanism and the making of the next world city. *International Journal of Urban and Regional Research* 35 (3): 555–581.
- Holston, James. 2008. *Insurgent citizenship: Disjunctions of democracy and modernity in Brazil*. Princeton: Princeton University Press.
- Huchzermeyer, Marie. 2001. Housing for the poor? Negotiated housing policy in South Africa. *Habitat International* 25 (3): 303–331.
- Huchzermeyer, Marie. 2003. Housing rights in South Africa: Invasions, evictions, the media, and the courts in the cases of Grootboom, Alexandra, and Bredell. *Urban Forum* 14 (1): 80–107.
- Huchzermeyer, Marie. 2011. *Cities with "slums": From informal settlement eradication to a right to the city in Africa*. Cape Town: University of Cape Town Press.
- Lees, Loretta, Hyun Bang Shin, and Ernesto López-Morales. 2016. *Planetary gentrification*. Cambridge: Polity.
- Levenson, Zachary. 2017a. Social movements beyond incorporation: The case of the housing assembly in post-apartheid Cape Town. In *Global resistance in southern perspective: The politics of protest in South Africa's contentious democracy*, ed. M. Paret, C. Runciman, and L. Sinwell, 89–104. London: Routledge.
- Levenson, Zachary. 2017b. Precarious welfare states: Urban struggles over housing delivery in post-apartheid South Africa. *International Sociology* 32 (4): 474–492.
- Levenson, Zachary. 2018. The road to TRAs is paved with good intentions: Dispossession through delivery in post-apartheid Cape Town. *Urban Studies* 54 (14): 3218–3233.
- Levenson, Zachary. 2019. "Such elements do not belong in an ordered society": Managing rural-urban resettlement in democratic South Africa. *Journal of Agrarian Change* 19 (3): 427–446.
- Levenson, Zachary. 2021a. Post-apartheid housing delivery as a (failed) project of remediation. In *Land issues for urban governance in sub-Saharan Africa*, ed. R. Home, 189–206. New York: Springer.
- Levenson, Zachary. 2021b. South African evictions today. *Contexts* 20 (1): 26–31.
- McDonald, David A. 2008. *World city syndrome: Neoliberalism and inequality in Cape Town*. London: Routledge.
- Papier, Melissa. 2011. Voter turnout strong among protests. *People's Post Mitchells Plain*, 6.
- Powell, Derek M., Michael O'Donovan, and Jaap De Visser. 2014. Civic protests barometer 2007–2014. Dullah Omar Institute for Constitutional law, governance and human rights, University of the Western Cape. Cape Town: Multi-Level Government Initiative. <https://dullahomarinstitute.org.za/acsl/barometers/20150219-civic-protest-barometer-published-dp.pdf/view>.
- Ren, Xuefei. 2020. *Governing the urban in China and India: Land grabs, slum clearance, and the war on air pollution*. Princeton: Princeton University Press.
- Roy, Ananya. 2003. *City requiem, Calcutta: Gender and the politics of poverty*. Minneapolis: University of Minnesota Press.
- Roy, Ananya, and Aihwa Ong, eds. 2011. *Worlding cities: Asian experiments and the art of being global*. Malden: Wiley-Blackwell.
- Sartre, Jean-Paul. 2004. *Critique of dialectical reason, volume one*. New York: Verso.
- Sassen, Saskia. 2001. *The global city: New York, London, Tokyo*. Princeton: Princeton University Press.
- Scott, James C. 1998. *Seeing like a state: How certain schemes to improve the human condition have failed*. New Haven: Yale University Press.
- Scott, James C. 2009. *The art of not being governed: An anarchist history of upland Southeast Asia*. New Haven: Yale University Press.
- Simone, Abdoumalik. 2004. *For the city yet to come: African life in four cities*. Durham: Duke University Press.
- Slater, Tom. 2017. Planetary rent gaps. *Antipode* 49 (S1): 114–137.
- Smith, Neil. 1996. *The new urban frontier: Gentrification and the revanchist city*. London: Routledge.

- Wei, Ye Hua. 2012. Restructuring for growth in urban China: Transitional institutions, urban development, and spatial transformation. *Habitat International* 36 (3): 395–405.
- Weinstein, Liza. 2013. Demolition and dispossession: Toward an understanding of state violence in millennial Mumbai. *Studies in Comparative International Development* 48 (3): 285–307.
- Weinstein, Liza. 2014. *The durable slum: Dharavi and the right to stay put in globalizing Mumbai*. Minneapolis: University of Minnesota Press.
- Weinstein, Liza. 2021. Evictions: Reconceptualizing housing insecurity from the global south. *City and Community*. <https://doi.org/10.1111/cico.12503>.

Publisher's Note Springer Nature remains neutral with regard to jurisdictional claims in published maps and institutional affiliations.

Zachary Levenson is an Assistant Professor of Sociology at the University of North Carolina, Greensboro and a Senior Research Associate at the University of Johannesburg. His ongoing research in South Africa synthesizes political and urban sociology, investigating how the post-apartheid state manages surplus populations, pairing housing delivery and eviction as twin technologies of rule. More generally, he is interested in social and political theory, urban studies, development, and ethnography. Levenson is currently completing his first book, entitled *Delivery and Dispossession: Land Occupation and Eviction in the Post-Apartheid City*.