

Title: Lies of the Land – A History of Spatial Inequality in South Africa, 1910 to the Present

My doctoral research is a longitudinal legal-historical study of the production and reproduction of spatial inequality in relation to land ownership in South Africa. While the principal period of analysis is 1910 to the present, the thesis adopts a longer historical genealogy beginning with the establishment of Dutch colonial rule at the Cape in 1652. Its central argument is that contemporary South African spatial inequalities cannot be understood solely as the product of twentieth-century apartheid planning. Rather, apartheid inherited, re-organised and intensified legal and institutional arrangements whose foundations were established through earlier colonial regimes of land acquisition, tenure, registration, administration and territorial control.

Through comparative case studies of the colonial Cape and KwaZulu-Natal, the thesis traces how successive regimes transformed African landholding and territorial authority through freehold, quitrent, locations, reserves, trust land and customary tenure. My research reconstructs the transformation of land relations from the Great Trek and the establishment of the Republic of Natalia, through British colonial rule and the development of freehold and quitrent tenure, to the creation and administration of African locations, reserves and trust lands. The resulting differentiation between forms of ownership, occupation and tenure became geographically concentrated, producing a spatial order in which access to land, security of tenure, mobility and economic opportunity were increasingly structured along racial lines. This demonstrates that these were not simply distinct categories of landholding, but differentiated legal regimes that allocated unequal degrees of ownership, security, mobility and economic opportunity.

Existing scholarship on South African land dispossession and segregation has understandably emphasised foundational statutes such as the Natives Land Act of 1913 and the Native Trust and Land Act of 1936. Yet statutes alone cannot explain how these legal principles were translated into concrete geographical outcomes. My doctoral thesis therefore examines the institutions and officials responsible for implementing them, including land boards, surveyors, registrars, magistrates, colonial officials and native-affairs administrators. In doing so, it demonstrates how abstract legal distinctions became embedded in cadastral boundaries, registration practices, administrative jurisdictions and patterns of land settlement.

The historical genealogy developed in my PhD study is ultimately connected to South Africa's contemporary constitutional commitment to spatial justice. The Spatial Planning and Land Use Management Act 16 of 2013 (SPLUMA) explicitly requires the redress of past spatial and developmental imbalances through improved access to and use of land. Its principles of spatial justice, spatial sustainability, efficiency, spatial resilience and good administration recognise that South Africa's spatial inequalities are institutional as well as geographical. Meaningful spatial justice therefore requires not only the redistribution or replanning of space, but an engagement with the underlying legal architectures through which unequal access to land has historically been produced and reproduced.

The original contribution of my PhD thesis lies in developing a historically grounded legal genealogy of South Africa's spatial inequality. By tracing the historical development of legal and institutional arrangements governing land, tenure, jurisdiction and settlement, my thesis identifies continuities across periods that are often treated separately in the existing literature. This provides a more nuanced account of the relationship between law and space by demonstrating that the geographical effects of law were produced through the interaction between legislation, administration and institutional practice.

By recovering this longer legal genealogy and demonstrating the institutional processes through which legal choices acquired spatial effects, my doctoral thesis reframes the South African land question from a problem of historical dispossession alone into a problem of historically constituted legal and spatial ordering. The significance of this contribution is that it changes the question asked of contemporary spatial justice. Rather than asking only how historically unequal spaces should now be redistributed or replanned, the thesis requires inquiry into how those spaces became unequal in the first place, which legal and institutional mechanisms produced that inequality, how those mechanisms survived or were transformed across successive regimes, and what must therefore be confronted if spatial justice is to constitute genuine structural redress. In this sense, my doctoral thesis contributes not merely a new history of land law, but an explanatory account of the legal production of spatial inequality and a historical jurisprudential foundation from which the transformative ambitions of contemporary South African spatial justice can be more critically understood.