

BOOK REVIEW

Olaf Zenker, Cherryl Walker, and Zsa-Zsa Boggenpoel, eds. *Beyond Expropriation Without Compensation: Law, Land Reform and Redistributive Justice in South Africa*. Cambridge: Cambridge University Press, 2024. 309 pp. \$127.60. Hardback. ISBN: 9781009380775.

Beyond Expropriation Without Compensation is a collection of twelve essays exploring responses to the inequalities in South African (SA) society. In its entirety, the book complicates the reductive narrative of “loss and reparation” which has shaped debates on land justice under the banner of expropriation without compensation (EWC) since 1994 (Walker 2008: 11). Beginning with a recent Bill which engages “the specific circumstances in which ‘nil compensation’ may be considered ‘just and equitable’” (4), the editors provide an excellent introduction to the symbolic and practical question of SA’s “racially skewed” land politics (3). This contemporary context sets the stakes for the timeliness of this contribution to debates around justice, reparations, and reform in SA that are long overdue and urgent.

The first part is comprised of five essays which address section 25(3) of the Constitution, specifically the possibilities of “nil compensation” for land acquisition. This section of the 1996 Constitution was designed to address land redistribution in the wake of colonial and apartheid confiscations, forced removals, and sequestrations of land for exclusively white ownership. The second cluster of four essays explores how land reform is not only ineffective in addressing inequality in SA society but also illustrates how directives designed to address these fractures are hampered by the legal frameworks inherited from the apartheid government. The final section of essays proposes a series of alternate designs to address inequality. From an analysis on the effects of wealth taxes, basic income grants, and “food sovereignty,” this section seeks to move beyond land ownership in SA (Satgar, 253).

As James Ferguson notes in his contribution to the collection, land reform in SA is not radical enough (288). The economy is no longer an agrarian one, it has moved past mining, and yet the focus of EWC remains rural. Part Two, arguably the strongest of the book, explores how this shift in the economy remains unacknowledged in the debate about transformative and redistributive justice in SA. Ruth Hall notes that there is a “striking silence” in EWC discussions around “the expropriation of anything other than land” (160). This is despite the accumulated generations of wealth, privilege, and access being funneled into economic avenues such as residential properties, global economic investments, and “intergenerational investments in education” (160). Hall reintroduces the commons and rights of access to land as essential to the debate while reminding

us that without operationalizing the Constitution's section 25(3), redistribution remains "illusory" (162). Rural areas in SA are themselves beset with complications to democracy as political structure, that cannot simply be resolved by EWC. Sindiso Mnisi Weeks writes about the "undemocratic governmental powers of traditional leaders" who were assigned authority over territories and people under the apartheid's homeland system (167). The case studies she works through illustrate how "some traditional leaders have exploited the weak regulatory and enforcement environment" to dispossess people of land (179). Traditional leaders act as an impediment to not only land reform in these areas but democracy in the "former bantustans" of rural SA (165–66). Furthermore, land ownership has a skewed relationship with gender as the vast majority of land is owned by men but worked by women (176). Mnisi Weeks's essay is a standout in the collection placing gender, democracy, and the politics of labor in conversation with EWC.

Part One is largely structured around the Constitution. The essays are interested in the definitions of "just and equitable" as the test for compensation for expropriated land. Zsa-Zsa Boggenpoel's chapter is an excellent overview of how market value has become a dangerous test for the interpretation of section 25(3). Boggenpoel's argument is that there needs to be clearer guidance for interpreting "just and equitable" or the courts will continue to find it difficult to extricate market values from the interpretation of this phrase (49–50). Danie Brand's essay takes this further, by suggesting that a new framework for property ownership which eschews the entrenched "apartheid-era common-law notions of property and property rights" is needed (126). The direct acknowledgment that to address the legal inequities of apartheid requires a far more radical approach than exclusively land redistribution is an important contribution.

At first blush the question of land reform is unassailably complicated and the strongest feature of these essays is the wrestling of the multitudinous factors into neat, conceptually bound responses. With that caveat in mind, I hesitate to say that the approaches remain too locally bound and questions around globalization and National sovereignty are under-explored. Given the nesting of global economics that threatens sovereignty and local politics, the collection of proposals, critiques, and informed directives are bound in the immediacy of SA's political arena. For example, if the current Government of National Unity (GNU) were to introduce a program of EWC, a one-time "transformational tax" aimed at redressing the crime against humanity of apartheid (Klug, 269), or basic income grants (Ferguson, 288), this would negatively impact so-called investor confidence indices for the country. While these financial mechanisms are certainly part of the political economy manufacturing the stalemate in redistributive justice in SA, they do affect everyday life in the country. These questions around sovereignty are especially pertinent in the contemporary moment as falsehoods around racially motivated land confiscations and so-called "farm murders" flood the neoliberal media-scape.

The contributors are mostly academics working in universities, but there are contributions from working attorneys and policy advisors. This adds variety to approaches, styles, and agendas for the collection; this variety is a real strength of the book. The book works well as a whole and would serve as an excellent point

of departure for anyone interested in modern South African society, its current state of play, and the possibilities for a just future.

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[doi:10.1017/asr.2025.10099](https://doi.org/10.1017/asr.2025.10099)

Reference

Walker, C. 2008. *Landmarked: Land Claims and Land Redistribution in South Africa*, Athens: Ohio University Press.