6 "The History of That House Keeps You Out"

Property and the New Entrepreneur

ALONGSIDE FRUGALITY and belt tightening, a central rhetoric advocated in South Africa as a means to avoid indebtedness—and hence one way through which credit "demand" is tackled—has been that people should earn their own money through individual initiative and enterprise and become productive members of society independent of the state (see Barchiesi 2011, 162, 166; Marais 2011, 223; Neves and du Toit 2012, 130). This tacitly denies, but is perhaps also aimed at transforming, the crucial fact that many of the people in this upwardly mobile group are in fact public servants, employees in state-owned enterprises, or recipients of black economic empowerment (BEE) "tenders," typically offered to those with political connections, and much criticized for their nepotistic character (see Atkinson 2007; Johnson 2009; McNeill 2012; Southall 2007, 2012). But there are obstacles to becoming an entrepreneur outside this system. Seemingly promising business opportunities are undermined, in particular, by the endurance of a dual economy in the realm of property. With prospective fortunes in this arena scuppered, some have turned to other enterprises, many of which involve rent seeking rather than productive industry. Moneylending can appear as one such alternative. More reliable in the short term, it further increases the sense that when all else fails, people, trapped in what remains a second economy, revert to making "money from nothing." Difficulties in moving upward thus seem almost overdetermined.

This brings us to a topic that has been missing from this book's accounts of credit so far: fixed property, the extension of credit by way of mortgage bonds, the repossession of such property, and the role it plays both in underpinning the continued flow of credit and in facilitating the livelihood strategies of the new middle class. Complementing the question, explored in Chapter 5 and elsewhere, of how people invest the money they have borrowed, this chapter asks about the importance of "real estate": something widely assumed to lie at the basis of an integrated system of market relations and economic growth (Anders 2009, 55–59; Department of Trade and Industry 2004, 16–17) and, in turn, of the formation of a self-confident bourgeoisie.[1] In South Africa, secure residence has also been considered important to the establishment of a new democratic order more generally. Given how severely the right to territory and tenure were undermined by the forced removals of apartheid, its reestablishment was one of the key promises of the constitution.

With the advent of democracy, as aspirant homeowners scrambled to get on the property ladder (after having previously restricted their borrowing to lesser items such as furniture), involvement in market relations was sudden, precipitous, and in some cases uneven. The results could be difficult for those trying to make a living in property sales, as the story of Frank Pule illustrates. When I meet him, Frank is an aspirant entrepreneur in Soweto who started doing property speculation in 2004 after his previous business, truck transportation, began to flounder. His parents' preference was that he work for a regular wage, as his father had done, but jobs of that kind are scarce, and he, as the father of two children being schooled in the formerly white suburbs, has expenses far greater than those of his parents' generation had ever been (see Steinberg 2008, 104–5). His new business venture has been to buy houses on auction in formerly white areas, where townhouses in clusters were being sold off in the early 2000s, especially in areas south of Johannesburg close to Soweto, or in newly developed areas like Midrand, between Johannesburg and Pretoria. The availability of such houses he puts down to the aspirations—sometimes unrealistic—of the newly salaried classes who had recently moved out of Soweto and into these suburbs.[2] They have "got in over their heads," he says. It was not simply deciding to buy a house on mortgage that was rash, he explained. Rather, it was adding to the newly acquired expense of such loans with extra purchases—furniture, luxury cars, and the like:

> Property . . . is a necessity, it is very important. But "we'd like to fill it up with expensive furniture, and you must see that we are from such and such an area." Then people will say, "Oh, you say you are from such and such an area, but you don't have a car."

Many of these recently purchased townhouses, having been repossessed, are being resold at auction. "People don't know what it is like buying a house. They think, 'Because I am working at SABC [South African Broadcasting Corporation], I will afford this house.'" The sudden availability of credit just after democracy—that accompanied political and economic freedom—has been a factor inclining people to engage in consumption without giving it much thought, Frank tells me.

His buying and selling of the repossessed townhouses originally seemed to have considerable promise. The indebtedness of an initial swathe of house buyers had originally meant the ready availability of such properties. A second factor underpinning the flood of repossessions lay in men's reluctance to endow their estranged wives with a share in the property in cases of marital breakdown:

> Some of them would just stop paying those bonds [mortgages]. . . . The husband—maybe they are divorcing, and now they are fighting—would stop paying those houses just like that. They would not be having a problem in repaying, but now that they are fighting, "What's the point of me repaying this house?" Because I know if I am paying this bond . . . and I divorce from my wife, we are going 50–50.

Frank has been buying such properties, whose availability after repossession is announced each month in the *Government Gazette*, to resell to other buyers. But he, in turn, has encountered problems—indebtedness has started to work its way through the system. There are fewer potential buyers in a second wave looking for townhouses, and he has been stuck with several that he is unable to sell. Black buyers, because of the steep rise in interest rates in 2007 and 2008 and the new restrictions imposed by the National Credit Act, have no further lines of credit—"You don't get people qualifying to buy," said Frank—while those white buyers who do qualify for housing loans no longer want to live in these "blackening" townhouse areas. These broader factors have intersected with domestic struggles, explained Frank:

> There's girlfriends and boyfriends. I would be married to [my wife] and if I have got extra money on the side, I would even buy my girlfriend a house. . . . At first, when I started in this business, teachers could afford to buy two or three houses at the same time with the amount of money which they were earning—because of the lower interest rates.

> . . . That's when a man could still buy himself and the wife a house, and then a girlfriend, on a joint bond . . . still afford to buy a second house. Once they start fighting, they would stop paying for that other house. But now because the interest rates have gone so much higher, they can hardly afford one house.

After the slowdown in 2007 and 2008 that was affecting the estate agent business, the option of turning instead to buying and selling "old township" houses (also known as "family houses" in the literature) in Soweto might have seemed an attractive one. But Frank has been warned off. Memories of family entitlement during apartheid spurred popular opposition to any attempt to commoditize these township or family houses.[3] People trying to buy or sell them face vigilante action. What had made some families newly vulnerable to having these houses repossessed was the use of such houses as surety when taking out subsequent mortgages to build extensions and then defaulting on them. Frank told me:

> There might be a four-roomed house, a kitchen dining room and two bedrooms. What would happen, at home, when one starts working, then when the banks were still light on giving money . . . a son would say, "Ma, I have started working, the bank can offer me R80,000 or so. Can we build two rooms and a garage here outside?"[4] And then they build this. As soon as he cannot afford [the repayments], the bank comes and attaches everything. They sell the whole house.

While this sounds potentially traumatic for the occupants of such a house in Frank's example, it was even more likely to spell disaster for an entrepreneur, such as Frank, who was trying to profit from the entry of such property onto the open market. He and others in a similar position quickly learned the error of trying to sell a repossessed township house: "The history of that house keeps you out. The family won't want to leave." Neighbors will know the house as having belonged to its occupants over several generations, and the owner, sensitive to matters of status and competition, will have been secretive about having borrowed money from the bank to do alterations. "Now if the bank comes and says, 'We're taking the house,' people look and say, 'Hey, we know the great-grandmother, et cetera, and now this is the fourth, fifth generation, there is no way these people can owe money.'" To attempt to sell such a repossessed house is to invite the wrath of local vigilantes. In one such case, community activists had registered their displeasure by dancing the *toyi-toyi* (an antiapartheid activist dance) outside the door, the owners had refused to move, and the sale had been aborted because the property had turned out to be, in effect, inalienable.[5] Frustrated by the failure of his new real estate endeavor, and searching for alternatives, Frank had recently resorted to lending money at interest.

Rights Versus Property

The interrelations between property and credit in the context of this rapidly changing economy have been of concern to the judiciary and to policy makers. Shaping the deliberations are two predominant considerations. One is the assertion that, for the true potential for an inclusive credit landscape to be unlocked, free market conditions must prevail. That is, the investment potential of buying and selling fixed property can be fully achieved only if there are no restrictions on their dealings. Where that market is restricted, and in particular where the resale of such property is difficult to realize, the possibilities for credit will also be skewed. Underpinning this idea, even if not overt, is the assumption at the heart of "secured lending": that the repossession of such property for resale must be the ultimate option open to the lender. In other words, access to credit would be nearly impossible if creditors were to experience insuperable difficulties in confiscating and reselling the property by which their loans were secured. (Chapter 3 showed how, in a period when fixed property was not available to black buyers as a means to achieve such "security," a business model involving repossession nonetheless applied in the case of movable property: of white goods, appliances, and furniture.)

The second assertion is that citizens have the right to be protected from summary removal. The eviction of a person who has no alternative and is financially bereft is in conflict with the rights established at the advent of South Africa's new democracy. The South African Constitution states, "Everyone has the right to have access to adequate housing."[6] No one should be summarily stripped of his or her basic needs for survival—shelter and secure residence are principal among these—and repossession would represent a fundamental threat to them.

The tension between these approaches, centered on "property" and "rights" (James 2007), has run as a constant thread through South Africa's transition. The former is motivated by a conviction that a single economy of credit is essential—in part to enable the "democratizing of finance": an aim undertaken by Finmark Trust with the aid of the United Kingdom's Department for International Development (DFID) (Porteous with Hazelhurst 2004).[7] The latter entails an equally strong conviction that the poor and marginal require protection from that very same single economy in cases where it threatens their well-being. Although the two stand in an apparently dichotomous relation as ideologically opposed positions, circumstances and pragmatic realities have forced their proponents to give way to each other in recognition of on-the-ground realities. And although, in their stripped-down form, they appear to apply only to “the poor,” as do so many development policy debates, they have knock-on effects as well for those further up the scale, including those who aspire to belong to South Africa’s new middle class.

Those in favor of “democratizing finance,” for example, have recognized that a free market in property is very far from being realized. Initially motivated by de Soto’s (2002) assertion that granting freehold title over land to its informal occupiers will enable the unleashing of credit, especially for investment in small enterprise, extensive research was conducted in South African urban and peri-urban areas to explore its applicability in South Africa. Researchers concluded that in only one of the four types of township housing identified—that which is “privately developed” (owner built)—was the market functioning, and then only poorly. Researchers identified the other types of housing in formerly black areas as “informal” (usually meaning shack style), “old township” (those built by the township municipal authorities and known locally as “family houses”), and “incremental” (involving later additions to a shack style or municipal-built house). (See Table 6.1 on page 184.) People were distinctly *not* using their houses as “assets” to unleash capital for other ventures. Nor were they using their property as collateral. Instead, especially in the case of “old township” houses, occupants tended to be very cautious and conservative, viewing their residences as the inalienable property of the family and seeing them in terms of “use” rather than “exchange value” (Shisaka Development Management Services [SDMS] 2003, 35). In these sectors, as a result, conditions governing resale in the former townships were said to be “swamp like” (Porteous with Hazelhurst 2004, 136), thus inhibiting the growth of a secondary housing market in such areas.[8]

If such a market *were* to exist, banks then would be persuaded to lend money more readily to people living there, knowing that the property would be able to be repossessed in cases of loan default and sold on in their turn. But market forces on their own were unlikely to be able to encourage such lending (Porteous with Hazelhurst 2004, 136–37). The government after 1994 had already made extensive efforts to encourage the emergence of such a market by providing a variety of new home-loan arrangements, but those had largely foundered because of "cash flow" problems. Extensive public-private partnerships would be required in the future, and research done and efforts made in specific local contexts, to unleash the market potential of houses in those contexts. "As house value is unlocked in an area . . . and residents experience the benefits, so the demonstration effect should encourage other areas to participate" (Porteous with Hazelhurst 2004, 137).

Confidence in the ultimate triumph of these forces continues to be expressed, but concessions are made to the need for regulation alongside market forces. Those in favor of protecting the rights of the vulnerable and opposed to letting the market reign have similarly qualified their position, recognizing that certain limitations might be necessary to the ring-fencing of property. Limitations might be especially required in the interests of respecting the law of contract, not only where banks are the lenders but also where those extending credit (and using fixed property to secure such credit) are lenders of a lesser, smaller kind. The debate between these positions came into its sharpest focus with a celebrated judgment in the Constitutional Court. The judgment set the terms of discussion and dispute for a number that followed it and laid the grounds for an amendment to the existing legislation while also acknowledging the need to temper full-blown protection. The case was that of *Jaftha v. Schoeman and Others/Van Rooyen v. Stoltz and Others*,[9] heard on appeal in the Constitutional Court in 2004. It came to light that two very poor women living on the fringes of the small town of Prince Albert in the Western Cape, owing debts of R250 and R190, respectively, had had their homes repossessed, or "attached," by a local firm of attorneys acting for the women's creditors, and then the houses were sold in execution to recover the debts. Both women were unemployed and uneducated. Both had bought their meager houses using one of the state housing subsidies made available after 1994 but had been forced in 2001 to vacate the houses following their sale in execution. The legislation enabling this had been the Magistrates' Court Act of 1944, section 66 of which enables a sheriff to attach the debtor's movable property but, if none such exists, to issue a "warrant of execution against the immovable property" (9).

Overturning the High Court judgment that had upheld the sale in execution, the Constitutional Court judge ruled that the matter—since it concerned "the right to have access to adequate housing" (14), which ought to be unassailable—was indeed a matter of constitutional importance. How, he asked, could "the collection of trifling debts" be "sufficiently compelling to allow existing access to adequate housing to be totally eradicated" (27)? The minister of justice and constitutional development, one of the original respondents, had stated the importance of debt recovery for the "the administration of justice." She reiterated the mantra, reminiscent of de Soto's (2002) idea, that "for poor people with few assets [other] than low-cost housing, often the only way to raise capital to improve their living conditions is to take out loans against security in the form of their homes." She also pointed out that "not all creditors are themselves wealthy and that there might be circumstances in which creditors deprived of the execution procedure would be left in a difficult financial situation because of outstanding debts which they might otherwise be unable to recover" (25–26). In recognition of this point, the judge acknowledged that "the interests of creditors must not be overlooked" (28) and ruled against the "blanket prohibition against sales in execution of a house below a certain value" (31), which the appellants had requested, since doing so would make it difficult for creditors to recover debts owed to them by the owners of the properties in question. In effect, his ruling prohibited those sales in execution if these would be likely to lead to indigence and destitution. Despite the minister's reminder that those selling on credit need the ultimate security of knowing they might have recourse to confiscation (a widely practiced option, as this book has shown), the judge stood firm.

Restrictive clauses discouraging the sale of state-provided housing built as part of Nelson Mandela's government's Reconstruction and Development Programme (RDP) had already been put in place by the time of this case, under the Housing Act 107 of 1997. A further preemptive clause, extending the protection of state-provided property, later prohibited such sale for eight years following the acquisition of such a house—though ineffectively so: many were being sold illegally.[10] The *Jaftha* Constitutional Court judgment was generally acknowledged, in subsequent court cases, as having influenced *all* possible repossessions and executions of property. Intended to ring-fence the housing rights of the very poor, the case—along with the National Credit Act—nonetheless had an effect on those in the higher, or "suburban," housing market segment, often in areas formerly reserved for whites. This became evident when the banks attempted to repossess the properties of clients who had defaulted on their mortgage payments. "In the Cape, matters have all but ground to a halt,"[11] said one judge, suggesting that excessive "protection" was being extended to all and sundry because of that original judgment. Clarifying matters, the judge ruled that only in cases where the loan in question had been taken out to pay off the house (not the case with *Jaftha*) might the house be seized to defray expenses.

In a second case, the First Rand Bank took two defendants to court for failing to continue payments on their outstanding mortgage loan of R940,095.[12] The defendants had approached a debt counselor to undergo debt review, after which no further attempt had been made either to restructure or resume payment to the bank. Echoing what had become a familiar complaint, the judgment in this case made it clear that using debt counseling as a stalling tactic to delay repayments indefinitely would not be tolerated. He deplored the way that the National Credit Act, with its debt counseling arrangements, had provided debtors with the means to escape all their obligations, seemingly in perpetuity, and he ruled that such payments must be resumed within three months. Underpinned by such rulings, obstacles to the repossession and execution of property due to loan defaults became less insuperable than they had seemed to be after the initial judgment in the Constitutional Court.

The reassertion of such rights in these subsequent court cases seemed to espouse the same spirit as that which the minister advocated in the original hearing, with her wish to ensure that creditors not be deprived of the right to repossess property. But these latter cases were reasserting such rights in respect of large banks rather than the small-scale lenders she had invoked: those who might be "left in a difficult financial situation because of outstanding debts." Ultimately, then, while the need for the protection of poor people's property was asserted, concessions were made to the necessity of maintaining the property regime and the continued right of lenders—of whatever kind—to stay in business and collect the monies owed to them. In much the same spirit as that recounted in Chapter 2, a balance was here being attempted between keeping open opportunities for small-scale sellers, agents, and intermediaries, and curbing their excessive enrichment at the expense of the very poor.

The rise in townhouse repossessions that had initially enabled Frank Pule's business to take off had been underpinned by a long-standing principle in South African law and reemphasized in recent hearings: attaching property is legitimate in cases where people have stopped repaying loans. Without this, the flow of credit might cease. But there were other things stymying Frank's enterprise. Besides the rising interest rate, a further impediment derived from recent state regulation. Influenced by the National Credit Act, mortgage lenders were no longer willing to extend bonds to all and sundry, whereas they had readily done so in the early 1990s. As Chapter 5 shows, the number of loans granted had declined in 2008. Albeit less effective in other respects, the one area on which the act had an impact was on the provision of housing loans. This was why Frank was stuck with two houses, bought at auction, that no one was in a position to buy.

The other factor—Frank's unwillingness to get into buying and selling of "old township" housing stock because "the history of that house keeps you out"—owed itself to a longer-lasting situation: that of state involvement during the apartheid period. This was the process through which the apartheid government municipalities had originally provided subsidized housing, on a leased basis, to township residents in their separated spatial zones. These were signed over to sitting tenants in the dying days of apartheid. For families formerly holding council-built and council-owned "family houses" on the basis of a ninety-nine-year lease, the state transferred title deeds into the hands of tenants, beginning in the late 1980s and accelerating in the post-1994 period, with very uneven results. On the one hand, the transfer of property from the local state into householders' hands, coupled with the propensity of many such householders, particularly those in the new middle classes, to forsake their property in these areas by moving out of townships into the "white suburbs," (Steinberg 2008, 104–7) led to a new market in real estate and a reported property boom. This has happened both in township areas—Soweto house prices had tripled between 2001 and 2010 (Krige 2011, 130)—and in the suburbs. On the other hand, however, there are factors that have served to render such property unsalable. In the late 1980s and early 1990s, banks, "lacking confidence in township dwellers' ability to repay loans," were said to be stifling the market in real estate by refusing to grant mortgages to those wanting to buy houses in these poorer areas, in an exclusionary process that came to be known locally as "red-lining" (Krige 2011, 130; Porteous with Hazelhurst 2004, 121). The banks displayed a similar reluctance in formerly white zones that have newly "blackened." This reluctance has knock-on effects for residents: when these houses *have* been purchased, often for cash, frequently better-off families have bought them. Conversely, poorer families are often driven to sell them—not because of missing mortgage repayments (they now "own" their houses), but because they are unable to meet the payments for municipal services (von Schnitzler 2008). Driven into debt because they cannot pay the municipality, they have had little option but to sell their houses (Krige 2011, 130–31), a trend that has been similarly noted in the newer areas of the government-funded RDP houses provided during the Mandela presidency (SDMS 2003, 35; Payne et al. 2008, 31). It is somewhat ironic that the *Jaftha* judgment upheld the right to housing as a fundamental one that, in that particular case, trumped the entitlement of small-scale creditors from low-income neighborhoods to be repaid. The right to housing has been, in effect, less secure in those cases where the local state, as provider of municipal services, is also creditor where bills remain unpaid.

What neither the proponents of rights nor those advocating the primacy of property acknowledge, but what Frank was all too aware of, is that the fierce and bitter conflicts in families occasioned by the transfer of "old township" houses into private hands are related to the instability of marriage arrangements. These former council houses have come to be viewed as communally owned family property, and the right of any single individual in such a family to "own" a house is a matter of great dispute (Krige 2011, 130–31; Robins 2002; Porteous with Hazelhurst 2004, 121)—in one notorious case the conflict even ended in murder (Krige 2011, 130–31). Beyond this, Frank's remarks about divorcing couples and two-timing husbands, quoted earlier, indicate that these disputes—and the resulting nonpayment of mortgage bonds—relate, in turn, to marital breakdown and conjugal instability.

"Going Home"

The relationship of marriage, property, and inheritance is an anthropological commonplace, but it is one that has been more thoroughly explored in relation to classic African systems of rural cultivation and landholding, most memorably by Jack Goody (1971, 1976), than modern urban ones. It remains of key importance for our understanding of the topic of this chapter. As was indicated by Frank's discussion of marital strife and of men buying multiple houses for multiple partners, broader structural factors have intersected with household conflicts (see the Introduction) to produce particular kinds of conflicts over property ownership. These tensions have been intense when daughters return "home" to their natal houses—what residents call "family houses," but what the housing policy literature dubs "old township" houses—after conjugal breakdown. During my fieldwork, it became apparent that women's place as nurturing householders—attempting to secure the domestic domain (see Chapter 4) and often solely responsible for their children, and with high ambitions for them (see Chapter 1)—is significantly affected by their ability or inability to hold secure access to property. I explore this in relation to cases of women living in the different "housing types" mentioned earlier, and summarized in Table 6.1.

Table 6.1 Housing types and forms of title

House type	*Built or subsidized by*	*Title*	*Case studies*
Informal	Owner	No	—
Incremental (RDP)	Government	Yes, but restrictions on sale	—
Old township "family"	Government	Yes (former leasehold)	Sara Leroke, Dora Usinga
Privately developed			
• "White" suburb	Owner or private developer	Yes	Lerato and Jimmy Mohale
• Township	Owner or private developer	Yes	—
• Former homeland	Owner or private developer	"Permission to occupy"/ customary tenure	Alice Mokgope, Joanna Chiloane

"Family Houses" in the Township

For a woman who separates from her partner or divorces her husband, opportunities to secure access to the house in which she previously lived, while married, are limited. Her husband, after remarrying or setting up house with a new partner, often finds ways to transfer such rights to that partner. The original wife is thus reliant on being able to return, for her ultimate security, to the "family house" where she grew up. This, however, has the potential to lead her into conflict with her brothers, sisters, and other family members, who might equally be counting on that house for security: communal property access here trumps the rights of any individual member and can threaten to extinguish the latter.[13]

The importance of this factor becomes clear when I talk to the ebullient and cheerfully upbeat Sara Leroke, a Soweto resident to whom Detlev Krige introduces me. Her account tells of a complex and interrelated chain of property rights and entitlements, in which her marital connections and disconnections are balanced against the obligations and entrustments associated with her family of birth. They sound every bit as interconnected and convoluted as the classic mortgage "chain" in a modern property purchase.

I meet Sara in the back room of the Soweto house where she lives: her siblings occupy the main house (for genealogy, see Figure 6.1). It is one of those "two rooms and a garage" extensions much beloved of Sowetan families: a way of enlarging their houses to accommodate the expanded family as siblings marry and have children, to let to tenants, or, as in Sara's case, to accommodate a daughter who returns there after divorcing. These same extensions are the

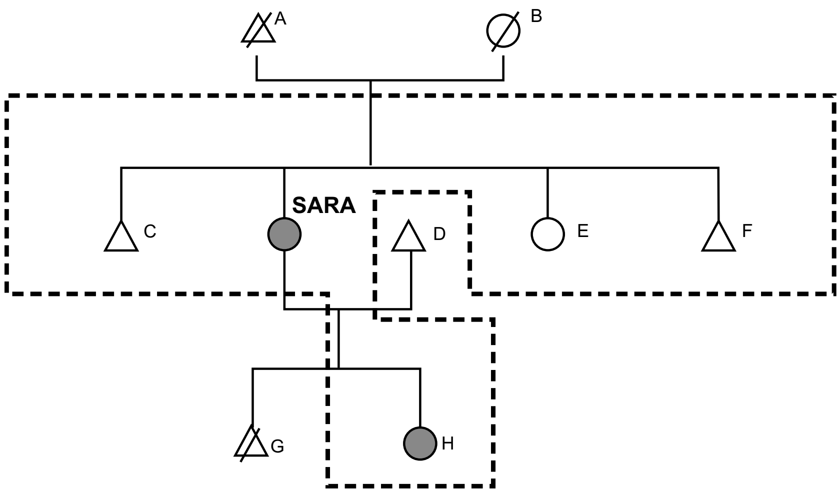

Figure 6.1 Sara Leroke's household
Source: Drawn by Wendy Phillips.

ones of which Frank told me. Some householders borrowing money to fund such extensions, after defaulting on payments, have their houses repossessed. But in Sara's case, the building loan she and her father took out was paid off in full during the 1990s.

Sara is very aware, however, of the phenomenon Frank described. "You know how people often lose their houses because of these garage and two rooms?" she asks me. She tells me of a personal experience of this threat when, in 2003, her then husband (D) was forced to step in and rescue his own father from the repossession of the "family house," which had been extended using a loan from the bank, and where the couple was living at the time: "Because the father couldn't keep up the payments, the bank sent people to come and evaluate the house. So they could get back their money. . . . They evaluated the house at R70,000. They were going to sell it to recoup their money." Her then husband took out a loan for R70,000 "to save the house": a loan that he is continuing to pay back.

Sara, however, no longer lives in her husband's family house. After divorcing, she returned to live in her own one. The "garage" where she lives—part of the upgrade—is small and modest but has been attractively furnished by its house-proud occupant. She tells me about the various moves by which she returned to live here in her natal home. After separating from her husband, she moved away with her two children (G and H). First, she rented a similar back room, and later a house, in an area near the hospital where she worked as a nurse. Some time after the death of her aged father (A), and following the sudden and tragic death of her son (G), she was summoned by her mother (B) to "come home" and live in the family house. Her agreement to return was not motivated by need, since she was earning a good income at the time, but by her mother's injunction to return and assume the status of chief household nurturer:

> She used to mention often "I know Sara will stay here, I know Sara will look after them, I know Sara won't cause problems, I know Sara will do the right thing to keep the peace." I think she depended on me. I was seen as the traditional mother, so I cannot abandon the sheep. So I had to stay with my two brothers [C and F] and sister [E] because they were the unmarried ones.

Given her status as the second-born child, oldest daughter, and hence family "mother," she says, her parents gave her the right to put the house in her name. But she is aware that sensitivity is necessary when it comes to individual ownership of what is considered a family asset. Given that it can create "some animosity between the children," she says, she prefers to leave the matter vague and undefined rather than specifying ownership. "Because you don't want to fight with them. They will say, 'Yes we give you the house,' and when you starting making things they will say, 'You think you own it.'" Ultimately, with family houses, she tells me, "You never get to own them."

It was this need for sensitivity that made it necessary for her, although acting as "mother," to move into the garage with her daughter. In the complex of dwellings of which this family house consists, she explains:

> There are rooms where my brothers stay. My sister stays in the house with her son. And me and my daughter stay here. Actually I have detached myself from the house, although I am still looking after the house. I don't want to give them the feeling that I am owning the house. So I stay here in the garage. I think it's fine. It's convenient for me. And they can be free to move in and out as much as they want to. I don't want to be a thorn to them.

When I ask why she might be a "thorn," she refers to the murder case I mentioned earlier:

> I have read it in the papers, and you will see it in courts or on TV that two sisters hired somebody to kill a brother—fighting over these houses. You have to

come to a point where you make room so that you all feel comfortable staying in a place. I love my privacy in here because I read a lot and I study a lot, and I read the Bible. They are there in the house. They are looking after the house. I go there to cook and, with us, we take turns to cook. So I switch with my sister. But you will find yourself cooking three days in a row because you don't mind. And we pray together every [evening at] half past seven.

Such arrangements seem to represent a reasonable and altogether necessary, if perhaps ultimately unsustainable, compromise between the competing interests of an ever-increasing population of inheritors.

I gain more insight into the possible permutations, variations on this theme, and linkages when I talk to Dora Usinga, a grandmother caring for her grandchildren, a resident of Sunview, a nearby neighborhood in Soweto (for genealogy, see Figure 6.2). Her housing situation illustrates the factors that have rendered single female household heads doubly dependent on access to their natal "family houses," thus making these houses even less likely to enter the

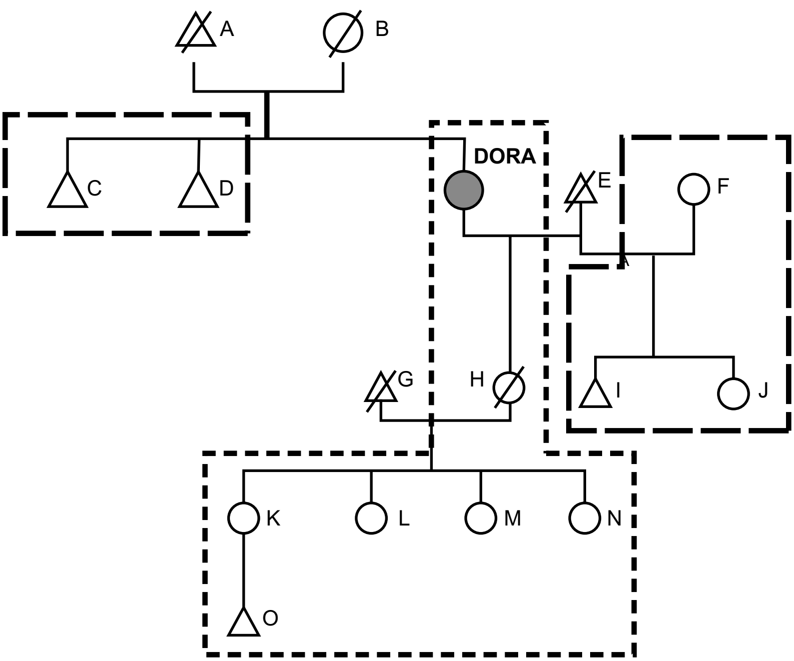

Figure 6.2 Dora Usinga's household
Source: Drawn by Wendy Phillips.

“secondary housing market” (Porteous with Hazelhurst 2004, 136) than they might otherwise have been. Dora lives in a sparsely furnished house that, as with most residents in the area, was bought with the help of a housing subsidy from the employers of her daughter, the parastatal Transnet (see Barchiesi 2011, 220). In her case, the situation is exacerbated because of the prevalence of HIV/AIDS for which South Africa became notorious when the epidemic peaked and before the government began to fund antiretrovirals. She was called to care for her four granddaughters after the death of their parents—that is, her daughter and son-in-law.

Earlier on in her life, Dora, like Sara, had returned as a single mother, separated from her husband, from her marital to her natal home in the “family house.” Her husband (E) had left her for another woman (F). Dora, as a permanent resident of Johannesburg, had the appropriate rights—under apartheid legislation section 10(1)B—whereas her husband had come from the former homeland of Gazankulu. As a result, the couple’s municipal-built house in Diepkloof, Soweto, had been in Dora’s name rather than her husband’s, and she understood herself as having an entitlement to it in the longer term. “I had children so I thought the children would be able to live there,” she says. The second wife, however, allegedly by bribing officials, was able secretly to sell the house soon after the council had transferred it into the couple’s hands in the late 1980s. “I wanted my house,” Dora tells me, “but they would not give it back to me.” Unable to assert her rights, she returned with her children to her parents’ family home in Meadowlands, a Soweto neighborhood some distance away. There she stayed until her daughter (H) asked her to come and live with her in Sunview, to help her care for her sick husband (G). After both the daughter and her husband died, Dora remained in the Sunview house, caring for her grandchildren (K, L, M, and N) on her own. But she has no right to reside there except as their guardian. She still has claims on her original, natal “family house” in Meadowlands: she needed to activate these once her claims to the marital house in Diepkloof had been extinguished as a result of its fraudulent sale by the second wife. But great uncertainty prevails over how such claims might be realized. Her brother (C) lives there with his family, and he and her other brother (D) all have claims on the house that are equal to hers.

The communality of the “family house” thus has complex effects. Returning to the story of Frank Pule, one of these effects is that they are not salable, and so would-be property speculation as a mode of livelihood is not viable. This is something that owes itself to domestic circumstances as well as to the apartheid legacy, to arrangements of mutuality as well as to those of the free market.

Beyond the Township: The Former Homelands

In what ways do these "swamp like" (Porteous with Hazelhurst 2004, 136) housing market conditions exist beyond the townships, especially among public servants? And what implications do they have for wider questions of credit, investment, and aspiration? Among the salaried teachers and other civil servants living in Impalahoek, households headed by divorced women were common (see Chapter 1). The status of individual plots remained indeterminate, since all land was held under communal "customary tenure"—a system that had become entrenched under apartheid—under the custodianship of the chief, who allocated plots by issuing permission-to-occupy (PTO) certificates. But it was nonetheless common for individual householders to invest in building and improving their homes. Some had started applying for mortgages to buy houses in formerly white areas.

For such women, investment in property interwove with wider strategies for securing a middle-class future. Teacher Joanna Chiloane, a single parent, is a great believer in modern financial investments offered via formal institutions. As is common in the village, however, she made no use of mortgage finance. Instead, she has engaged in a self-build arrangement common in South Africa's former homelands. Advised by her uncle, a headmaster nearby, she "borrowed" money from a unit trust that she had bought for her two children. She tells me: "When I started to build this house it was 1999. And then each child had R11,000. So I took that R11,000 from my daughter because she was still very young, and I used that R11,000 to get the house." Later, with the aid of the "thirteenth check" birthday bonus, Joanna paid the money back into the unit trust account intended for her daughter's education. That trust was later put to its intended use: her daughter studied at the University of Johannesburg, and her son studied at the Technikon in Pretoria and was working as an engineer. Overall, Joanna's package of investment priorities has worked according to plan. Embracing financial formality, she distinguishes her approach from those followed by her fellow teachers who put their faith in *stokvels* and savings clubs, of which she is intolerant. She tells me that she gained some insight into the retrograde character of group savings arrangements when she was quizzed about "what we black people do" by a white colleague, who suggested that individual insurance or funeral policies were preferable. Her fellow teachers, more inclined to group savings strategies and "clubs," found it puzzling that Joanna's strategy has paid off, she tells me: "If a person becomes successful, they question how."

The story of a second teacher in the village, Alice Mokgope, reveals the existence of a local market in real estate, despite the lack of formal title and again making no use of mortgage loans, interest rates, or estate agents. Alice had lived in one section of the village, but when she divorced her husband, she needed a new place of residence. Through a kind of domino effect, a five-room house became available in a different area when the man who built the house got divorced in turn. He sold it to her for R10,000. She put down a deposit of R5,000 and arranged repayments of R500 until she had paid him the full amount. In parallel, she committed herself to investing in the further education of her son, paying out of her salary to put him through a teaching course. "He went in 2004, 2005, 2006—but he didn't finish. In 2007 he was staying there but he wasn't attending classes. I discovered it only at the end of the year." He had high hopes of further study and aimed to do electrical engineering, but his aspirations were as yet unrealized. She, like Joanna, is a single mother operating with relative autonomy. But in this case, unfortunately, her private property dealings were not accompanied by the educational success of her offspring: her son's educational trajectory has been disappointing to her.[14]

Following the transition to democracy, more ambitious public servants had started investing in titled property in formerly white areas. But such investments could end disastrously. In the case of Impalahoek teacher Jimmy Mohale, whose story Isak Niehaus has grippingly documented, aspiration outstripped capacity to pay. Together with his then wife Lerato, also a teacher, Jimmy "purchased a plot in a comfortable middle-class residential suburb" in a nearby town and later decided to build there. The couple "took out a loan of R40,000 from Standard Bank," with each owing R20,000. "To pay back the loan the bank would deduct R900 from our monthly salaries. We also added our savings," Jimmy said. At the same time, the couple decided to invest in educating their children privately, distrusting the state schools (in which they themselves were teachers) (Niehaus 2013, 104). But dissent later split the household. The marriage broke up, and disagreement about appropriate expenditure followed. Jimmy complained that his wife was failing to keep up her repayments. She took him to court, where he was ordered by the magistrate to pay R1,500 monthly in child maintenance by debit order; he was unable to finish building the house or to sell it on the open market, yet he faced possible repossession by the municipality, which was owed R16,000 in unpaid rates (Niehaus 2013, 113). The problem of selling houses for less than their value or having them repossessed to meet debts to municipal service providers has, then, proved more widespread than among owners of low-cost housing (see Krige 2011, 130–31; SDMS 2003, 35; Payne et al. 2008, 31). These troubles were compounded by disappointments on other levels. The couple's earlier intention to educate their children privately had borne fruit, in that the children had completed their schooling. But their subsequent education was not all the parents had hoped for: their daughter, instead of attending one of the country's premier universities, had settled for a course on financial management at the local technical college. The couple's aspirations on both the housing and the educational front foundered because of marital strife, among other things.

Houses, Women, and Mobility

This story of depressingly dysfunctional conjugality reiterates some of the themes of domestic discord identified by Frank Pule as originally underlying the wave of house repossessions and hence the instability of property ownership. The cases of female teachers who bought their own houses and planned their children's education independently, however, give a more positive view. Domestic circumstances intersect with property ownership to play out in rather different ways.

Arrangements such as those concerning the "family house"—which constrained Sara and Dora, earlier—represent a hybrid of contradictory elements. They combine the advantages of nonpartible inheritance, by which property remains undivided and devolves to a single heir, with those of its partible variant, which gives all children an equal stake in their parents' property. But the situation is in dispute and seems ultimately unsustainable. It represents one instance of the uneasy combination in South Africa between the egalitarian "rights" discourse and the more hierarchical "property" one, here refracted through the lens of changing gender roles and marriage patterns. Underpinned by a spirit similar to that which prevailed in the *Jaftha* judgment, the "rights" discourse maintains that houses are communal and ought to be protected from the broader market rather than being alienated for private gain. Underlying that cozy-sounding communality, however, run currents of gender inequity and conflict.

Those keen to establish a single property market maintain that such houses would be better used as saleable commodities. Although this position sounds almost stereotypical in its free market presumptions, it does carry potential benefits, even if these are framed in somewhat utopian terms. Being able to unambiguously “own” a family house might have benefited both Sara and Dora, for example. While their cases sound very different—Sara enjoyed some stability, whereas Dora was living on the edge of vulnerability and deprivation—both were swept up into the world of aspiration, with its considerable costs, which this book has described as ubiquitous. Sara was pursuing her own higher education, in part with government study loans. In Dora’s case, the chief expenses, for which she was relying on her pension plus a grant from Transnet, were for the education of her grandchildren, one of whom was attending a local further education college and one of whom was aiming to go to university after secondary school. Having definite assets would have been useful for both. The literature affirms, though, that mortgaging houses using property as collateral is rare, not only in South Africa, where banks are nervous about the possibilities for repossession that ultimately underpin this (Porteous with Hazelhurst 2004), but also in other developing contexts (Payne et al. 2008, 39).

In the setting of the former homeland, where property title is allegedly less certain, the rights of single or divorced women seem, ironically, marginally more secure.[15] The contrast cannot be comprehensively drawn, however. This is because the house owners, in the case of the three Impalahoek teachers, have the security of a monthly salary underpinning their independence (Niehaus 2012, 334). (Neither of the township dwellers, Dora and Sara, enjoys such security.) These teachers’ investment in house building or house purchase—reasonably modest in two cases—looks set to provide them with some long-term stability and their children with at least a measure of a basis for upward mobility. (Evidence of such aspired-for mobility is common to all the cases discussed here, irrespective of the means for achieving it.)

Secure housing finance and definite title—in the case of the Impalahoek couple that bought the house in a formerly white town (Niehaus 2013, 104)—did not on its own improve matters. Conjugal disagreement meant that this case resulted in non-repayment and eventual repossession. The secure title much lauded by adherents of de Soto’s (2002) doctrine, then, is not all it is cracked up to be. Qualifying that doctrine, it has been claimed that “formalization may be appropriate to the upwardly mobile but less so for the unemployed and marginal” (Kingwill et al., cited in Payne et al. 2008, 8). But its appropriateness, and the implications for property ownership, resale, and establishment of a housing market, will depend on circumstances. It will be contingent less on formality of title as such, and more—as Goody (1971, 1976) points out in his anthropological classics—on the complex interrelations of marriage, income, and inheritance.

Making Money from Nothing

As the case of Frank Pule demonstrates, there are several obstacles to making a living as an entrepreneur—especially as a member of the "new middle class"—in the economic landscape of present-day South Africa. While the uncertainty and inalienability of property play their part, the wider context is also important. An important historical legacy concerns the way in which state regulation before, but especially during, apartheid limited entrepreneurial activities by blacks (Cobley 1990, 141–48; Crankshaw 2005; Hull and James 2012, 7). The stunting of such activities was inevitable given the pervasiveness of state planning; the fact that few Africans were granted trading licenses, especially in racially segregated areas; and the fact that shop owners from other ethnic minorities benefited from restrictions on black Africans' business and (in the case of Gujarati-speaking South Asians) from the racial legislation that prevented penetration by white businesspeople (Cobley 1990, 143; Hart and Padayachee 2000; Kuper 1965, 76, 261–89; Seekings and Nattrass 2005, 142). Although some black merchants profited from the lifting of these restrictions and transformed their approach to business, the uneven or dualistic legacy of apartheid remains (Hull and James 2012, 7).[16]

Pertaining specifically to the post-1994 era, a problem of which some aspirant entrepreneurs complain—and that some nonetheless overcome—is the fact of needing to be "connected" to get one's enterprise off the ground. This has been most notoriously documented in the story of the government's infamous tender system. "A recently enriched upwardly mobile class of politically connected 'tenderpreneurs,'" as Fraser McNeill, a member of the Popular Economies research team, observed, "form companies, and make bids—in which they succeed because of their longstanding links to political elites—to provide goods and services to the government, ranging from housing to hospital equipment." They then use their wealth to engage in "conspicuous patterns of consumption, leading lavish lifestyles" (McNeill 2012, 91). Although elite engagement in this practice has received most critical attention, there are many humbler individuals who similarly strive to procure such tenders.[17] Those unable to cultivate or benefit from such connections complain of exclusion, but those who do succeed often end up disappointed when the promised work fails to materialize (see Hull 2012, 170–72), or—even worse—when they win the tender and undertake the job but are never paid.[18] Aspirant businesspeople also complain of difficulties in getting bank loans. Despite injunctions for blacks to engage in self-started enterprise, and despite initiatives to democratize finance and enable equal access to banking in order to facilitate such enterprise, such difficulties and forms of exclusion have been remarkably similar at different ends of the scale, as the following cases demonstrate.

In and around Impalahoek, complaints about the need for "connections" are rife. I am introduced to one aspirant businessman, Milton, in a roundabout manner, via Ace Ubisi. Milton's story illustrates how each small business enterprise relies on each other one, like the components in a house of cards. It also shows how small-scale businesspeople in a local setting, as in the *Jaftha* case, can hardly survive without exploiting their neighbors to some degree.

Ace Ubisi is himself an aspirant entrepreneur. Hoping to earn some money taking photographs at weddings, funerals, and other events, he put a down payment of R2,000 on the secondhand computer he needed to download the photographs and burn them onto CD. Known as a "lay-by," this notorious and ubiquitous system involves making a deposit on an item in the expectation of paying the rest of the price within a set period or forfeiting the deposit (Roth 2004, 72; see also Chapter 3). But in Ace's case—as in many—the period of three months expired before he managed to settle the outstanding amount of R1,100.

So that Ace can plead for leniency with the salesman in person, I am using my hire car to give him a lift to the nearby town of Bushbuckridge. When we arrive, however, the premises are no longer occupied by the computer shop—it has been replaced by another small business. Anxiously fearing the worst, Ace dials the mobile phone number of the computer salesman, Milton. Milton answers, assuring his customer that he is still in business. Ace gives him an elaborate excuse that is somewhat economical with the truth and persuades Milton to reinstate his lay-by. We drive to a nearby settlement and meet Milton at a house where he is visiting. He says the computer will be ready the following day at five o'clock and will come with a six-month guarantee.

Feeling skeptical about the apparently peripatetic and fly-by-night character of these arrangements, I nonetheless agree to drive Ace to Milton's home to fetch the computer the next day, which involves a half-hour drive over rutted gravel roads and turn-offs along a series of subsidiary tracks, after which we end up in what looks like a typically rural homestead. There are maize plants and mango trees growing in the yard, and Milton's elderly mother is sitting outside on a grass mat, taking a rest from crushing maize with a wooden stamper. The rooms of the homestead are mud-walled and thatch roofed: Milton's computer stock is stored, anomalously, in one of these. We go inside and find him installing a copy of Office 2007 on the computer intended for Ace. After Ace pays the outstanding money, he takes possession of the computer, and we drive back toward the main road, giving Milton a lift. On the way, Milton tells us about how his computer operation came to be evicted from its former business premises outside Bushbuckridge. The landlord had someone coming in who had promised to pay him double the rent. He spun Milton and his partner a yarn about wanting to use the premises for his own small loans business, but they heard from a friend that this was simply a cover. They consulted a lawyer and were told that the action was legal provided the landlord had given them the requisite amount of notice. Alongside the higher rental, connections are what really count here, Milton says. Connections—or the lack of them—have also made a difference to his employment prospects. Most jobs are taken up before they are even advertised, and it is widely believed that they go to people with links to local political figures. Before deciding to start a business, Milton had applied for an information technology job in the municipality—but the job had been given to a well-connected person, he claims, before it was even advertised. Perhaps equally or more telling for the needs of the small business, securing finance likewise depends on "who one knows." Despite having a well-worked-out business plan, he has not been granted any of the several loans for which he has applied, whereas a friend of his with no business plan at all but the right connections was successful in his loan application.

Milton, despite these setbacks, has kept his business afloat and is remarkably upbeat. I find myself marveling at his resilience and at the anomalously low-tech character of the premises to which he has been forced to relocate, with his mother's maize-stamping hand mill just outside the window. I also have to revise my tendency to jump to conclusions about the exploitative tendencies of small-scale entrepreneurs who operate a "lay-by" system, as Milton did in the case of Ace. It is through such techniques that small business owners keep their enterprises afloat—and even then only with extreme difficulty.

Like Milton, but much further up the ladder of success, there are stories of self-made men who celebrate the fact that they have managed to make great strides, despite their lack of BEE connections, patrons, tenders, or bank loans. In one case reported in the press, Ndaba Ntsele and his partner started small and then expanded from construction to jewelry importing, selling Krugerrands and importing car radios. They eventually "won the licence from Portland, Oregon–based Nike to run operations in SA for the sports clothing company, which was re-establishing itself in the country" after the lifting of apartheid-era sanctions. Unable to procure loans from South African banks, they were eventually "lent the necessary money by global titan Citibank."[19]

Similar stories abound. Underlying a sense of pride in having "made it" unaided, the protagonists express scorn for those who rely on patronage and connections, and annoyance at the banks for their failure to loan them money.[20] Such entrepreneurs emphasize thrift and the need to live a simple life while benefiting from those who are more extravagant. Frank Pule himself opted to continue living in Soweto rather than moving to the suburbs like the aspirant suburbanites from whose aspirations—at least for a while—he benefited. He and his wife, perhaps learning from the mistakes of a relative who bought a house in a formerly white area that was later repossessed, restricted their participation in the suburban lifestyle to sending their children to school in those suburbs while remaining resident in the township of Soweto.

Those who, unlike Frank, did manage to succeed in becoming wealthy on the basis of property deals, nonetheless emphasize how they secured the future by restricting lavish expenditure. One report recounts the remarkable business acumen of "property queen" Phemelo Ngcobo. Admittedly, she was not completely "self-starting." She earned a good income from her appearance on one of South Africa's soap operas, *Generations*. She then invested her earnings in a one-bedroom flat in Sandton, which she rented out to cover the bond—"The value of my first flat went up R200,000 in six months," she said:

> But the two-bedroom flats next door were selling for twice as much. At 24, I realized it was time to get serious about my business decisions. I swapped my 4x4 and Civic for a Corsa Lite and began learning about financing from banks and lawyers. I put every cent I could raise into property.[21]

She is praised in the report for having "geared her speculations for long-term returns and not a fast buck," which she did by deciding to rent out her "multimillion-rand homes in prime locations . . . to the corporate market at up to R50,000 a month on long-term contracts." Having initially been tempted by the flashy lifestyle of the "black diamond," what she notes as key to her success is her decision *not* to live in the manner favored by those in that category—or by her clients.[22]

Such accounts of success based on shrewd enterprise and sound investment, beyond the world of the newly wealthy salaried civil servants and politically well-connected "tenderpreneurs," give insight into the factors that constrain such self-made businesspeople. In all the accounts, newfound wealth depends, in some sense, on "gathering people"—renters, recipients of state salaries, or even neighbors and locals with not much of an income. As Detlev Krige, a member of the Popular Economies research team, points out to me one day in 2009 when we meet to discuss the project, these entrepreneurs have little option but to recruit participants, to get access to people's salaries or income. This is an unusual permutation of the characteristically African tendency to gather "wealth in people" (Guyer 1993; see also James 2012, 35). Thus, in arrangements resembling a giant "pyramid scheme," cash is circulated and redistributed, and money is made "from nothing."

By way of illustration, Detlev tells me about a Sowetan friend of his who had recently moved "up market" to the suburb of Four Ways. The friend is trying to put together a property development in Soweto. He says there is plenty of money around, but general reluctance—even from the banks—to start spending. Each person is watching everyone else to see who will take the plunge. Despairing of any movement, Detlev's friend recognizes that the only actor who is able or prepared to spend is the government, so heading back in the "tenderpreneur" direction, he got busy arranging a partnership that involves applying for government funding.

Some of the features of this system, we agree, give it a character not unlike that of financialization everywhere (see Krige 2012). Gaining access to the money of the people at the bottom of the pyramid is essential to generate profit, as banks did in the case of the United States subprime mortgage market. But in other respects, we conclude, it is quintessentially South African. Given the significance of redistribution in the country's economy—largely of state funds but not only so (Bähre 2011)—and the efforts made by so many to gain access to those funds by one means or another, South Africa's regime has been characterized as "distributional" rather than "neoliberal" (Seekings and Nattrass 2005)—or as stated earlier, it is one in which "neoliberal means interweave with and facilitate redistributive ends" (Hull and James 2012, 16).

This reliance on "recruiting people," in South Africa's version of financialization, can run into problems. Some forms of the new enterprise, in particular, rely on the sale of, and the willingness of other upwardly mobile to buy, precisely those financial products that became the rage after the birth of South

Africa's new democracy. But such enterprise is vulnerable when mobility is stalled and the wealth of the recruited people runs dry. The case of insurance salespeople and brokers discussed by member of the Popular Economies research team Erik Bähre is a good illustration. While many township dwellers have been ready to buy insurance policies, they are also notoriously likely to cancel these when times are tough, as when they need a lump sum, or during the recession of the late 2000s (Bähre 2012, 150).[23]

This inconstancy, while financially unsustainable for these purchasers in the long term, has particularly disastrous effects on the economic situation in the shorter term of the intermediaries or brokers who sold them their policies. Debt counselor Rethabile Tlou tells me that several people who have approached her for advice, having found themselves in debt, are insurance salesmen. When their clients cancel policies, these brokers fall into arrears with their payments on cars, houses, and the like.[24] Through a bizarre circularity, individuals facing the insecurity of their new livelihood strategies—like these salespeople, or indeed like Frank Pule—might then find themselves with little choice but to *borrow* from informal moneylenders. This is becoming difficult, since the bigger moneylenders increasingly lend only to those with regular incomes (James 2012, 35; see also Chapter 3). Alternatively, or intermittently, they might turn as Frank did to *lending* money to those in dire financial straits. We are reminded of the point made by anthropologists writing on credit and debt: the two ought not to be seen as discrete because they are interdependent (Gregory 2012; Peebles 2010, 226). It is not merely the case that every act of borrowing presupposes one of lending; many borrowers are, at the same time, lenders as well.

Conclusion

This chapter has explored how residential property intersects with the other elements in which a household invests its income and from which its members might secure their future. Demonstrating some of the complex interrelations of credit and property as they play out in everyday life, the chapter shows how these situations not only are influenced by, but also affect, the broader world of policy, politics, and economy. The policy literature, which advocates fixed property as underpinning a free market, suggests that secure title, combined with readily available mortgage finance, might help bring an end to South Africa's dual economy. It would give owners collateral which they might use in order to gain access to credit. Speaking against the "advantage to creditor principle" that dominates laws concerning indebtedness (Boraine and Roestoff 2002, 4), the view from a social justice perspective instead has stressed the need to protect inalienable rights. That perspective advocates that those rights be protected from the arbitrariness of the market, especially where creditors threatened confiscation. (Interestingly, as the law developed, it ended up protecting the rights of the banks and large-scale mortgage lenders to repossess property rather than those of the small-scale neighborhood—often "illegal"—lenders that had featured in the Constitutional Court judgment. But some of these lenders, as we saw in Chapters 2 and 3, had "other means" of securing their loans, by recouping them from borrowers' bank accounts.)

The hybrid compromise between the two approaches has had complex ramifications. Some householders, enticed by the promises of the market, responded to its call. In the initial honeymoon period, when loans—for example, to fund garage-and-two-rooms extensions—had been easy to get, they had used their township or family houses for collateral. What had made repossession difficult was not simply the strong sense of family ownership. Nor was it only the resistance mind-set, of the apartheid struggle, which drove neighbors onto the street to dance the *toyi-toyi* when house owners were threatened with eviction by the banks. A further factor was the instability of conjugal arrangements and the need to "return home" after a marriage breakup. The net effect was that many householders were keeping rather than selling the family houses with which they had initially been provided by apartheid's peculiarly skewed version of welfarism. This lack of individual ownership—in combination with other factors like irregular income—seemed to be inhibiting the abilities of single women, whether mothers or grandmothers, to improve their lot and that of their children. The conditions that prevented the growth of a secondary housing market, then, have complex determinants (and effects), ranging from domestic struggles at the intimate level of the household all the way to state policy and the law.

Further ingredients were stirred into the mixing pot of property, investment, and livelihood arrangements: the reliance of the black middle class—both new and not so new—on state employment, and the domestic struggles that occurred as female public servants strove for greater autonomy. Some single female teachers in the former homelands, pursuing modern and individualistic rather than customary or communal approaches, were securing a foothold on the property ladder and procuring a good education for their children, despite the insecurity of tenure and lack of title in those areas (Niehaus 2012, 334). Others, attempting to move into the modern property regime and leave behind the uncertainty of the homeland system, found their strategies foundering when the acrimony of divorce came into play.

All these complex factors, in turn, have affected small-scale entrepreneurs' opportunities to grow their businesses and to climb the ladder of social mobility. Such individuals—some unqualified, some lacking connections, some unable to secure loans or finance—have nonetheless tried to overcome the odds. And many have succeeded. But their moneymaking activities are hemmed in by South Africa's continuingly “dual economy.” Rather than being able to engage in untrammeled property deals, it is by “recruiting people”—one means to participate in redistribution (Bähre 2011)—that they are able to pursue their objectives.

Many who have achieved rapid mobility (and many who have not) have a sober and prudent attitude to matters of investment and are all too aware of the need to secure the future by becoming property owners and educating their children. They know what is likely to bring a return in the longer term. At the same time, however, considerable obstacles exist to moving up the ladder at a slow and steady pace, since it is difficult to earn a living except by trying to make “money from nothing.”