

De facto v/s de jure Home Ownership: Women's Everyday Negotiations in Lusaka and Cape Town

Sian Butcher and Sophie Oldfield

Introduction

Across the Southern African region, low-income housing policies almost exclusively prioritise an “ownership model”, which sees progress and development as intrinsically bound up in the production of individual, legally-sanctioned, supposedly secure and economically empowered, property owners (Blomley, 2004: xiv). Evident in its almost uniform inclusion in national housing policies and practice in many states, including Zambia (Schlyter, 1998) and South Africa (Pillay, 2008), an ownership model discursively normalizes this form of tenure (Gurney, 1999). Yet, in contrast to individualised, disembodied, legalistic notions of ownership, we argue that comparative explorations of women's everyday access to homes in two working class neighbourhoods – one in Lusaka and one in Cape Town – demonstrate that ownership is an ambiguous and contested terrain, one that is deeply gendered and relationally negotiated.

Despite very different policy and governance contexts in Lusaka and Cape Town, legal home ownership is only one of a host of factors that shape experiences, senses of security and insecurity, and perceptions and practices of home ‘ownership’. Claims to homes are asserted instead, through everyday practices, reflected in household dynamics and family sanction, as well as interactions with the state. Shaped by housing histories and memories of these experiences, access to and maintenance of homes reflect everyday economic struggles, and the negotiation of the day-to-day tasks of making ends meet.

These multi-faceted negotiations complicate any simple reading of home ownership in impoverished neighbourhoods in Southern Africa. Deceptively clear binaries that separate owners and non-owners become blurred,

challenging arguments that suggest that legal ownership is a straightforward policy and political empowerment, and exclusion from ownership its polar opposite. The following section contextualises these debates in the literature on home ownership and tenure security. The paper then turns to a rich contextual and comparative reading of the de facto practices of home ownership evident in women's everyday negotiations in Matero, Lusaka and Valhalla Park, Cape Town.

“Shelter or Burden?”¹ – The debate about home ownership

Individually-held property rights are a key facet of Western liberal conceptions of citizenship. In an increasingly urban global context, home ownership is the main site for achieving this. The liberal values attached to home ownership are both economic and social (World Bank, 1993; Dupuis and Thorns, 1998; De Soto, 2000). A recent article in the *Economist* (2009) sums up these values concisely:

“Owning your own roof, walls and fireplace, it is thought, is good for householders because it helps them accumulate wealth. It is good for the economy because it encourages people to save. And it is good for society because homeowners invest more in their neighbourhoods, engage more in civic activities and encourage their children to do better at school than do renters. Home ownership, in short, benefits everyone – not just the homeowner – and the more there is of it, the better. Which is why it is usually encouraged by the government.”

Empirical work on ownership and tenure security critiques these simplistic popular and policy readings of ownership, illustrating how such notions fail to capture actual experiences of ownership (Gilbert, 2002; Payne, 2002; Fernandes, 2002; Home and Lim, 2004; Cousins *et al.*, 2005; Royston, 2002, 2006; Musembi, 2007; Payne *et al.*, 2008). Their findings illustrate that formalising tenure through title does not necessarily bring a sense of security or economic prosperity as title pundits like de Soto (2000) suggest. Rather, economic benefits and tenure security are much more ambiguous, and linked not only to title, but also to other more informal and neighbourhood-level factors, as well as individual perceptions of security. Building on this, Nicholas Blomley's (2004) post-colonial critique of urban regeneration uses local contestations and claims around property to think carefully about people's relationships to land, and in doing so, challenges narrow conceptualisations of legal and individual ownership.

Exploding easy readings of ownership

Blomley's (2004) post-colonial discussion of the "politics of property" helps articulate this notion of relational and material claims to land and property. His aim is to challenge the hegemony of the legalistic, individualistic "ownership model" (xv) through "unsettling" ideas of property and ownership as private or public, stable, immutable, "zero-sum", and uncontested (2004: 14). Blomley illuminates the multiple, heterogeneous, and often invisible claims to land that exist in the grey space between public and private property, in his case in downtown Vancouver, Canada (2004: xv-xvi). Conceptually, he stresses the need to approach property as not only legal and material, but also relational and political (Blomley, 2004: xv). As such, "property is not a static, pre-given entity, but depends on the continual, active 'doing'" – property and its relations are actively maintained by citizens and state (Blomley, 2004: vi). These "ongoing enactments that sustain property" include both discursive practices, such as persuasive narrative-building and storytelling, and material practices, which are tangible spatial and physical interventions in and on the landscape of property (2004: 50-53). Blomley argues that these alternative claims to property are enacted, narratively and materially, by both the state and property dwellers in formal and informal ways (2004; 50-53). Finally, in relation to its political nature and the state, he regards property as a site of conflict and contestation both with the state and/or other citizens: "property is a frequent basis for political claim-making in the city, and a site of contestation" (2004: 24). Ultimately, he argues that property's relational and political landscapes are "locally *produced*" (his emphasis – 2004: 56) through material and discursive enactments and struggles.

Blomley's (re)conceptualisations of property relations and ownership resonate with resident experiences, perceptions, and performances in Matero and Valhalla Park. A heterogeneity of tenure arrangements, some within and others outside legal norms, in the hazy middle ground between public and private, are evident in both cases. Owners and tenants in these neighbourhoods constitute a diverse group, with heterogeneous relationships to property, despite shared histories of residence and tenancy in state housing, as well as broader socio-economic commonalities as 'working class' households, increasingly marginalised by economic crises, belt-tightening, and shifts in state presence. This heterogeneity of tenure experience challenges uniform readings of ownership and tenancy. We draw on these arguments to analyse women's experiences in Matero and Valhalla Park around their housing, in

relation to their tenure and economic strategies, as well as their family and neighbourhood networks.

Ownership in Matero and Valhalla Park: policy, perceptions and practices

In Zambia, post-colonial housing policy has privileged individual ownership through freehold tenure in response to massive urban housing shortages in a context of high levels of urbanisation and a historically exclusive colonial housing market (Mashamba, 1997; Schlyter, 1998; Myers, 2006). Privatisation of colonial and post-colonial state housing stock by presidential decree in 1996 is one example of this drive to create home owners². Forty years after Matero's colonial construction of housing for married, male Council workers or private employees and their families, the Zambian President's decree placed all Zambian council housing up for sale. Those Matero residents who could afford, purchased their homes at bargain prices. Tenants had no option as to whether or not they wanted to buy; ownership was assumed an *a priori* positive development for all, and no alternatives were offered. However, the deadline for purchase had to be postponed several times because many residents were not able to buy their homes.

Schlyter's (2002) work soon after the sale noted that men, the better off and the elderly disproportionately benefited from the ownership drive. Interestingly though, she notes that privatisation also made room for new residents, and better off women within these, to access housing in Matero. Houses became available, both for purchase and for rent, when original tenants either moved out to let their place for market-related rents, or sold their homes to make some money. Many residents who had rental arrears could not settle these debts to buy the house. But some found a buyer, who willingly paid enough to cover the arrears and some profit for the seller. In practice, it seems that most residents avoided eviction.

Like Matero, Valhalla Park was a neighbourhood constructed by an oppressive regime in order to control 'coloured' families' movements and lives within the city. Now with some 12,000 residents (Statistics South Africa, 2001), large swathes of rental housing define its streets and skyline, with many informal dwellings interspersed between. Also similar to Matero, Valhalla Park was a traditionally working-class neighbourhood, with residents, especially women, working in the city's textile industry or in other factories. Many women have lost these jobs as the sector opened up to global competition

in the 1990s. However, in contrast to Matero, only a minority of the state rental stock has been sold to sitting tenants in the last two decades. As part of the City of Cape Town's substantial rental stock of some 43,000 units (Hetherington, 2005: 42), Valhalla Park rental housing is technically still on sale under the terms of the Extended and Enhanced Discount Benefit Scheme (EEDBS)³. The core of EEDBS, like many of the national housing policy's other programmes (Khan and Ambert, 2003), is "secure individual ownership" (National Department of Housing, 2005: 3) through individual freehold tenure for pre-1994 tenants with a once-off capital subsidy⁴.

In contrast to the Zambian presidential decree, in the South African case, purchase of homes is *incentivised* through these campaigns, not enforced: tenants are given the 'choice' to purchase their homes or to remain tenants of the state. As such, the City of Cape Town (Council) remains responsible for some 1608 rental units in Valhalla Park; only 914 units have been sold off (Valhalla Park Housing Manager, 2005). The neighbourhood thus remains a predominantly Council-owned and managed area, with privately owned homes interspersed between rental stock.

As such, women's tenure experiences in Valhalla Park provide an interesting point of comparison with those in a wholly privately 'owned' neighbourhood such as Matero. To explore and compare women's negotiation of home ownership, ten women home 'owners' living in one area were interviewed in Matero⁵. Reflecting the mix of owners and tenants, in Valhalla Park three women home owners and seven tenants of the state were interviewed⁶. Structured interviews in both neighbourhoods focused on the resident women's housing and family histories, their economic experiences, and perceptions of ownership.

Titled owners: security of tenure and livelihood through title?

Speaking with resident women a decade after privatisation in Matero, and 25 years since the Great Sale began in 1983 in Valhalla Park, our conversations revealed multiple and varied experiences of ownership in everyday life. For one thing, we quickly learnt that 'ownership' had not been a straightforward process for Matero residents. Namwene⁷, a woman in her late 20s, explained that although houses were 'sold' for almost nothing (K10,500⁸) in 1996, this did not include the transfer of title to the new owner. To become the titled owner, an additional and much greater sum of money had to be handed – around K300,000⁹ – mainly for the surveying of the plot. As such, receiving

the title is financially out of reach for the majority of Matero households and only available to those economically well off. In consequence, many 'owners' do not have the legal title to their houses.

This conversation with Namwene introduced the idea of a far more qualified ownership through privatisation in Matero. Despite sharing the name 'private owner', residents' actual legal and practiced ownerships are experienced and negotiated very differently. We met only two elderly women homeowners who had the legal title to their properties, Mrs Mlozi and Mrs Chama. Both were long-term residents who had accessed their houses in the 1960s and 1970s through their husbands' tenancy and employment in the city. The two households had bought their homes during the sale of 1996 and paid for their title deeds. Both women had also been widowed and had negotiated their continued claims to the house in terms of customary and statutory law. For each, customary sanction was perhaps even more important than statutory rights, which required them to place their names on the title deed documents and to lodge their ownership with the Lusaka Council. Mrs Chama explained:

"Because this house used to be for my late husband, when my husband died [...] relatives asked me, 'what do you want from this house?' I said, 'no, I just want to raise my children here! That was it [...] They said I should keep this house to raise my children [...] I even went to court and I signed the papers saying this house is for my children, it's for me [...] I was blessed."

Security of tenure for Leticia Chama was less reliant on a state-produced document than the outcome of customary negotiations with her late husband's family. However, despite having customary and legal rights to the house, livelihoods and access to services are much more tenuous for the Chama household than the Mlozis. Even when owners have access to title, rights to the property and economic prosperity are not automatic or straightforward.

In Valhalla Park, women legal owners were in even greater the minority. In the research process we met three, all of whom had gained ownership through different schemes at different times. Aunty Lorain had bought the house first with her husband through a purchase scheme in the early 1980s and had just finished paying off the house at the end of 2007. The second owner was Aunty Theresa, who lived alone in a large house that her husband bought in a rent-to-buy scheme in the late 1980s; she inherited the house when he died. Aunty Marlene, the third owner, bought her house with her husband in 1997

under the Discount Benefit Scheme: she has been the sole owner since his death, and continues to reside there alone.

All these women were over 60 years old and had gained ownership of their homes either jointly or solely through their husbands. As in Zambia, ownership of, as well as access to, state public housing has often been limited to a particular generation. To purchase a home required a steady income. Owner households were thus more economically secure than the tenants interviewed – not necessarily because of their home ownership, but because of their, or their husband's history of formal, secure employment. However, with the death of their husbands and retirement, some of the owner households have faced greater income insecurity, although mitigated to some extent through state pensions, small home businesses (such as Aunty Theresa's tuck shop) and help from their children. Women home owners all reiterated the stress of maintaining the house as private owners. Nonetheless, owning the home also had positive associations for each of them: a sense of accomplishment, freedom from rent, and independence from the rules of others. Here there are distinct differences in attitude across generations: Aunty Theresa placed a high premium on knowing that the house is "your place" when one owns, while her daughter saw owning a house as a useful economic asset that can benefit the family through re-sale. Generally though, ownership was seen as useful in that one does not have to pay rent or live under someone else's thumb¹⁰.

As such, means to ownership, as well as experiences of it, are differentiated in Valhalla Park. Similarly in Matero, legal ownership is not a homogenous experience, nor a widespread one. The vast majority of women we met in both neighbourhoods were not legal owners of their homes. However, the narratives shared by these non-owner women demonstrate that it is not only legal owners who experience tenure and economic security: *de facto* experiences are far more blurred across *de jure* relationships to property.

Untitled and tenant narratives: challenging notions of title as singular route to security

In Matero, six out of ten women explicitly told us they did not yet have the title deeds in their possession; others were concerned about security and did not want to commit one way or the other. This group included long-term residents and newcomers, old and young owners, better off and poor households. Some of the untitled 'owners' however, were very secure in their

tenure, such as the long-term resident and relatively well-off matriarch Mrs Bwaanga. Although she had purchased her house under the privatisation scheme as the named sitting tenant at the time, she did not have title to the house. She has nonetheless applied. As a receptionist for 20 years, she was able to afford the expensive titling process. Although she is still waiting for these official markers of her ownership to come through, Mrs Bwaanga seemed content. She is a true matriarch even if she is no longer a breadwinner; she told us she was “the head of the house, and the decision maker”. Mrs Bwaanga did not see herself leaving that house, certainly not to return to the rural areas. She was proud of all that her family had accomplished on the property and has plans for the future.

In contrast, her daughter-in-law Sarah, also residing in the house, expressed none of the same security, despite being the wife of the oldest son, the ‘man of the house’, who has a good job. Rather, her insecurity relates to her customary position as daughter-in-law. According to the custom of their clan, inheritance follows the ‘womb’: matrilineal property and possessions are passed down to daughters, not sons, and certainly not daughter-in-laws. As such, Sarah’s future in the household is tenuous. Despite the relative prosperity of the house, there are definite inter-generational tensions over inheritance of the ‘family house’. Economic security does not necessarily lead to legal or perceived security of tenure for everyone in the house, especially in relation to customary law. In this case, even though the Bwaangas had enough money to purchase the title deeds, Council had not produced the documents.

Some of the other untitled owners we met were far more economically insecure than the Bwaangas. However, this did not necessarily mean they were insecure in their tenure. For example, Natasha and her grandmother were faced with such great everyday needs that their legal tenure security was the last thing on their mind. Natasha’s grandmother explained:

“At least now life has become much lighter, since we now have a house, so we have no problems. I just suffer with other things not housing, now I don’t have to pay rent [...] I just had other problems like livelihood and how I am going to live my day to day life [...] My son is dead and the younger son of mine is also dead: they have taken away my children who could look after me [...] That’s life right there.”

Similarly, Margaret Chimuka, a widow responsible for some 15 dependants, does not have title to their relatively newly and informally purchased house. Since the death of her husband, concerns about her legal tenure status are

secondary to the pressing economic and service demands of the enormous household, in the face of very little state support.

In Valhalla Park, legal owners are also a minority; most families (women and men-headed) continue to rent their homes from the Council. Many residents cannot afford to buy, even under the current subsidy regime, because of their unsettled rental and service arrears. A local activist, Nadia, explained:

"They didn't encourage us to buy these houses in the first place when we first moved in here, otherwise it shouldn't have been where it is today. We are so in arrears that we couldn't get out of it [...] I'm talking about each and everybody in Valhalla Park – the people are so in arrears that they couldn't move out of it [...] you can try now for life, but you won't get out of it, unless the council take it away, and there you start a new beginning – that's how it is."

Reasons for these amassed arrears range from politically-motivated rent boycotts against the apartheid regime in the 1980s (Swilling *et al.*, 1991; Oldfield, 2002); to the economic squeeze most households find themselves in thanks to deepening unemployment. Accrued arrears render the purchase of a home through the state's subsidy impossible for many. It is only the more affluent in the neighbourhood, those with multiple breadwinners and stable incomes (and husbands!), who have been able to gain ownership through the state's scheme.

Despite high-levels of arrears, evictions by the City Council from Valhalla Park's rental stock are currently few and far behind thanks to strong local mobilisation and civic organising since the 1990s (Oldfield and Stokke, 2006). In consequence, despite their arrears, many tenants feel relatively secure in their tenure for the time being, at least in relation to *Council* eviction. This is not to say that Council has lost its *de jure* rights of eviction, it still exercises these powers in other areas. Rather, the frequency of eviction in Valhalla Park has decreased over the last decade, as the community has mobilised increasingly to engage council and to oppose evictions (Oldfield and Stokke, 2007). Instead, Council has found other, less inflammatory ways of encouraging rental payment from tenants.

The women tenants we met made claims to their homes in various ways. Some were very secure in their tenure, and viewed themselves as *de facto* 'owners', such as Aunty Joanie and Sharifa. As a poor pensioner, Aunty Joanie was not economically stable, but still felt relatively secure in her tenancy. Having lived in Valhalla Park for 33 years, she believes she has a strong claim

to this place. Despite her arrears and lack of income to pay rent in the future, she was clear: she would be in Valhalla Park until the end of her days. On the other hand, Sharifa is a prosperous entrepreneur with a booming house shop, who only recently started renting her house. Although she is reasonably secure in terms of both livelihood and perceptions of tenure presently, these developments are quite recent. Sharifa and her family have been evicted multiple times in the past and struggled economically after she lost her job in a textile factory. Tenure security as a tenant can thus quite easily change over time. While Sharifa may be technically able to buy her house, purchase is not a priority at present because ownership would not necessarily improve their tenure situation, and could just be an unnecessary burden in terms of maintenance.

Other women tenants did not have such secure experiences, for example Gadija and Rose, both recently widowed and now without livelihoods. Interestingly however, Gadija and Rose's income insecurities do not necessarily translate into tenure insecurities: they are worried about how to meet their daily needs but not about being thrown out of their houses. Since losing her husband's disability grant which was her sole source of income, Gadija is concerned about paying for services and food but not about rent. She does not foresee having to leave her council-owned home for non-payment. Another long-term Valhalla Park resident, Rose relies on an employed daughter since her artisan husband passed away the previous year; they have not paid the rent since his death. There is a possibility that her late husband's debts will be scrapped by Council, making purchase an option. When asked if she would buy the house if that happened, she replied: "it is useless to buy the place, because if something broke then you have to pay someone to come and fix it". Thanks to strong community structures and mobilisation, these women may not be dependent on men for their tenure security, but because they have to meet day-to-day costs for food, services and maintenance of homes, their loss of jobs in the textile industry and their status as widows has affected them and their families keenly.

In some cases, women tenants experienced both income and tenure insecurity: Yolanda, a community activist who lives in a small council house with ten other people, was very vulnerable. Following her mother's death, she has been embroiled in a family dispute over the tenancy. She also has little regular income, which means she is unable to settle the arrears which have accrued due to non-payment of rent, and buy the house herself. The

household has been protected from eviction and service cut-offs by the community organisation, the Civic, for the last decade. Combined with perpetual income insecurity, these factors meant that Yolanda did not perceive herself as an 'owner' of her home as some of the other tenants.

Overall, the diversity of tenancy experiences challenges us to move beyond the generalising category of 'tenant'. Women shared different histories of accessing home and making it their 'own' and of relating to men in their lives, and their means to providing for their families in formal and informal ways. Through Sharifa's, Aunty Joanie's, and Rose's narratives, we also leave behind the dominant representation of tenants as always tenure insecure and eviction-threatened, although at certain junctures they have faced these problems. Rather, issues of tenure, livelihood, and relationships become intertwined, mutually constituting and complicated in the re-telling of these women tenants' narratives. We cannot speak easily of in/security of tenure without thinking about in/security of livelihood and the complexities of households and their histories.

Claims to ownership beyond title: customary sanction and solidarity narratives

In both contexts there are other factors beyond legal title which affect lived experiences of ownership and challenge modern bureaucratic definitions of property ownership. Local understandings and claims to ownership and property are articulated through a variety of means, of which title deed is only one particular claim. In Zambia, customary sanction of one's relationship to property is very important, as mentioned earlier in relation to Mrs Mlozi and Mrs Chama, as well as the Bwaangas. Women we met used the notion of the 'family house' to protect their and their children's claims to the home when negotiating with the deceased husband's extended family. Some women were determined to put the house on the names of all of their children to prevent relatives from taking over the house. Others wanted to put it on their daughter's name instead of their sons' to prevent daughters-in-laws from evicting them or their other children in the future. Thus, the 'family house' was an important strategy in women's property 'work' in Matero. For some, this was the case even if they already had statutory rights through title to the property. In a number of instances, customary permission and the approval of relatives outweighed state and legal endorsement of residence¹¹. Negotiating inheritance was also a source of real concern for young people, regardless

of their statutory claims to housing. As they occupy lower positions in the family status chain, young people in Matero are often heavily dependent on the 'family house' for shelter, and thus reliant on older relatives' goodwill in sharing their housing with them. Generational tensions over scarce urban housing have also been exacerbated by the realisation that through privatisation, elderly residents – now owners – have no plans to return to the rural areas as was often the practice in the past (Musonda, 1996).

In Valhalla Park, in contrast, customary rights to land and housing were not an issue. Rather, *perceptions* and narration of perceived entitlements to housing play a similar role in destabilising legal rights to property. Many tenants (and owners as well) spoke of how they had paid for their houses many times over through rental payments during the last three decades, such that they consider themselves the rightful 'owners' with or without title. Aunt Gerty explained this:

"We [are] paying rent and paying rent [...] and we [have] been living in the house for so long, and when's it going to be ours, and why must we still buy it? We've already paid for our houses!"

Residents also draw on history and memory to explain their entitlement. Valhalla Park's origins as an Apartheid dumping ground for forcibly removed coloured families in the 1970s feature prominently in these narratives. The women residents explained how they arrived in this "raw" place and built it into the neighbourhood and community¹² it is today. Through new formal and informal construction and investment, setting up businesses and social structures, residents have made Valhalla Park home. The collective memory of creating the neighbourhood from nothing, combined with decades of rent payments, reinforce local attitudes of entitlement to what are technically Council-owned houses. Women's statements about never leaving Valhalla Park – 'staying put', or wishing to be carried out from their homes in coffins – appeal to their strong discursive and collective, if not legal, right to their houses.

Enacting ownership: home investment and community mobilising

Titled and untitled owners as well as non-arreared and heavily-arreared tenants in both neighbourhoods also act on their (perceived) ownership in everyday practice, physically investing in their homes and mobilising around their rights to different degrees. Home investments in Matero and Valhalla Park act as one particularly tangible gauge of how residents assert their security of tenure.

Home investments are evident across tenure types and even economic groups to some extent. In both neighbourhoods, home investments are not so much contingent on official approval as they are on available economic means. Official approval is a costly and time-consuming undertaking in both settings and nearly impossible for tenants in Valhalla Park who are not supposed to alter Council property. Authorisation is therefore considered irrelevant by most. Of course, there are a few residents, particularly in Matero where there are no strong community structures, who have not illegally extended for fear of state reprisal. However, many residents in both neighbourhoods have made illegal additions to their home when they have had the economic opportunity to do so. There are also others who have not extended because they do not have the financial means, not because they are awaiting state permission.

In Matero, illegal extensions speak strongly to the absence of the state: while legally the state can discipline this illegal building, in practice residents effectively do what they like because the state has few powers of surveillance or reprisal (although the latter is debatable). As Mrs Dzonzi said, “Renovations – those have to be approved by Council – they don’t want any building happening without them knowing. But in Matero, they can’t see everything, so people just do their own thing”. She went on to say that “If possible, I would like to extend it – but there is no cash”: for her and many others, home investment is dependent on her and her household’s financial circumstances. In Valhalla Park, illegal home investments, particularly by tenants on Council property, bear witness to long-term *de facto* claims to these houses, and their protection through community structures and in some instances, personal relationships with Council officials and local politicians. Aunty Gerty explained that:

“People are even building on [...] they’re doing just what they like as if they’ve already bought the place, they don’t mind [...] Before they [Council] used to [demolish] [...] but as I said, we’ve got a lot of say now.”

In spite of the illegality of these home investments, Valhalla Park residents have little fear of demolition of renovations or of eviction by the state. As such, home investments are a physical testament to residents’ perceptions of rights to their houses as well as their economic histories, more than evidence of any state authorisation or a particular tenure status.

In Valhalla Park, community structures and mobilisations are another site through which ownership is claimed and enacted. Mobilisations are not so much claims about individual properties (although at times specific

interventions around evictions have been organised), but function more largely to assert ownership over the collective neighbourhood and decisions about its future. These mobilisations have also been mythologised to some extent, like the creation story of the neighbourhood: residents remember and refer to past interventions such as occupying the bathrooms of public buildings when the state did not provide water, illegally reconnecting residents' electricity connections at night, and staging lengthy sit-ins and blockades at the homes of evictees. These memories serve to reinvigorate activists and shore up their claims to these houses and streets: 'we built this neighbourhood, we fight for its citizens' rights, ergo we claim ownership of this place'.

Through strategising around customary sanction in Matero and around the invocation of rights to council property in Valhalla Park, security of tenure is complicated: it is not simply a matter of title deeds and legal approval. Family leaders' permission, neighbours' and community collective solidarity as perceived owners, for instance, overshadow technical legal rights in these contexts.

Comparative ethnographies: a lens on women's everyday negotiation of ownership

Women's tenure security and claims to ownership are not straightforward functions of legal title, customary approval, or economic liquidity in a household. Simple dual categorisations of 'owner' or 'non-owner' fail to capture lived experiences in either place in this study. For titled, untitled and tenant women, rights to houses are not embodied neatly in legal documents, because practices and performances of property are shaped by shifting economic realities and lived through relationships – in households, with relatives, in community, and between residents and state officials, in Valhalla Park especially. Legal recognition of ownership does not automatically and exclusively translate therefore into a sense of tenure security and any assumed notions or performances of ownership.

Through a comparative conversation between Matero and Valhalla Park's resident women's narratives, multiple and blurry relationships to property emerge: owners and tenants are not neatly defined by their *de jure* legal status, sense of tenure security or economic status. Rather, *de facto* experiences speak to how perceptions and performances of property are shaped by relational, political and economic dynamics. Available funds, family dynamics, political mobility, and memory all mediate women's relationships to homes and

property. The women we visited also act on their perceptions of entitlement or ownership discursively, collectively, and materially via the ‘family house’, investing in the home, and community mobilising.

As such, the assumed benefits of legal, individual ownership (as proposed by De Soto (2000) and colleagues) are challenged by everyday practice in Matero and Valhalla Park. Rather, as Gilbert (2002), Fernandes (2002), and Blomley (2004) argue, perceptions and performances of ownership and claims to property are not solely shaped by an individual’s legal tenure status. A sense of ‘ownership’ quite outside the law can be engendered by social and kin networks and their sanction; available economic means to assert property claims; pervasive narratives of rights to a place; and community mobilisation to stake out those claims. It is only by approaching gendered and generational negotiations of housing and property at the “scale of experience” (Masuda and Crooks, 2007: 258), that we are able to explore these dynamics.

Women’s negotiation of housing and home-building in both contexts reflect the “situated material practices, the constitution of identities and relations of power in the multiple, inter-connected arenas of everyday life” (Hart, 2002: 818). Such “critical ethnographies” are important “*not* as case studies of the ‘impact of globalisation’ but as windows on constitutive processes, and as a means for reconfiguring understandings and practices” (Hart, 2004: 97). Through ethnographies of ‘understandings and practices’, feminist analyses can:

“reject [...] simplistic generalizations that cast globalization [and privatisation] as either totally victimizing or completely liberatory and [...] illuminate [...] the subtle ways in which power relations, interdependencies, negotiated constructions of femininity and masculinity, and multi-layered politics of difference constitute the everyday politics and realities of globalization” (Nagar et al., 2002: 275).

Ultimately, women’s everyday negotiations of home ownership in Matero and Valhalla Park challenge us to engage with the gendered *de facto* everyday realities in Southern African cities such as Lusaka and Cape Town.

Acknowledgements

Sincere thanks to the women in Valhalla Park and Matero who shared their histories, homes and plans. Thanks also to: Milumbe Kapopo for her research partnership in Lusaka; Gerty Square for the hours and energy spent introducing her network in Valhalla Park; Ann Schlyter for introducing us to

Matero and Lusaka, and for her advice and comments on the paper; and to the Body Politics Project and the South African National Research Foundation for research funding.

References

- Arnfred, S. 1996. "Rethinking Law in a Gender Perspective" in Schlyter, A. (ed.) *A Place to Live: Gender Research on Housing in Africa*. Uppsala: Nordiska Afrikainstitutet. 32–46.
- Blomley, N. 2004. *Unsettling the City: Urban Land and the Politics of Property*. New York and London: Routledge.
- Cousins, B., Cousins, T., Hornby, D., Kingwill, R., Royson, L., and Smit, W. 2005. "Will formalising property rights reduce poverty in South Africa's 'second economy'? Questioning the mythologies of Hernando de Soto", *PLAAS Policy Brief* 18: 1–6.
- De Soto, H. 2000. *The Mystery of Capital: Why Capitalism Triumphs in the West and Fails Everywhere Else*. New York: Basic Books.
- Dupuis, A. and Thorns, D.C. 1998. "Home, Home Ownership and the search for Ontological Security", *Sociological Review* 46(1): 24–48.
- The Economist*. 2009. "Shelter or Burden?", April 19th 2009. Available at http://www.economist.com/finance/PrinterFriendly.cfm?story_id=13491933.
- Fernandes, E. 2002. "The Influence of de Soto's Mystery of Capital", *Landlines* 14(1). Available at <http://www.lincolninst.edu/pubs/PubDetail.aspx?pubid=202>.
- Gilbert, A. 2002. "On the Mystery of Capital and the Myths of Hernando de Soto: What difference does legal title make?", *International Development Planning Review* (Formerly Third World Planning Review) 24(1):1–19.
- Gurney, C. M. 1999. "Pride and Prejudice: Discourses of Normalisation in Public and Private Accounts of Home Ownership", *Housing Studies* 14(2): 163–183.
- Hart, G. 2002. "Geography and Development: Development/s beyond Neoliberalism? Power, Culture, Political Economy", *Progress in Human Geography*, 26(6): 812–822.
- Hart, G. 2004. "Geography and Development: Critical Ethnographies", *Progress in Human Geography* 28(1): 98–100.
- Hetherington, S. 2005. "Who wants to be a landlord?", *Delivery* May/July: 40–43.
- Home, R. and Lim, H. (eds.) 2004. *Demystifying the Mystery of Capital: Land Tenure and Poverty in Africa and the Caribbean*. London: GlassHouse Press.
- Khan, F. and Ambert, A. 2003. "Preface" in Khan, F. and Thring, P. (eds.) *Housing Policy and Practice in Post-Apartheid South Africa*. Sandown: Heinemann Publishers.

- Mashamba, S. M. 1997. "Housing Policy in Zambia" in Mpuku, H. C. and Zyuulu, I. (eds.) *Contemporary Issues in Socio-economic Reform in Zambia*. Aldershot: Ashgate.
- Masuda, J. R. and Crooks, V. A. 2007. "Introduction: (Re)thinking the Scales of Lived Experience (Editorial)", *Area* 39(3): 257–258.
- Musembi, C. N. 2007. "De Soto and Land Relations in Rural Africa: Breathing Life into Dead Theories about Property Rights", *Third World Quarterly* 28(8): 1457–1478.
- Musonda, F. B. 1996. "Social Impact of Home Ownership", *Times of Zambia* 18 June.
- Myers, G. 2006. "The un-authorized city: Late-colonial Lusaka and post-colonial geography", *Singapore Journal of Tropical Geography* 27(3): 231–234.
- Nagar, R., Lawson, V., McDowell, L. and Hanson, S. 2002. "Locating Globalisation: Feminist (re)readings of the Subjects and Spaces of Globalisation", *Economic Geography* 78(3): 257–285.
- National Department of Housing. 2005. *Policy Framework and Implementation Guidelines for the Enhanced Extended Discount Benefit Scheme [EEDBS]*. November. Pretoria: National Department of Housing.
- Oldfield, S. 2002. "Local State Restructuring and Urban Transformation in post-apartheid Cape Town", *GeoJournal* 57(1-2): 39–47.
- Oldfield, S. and Stokke, K. 2006. "Building Unity in Diversity: Social Movement Activism in the Western Cape Anti-Eviction Campaign" in Habib, A., Valodia, I., and Ballard, R. (eds.) *Globalisation, Marginalisation and New Social Movements*. Durban: University of KwaZulu Natal Press.
- Oldfield, S. and Stokke, K. 2007. "Polemical Politics, the Local Politics of Community Organising, and Neoliberalism in South Africa" in Peck, J., Leitner, H., and Sheppard, E. (eds.) *Contesting Neoliberalism: The Urban Frontier*. Connecticut: Guildford Press.
- Parnell, S. 1991. "Race, Class, Gender and Home Ownership Subsidies in Contemporary South Africa", *Urban Forum* 2(1): 21–39.
- Payne, G. 2002. "Introduction" in Payne, G. (ed.) *Land, Rights and Innovation: Improving Tenure Security for the Urban Poor*. London: ITDG Publishing.
- Payne, G., Durand-Lasserve, A. and Rakodi, C. 2008. *Social and Economic Impacts of Land Titling in urban and peri-urban areas: International Experience and Case Studies of Senegal and South Africa*. Final Report to the Ministry of Foreign Affairs, Government of Norway; Swedish Development Agency (SIDA) and the Global Land Tools Network, UN-Habitat. March 2008.
- Pillay, U. 2008. "Hernando de Soto and the 'Mystification of Capital': A critical exploration of the difference that legal title makes for the low-income housing market in South Africa", *South African Geographical Journal* 90(2): 97–105.
- Royston, L. 2002. "Security of Urban Tenure in South Africa: Overview of Policy and Practice" in Durand-Lasserve, A. and Royston, L. (eds.) *Holding their Ground: Secure Land Tenure for the Urban Poor in Developing Countries*. London: Earthscan.

- Royston, L. 2006. "Barking dogs and building bridges: A contribution to making sense of Hernando de Soto's ideas in the South African context" in Huchzermeyer, M. and Karam, A. (eds.) *Informal Settlements: A Perpetual Challenge?* Cape Town: UCT Press.
- Schlyter, A. 1998. "Housing Policy in Zambia", *Habitat International* 22: 259–271.
- Schlyter, A. 2002. *Empowered with Ownership: The Privatisation of Housing in Lusaka, Zambia*. ISAS GRUPHEL III Research Report Series. Lesotho: Institute of Southern African Studies.
- Statistics South Africa. 2001. "Valhalla Park Wards 30 and 31" in *National Census Data*. [Accessed from personal communications with City of Cape Town].
- Swilling, M., Cobbett, W. and Hunter, R. 1991. "Finance, electricity costs, and the rent boycott", in Swilling, M., Humphries, R. and Shubane, K. (eds.) *Apartheid City in Transition*. Cape Town: University Oxford Press.
- Times of Zambia*. 1996. Monday 18 March.
- UN-Habitat. 2005. "Land Tenure, Housing Rights and Gender in Zambia" in *Law, Land Tenure and Gender Review Series: Southern Africa*. Nairobi: United Nations Human Settlement Programme.
- World Bank. 1993. *Housing: Enabling Markets to Work*. World Bank Policy Paper. Washington DC: World Bank.
- Valhalla Park Housing Manager. 2005. *Statistics provided to Housing Management at the City of Cape Town*. [Access granted by Provincial Department].

Endnotes

1. Article title in *The Economist*, April 19th, 2009. Notably, this article actually questions the argument that home ownership is necessarily positive in the wake of all the foreclosures and relocation necessitated by the recent economic recession.
2. In 1996, President Chiluba issued various proclamations in which city councils were to offer sitting tenants of 20 or more years the chance to buy their homes for extremely low prices, in a bid to "empower" Zambians through home ownership (*Times of Zambia*, 1996).
3. This policy has been re-launched multiple times and in different forms over the last two decades. See Parnell (1991) for more on the earliest version, the Great Sale in the 1980s.
4. Criteria for this include: tenancy from before 1994; no previous housing subsidy from government; and most importantly, no outstanding arrears, either in rent, water or electricity if they wish to access the full subsidy (National Department of Housing, 2005).
5. Interviews were conducted in November and December 2007 by the first author and Milumbe Kapopo, a Zambian University of Cape Town honours student whose research also focused on Matero. Multiple visits and an in-depth interview

were conducted with women in a small area of Matero. Interview contacts in the area were initiated through Dr Schlyter's introduction to two of her research informants from her research on housing privatisation in Matero (2002).

6. A community activist, Gertrude Square (Aunty Gerty) facilitated meeting and interviewing women residents from various sections of Valhalla Park in the first part of 2008. A formal interview was conducted with each resident by the first author, with other informal visits after.
7. All participants' names, except for Aunty Gerty's, have been changed for confidentiality.
8. 'K' stands for Zambian Kwacha, the name of the currency unit. At that time, 90,909 Zambian kwacha (K) was equal to \$1 USD (December 1995).
9. In November 2007, K550=R1.
10. Despite the assumptions in some de Soto-inspired literature, the interviewees did not discuss their houses as an asset through which to access finance, primarily because loans require not only the house as collateral, but also a stable income flow.
11. See UN-Habitat (2005) and Arnfred (1996) on gender, customary law and property in Zambia.
12. We use this term 'community' as it is invoked by residents in Valhalla Park, not to claim any kind of reified status for this group of people in terms of their collective identity in sharing this space and its politics.