

https://dspace.org/

Law, spatial planning & the making of South African cities

Makoni, Eric Nyembezi

2020

https://hdl.handle.net/10539/30405

Makoni, Eric Nyembezi (2020) Law, spitial planning and the making of South African cities, University of the Witwatersrand, Johannesburg, <http://hdl.handle.net/10539/30405>

Downloaded from a DSpace repository. https://dspace.org/

ABSTRACT

This dissertation examines the relation between law and spatial planning in the making of contemporary South African cities. Using Johannesburg as unit of analysis, the dissertation demonstrates how, throughout history, law and spatial planning have been appropriated to realise specific political and ideological intentions. It is shown that, from the founding of contemporary South African cities, various legal and planning instruments were at times deployed in the service of creating racially fragmented and unjust cities. This hegemonic colonial project of legalised, racial spatial planning was further crystalised during the apartheid era from 1948 right through to the late 1970s.

Interestingly, the post-apartheid state has similarly turned to the twin-pillars of law and spatial planning as part of its political project of reconstituting the urban political while also striving for the realisation of spatial justice. Given the complicity of law and planning in the making of unjust colonial/apartheid cities, this dissertation asks whether, and to what extent the law and planning have managed to assume new democratic roles of creating 'post-colonial' South African cities defined by spatial justice and socio-economic inclusivity, especially against a political background characterised by the intensification of global capitalism, and its related neoliberal packages.

Drawing on literature pertaining to law's spatial turn as well as decolonial theory, the dissertation employs the notion of *lawscape* to philosophically anchor the investigation. The focus is therefore both on how the law (including, in the post-apartheid lawscape, rights-based litigation) influences the production of social space, and how everyday socio-spatial, political and ideological forces simultaneously shape the form and application of law.