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Regimes and rights on the Orange River: possessing and dispossessing Griqua Philippolis and Afrikaner Orania

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2012

https://hdl.handle.net/10539/24504

Cavanagh, Edward (2012) Regimes and rights on the Orange River: possessing and dispossessing Griqua Philippolis and Afrikaner Orania, University of the Witwatersrand, Johannesburg, <https://hdl.handle.net/10539/24504>

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Abstract

Griqua Philippolis (1824-1862) and Afrikaner Orania (1990-present) are explored in this thesis, according to a legal-history framework that allows for a comparative appraisal of their foundations. As I argue, property – specifically, property in land – helps us to understand sovereignty and the question of rights in the South Africa. As this thesis explores, both settlements were formerly home to prior inhabitants (the San in Philippolis; Coloured squatters in Orania), and these inhabitants had to be transferred away. Both communities emerged out of contested and dynamic political contexts – situations that would determine how they saw themselves and others. Land regulations were devised within these respective contexts, in direct response to specific external pressures and the demands of the market. Internally, both polities were tightly governed. Externally, to various institutions and individuals, both argued for their 'rights' – mainly rights to land and to special treatment – all the time. Indeed, in a way, this study is an historical exploration of the effective deployment of 'rights talk', and to that end, my argument carries across two centuries right up to the present day using Orania and Philippolis to do this. This thesis, then, is a study about land rights, and the different regimes that create and erase them, that acknowledge and ignore them; it is a local history of settler colonialism past and present, using two case studies to explore the continuities of South Africa's ever-pertinent land question.