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Claims by native peoples to land and its products in former colonies that are now developed industrial nations (particularly Australia, Canada, and the United States) are of necessity argued in terms of legal systems introduced by Europeans and institutionalized in those countries. Evidence from the recent prehistory of these native peoples and from the history of their colonial encounters may be admissible as evidence but not as structural components of arguments for inherent native land rights. Native property relations and their adjudication in precolonial times are, *inter alia*, of only secondary consequence in these cases. It is this fact, perhaps, that has conditioned many anthropologists from Western countries to view African forager relations to land in normative, rule-centered, functionally specific terms analogous to those of European-American law.

As long ago as 1957, Bohannon argued that it is inappropriate to transfer in this manner these conceptual and institutional categories of Western law to African societies (see also Bohannon 1965). In that same year, V. Turner (1957) following on Colson's (1953) earlier study, demonstrated that in some African societies, at least, cooperation in and competition for such assets as land are constrained by a prevailing structure of relations that can only be understood in the context of extended social processes. Comaroff and Roberts (1981) locate the field in which persons negotiate their social universe in the conjunction of these processes with surface features of rules. In their analysis of Tswana social order, they demonstrate the necessary dialectical nature of this conjunction.

Nevertheless, despite sixty years of intensive development of this processual paradigm that owes little or nothing to Western legal theory (Malinowski 1926; see Comaroff and Roberts 1981:11-17 for a summary history of this development), derivative Western formal models have been implicitly applied to the foraging societies of southern Africa. This transferral has taken place with little recourse to the political and legal theories from which it is drawn and with less consideration for the African context of San peoples who constitute these societies. Silberbauer (1982), alone among students of the San, cites political theorists but no work on law or its application. Lee (1982, 1979) does invoke marxian theorists but draws on the ecologically functional components of their models in a utilitarian manner. Even when these authors make concerted efforts to dissociate San property-status frameworks and forms of ownership from those of Europe and the "developed" world, their attempts take the form of normative contrasts to an Anglo-American model (Silberbauer 1982; Lee 1982, 1979, 1972) rather than analyses of the native African matrix within which San systems are historically set. Thus, Leacock and Lee (1982:10) are able to assert the anomaly that means for resolving interpersonal conflicts are necessary in San societies whose members are "free from fundamental conflicts of interest." They are able to do so because they apply a Western jural model of conflict and decision-making to these societies in which both the nature of interests and the concept of what constitutes resolutions are fundamentally different from Western modes.

In countries like Botswana, moreover, native institutions continue to provide - as they did in the colonial and precolonial past - the first avenue of redress as well as the lower levels of appeal for all common-law, most civil-law, and some criminal-law categories of cases. Traditional Tswana courts (dikgotla) presided over by a hierarchy of chiefs, local chiefs, and headmen (dikgosi, dikgosana, basimane) hear disputes not only of Tswana litigants but also those of all subordinate groups within the country. Only at the higher levels of state jurisdiction does European law (Dutch-Roman law in this case) come into prominence. It is, thus, important to understand the relation of various native systems to each other both in the contemporary situation and in its historical development.

Furthermore, although all persons in Botswana who are native to that country, regardless to which linguistic/ethnic group they may belong, are granted full citizenship status by the national constitution, several groups are, nevertheless, in practice, excluded from full participatory status - especially in the realms of economic opportunity and land rights - on grounds that they did not in the past and do not now have inherent land tenure and political structures that would admit them to equality in these regards (Hitchcock 1980:24). The arguments advanced echo those quoted by Asch (in press) from the colonial context of Canada. Exclusion in Namibia - where San also live in considerable numbers - and the reasons for it are, of course, much more severe, but similar notions of social naïveté attributed to subordinate peoples are significant parts of the underlying rationale.

In Botswana, San (who constitute approximately three percent of that country's population) are particularly disadvantaged on these grounds as compared with other groups in the country. To correct this imbalance and to bring San into active participation in Botswana's political economy, it is necessary to examine first, the native legal frameworks of all peoples concerned, not only of San; second, the history of association of these peoples; third, the colonial system superimposed on these frameworks; fourth, the anthropological interpretations that have been offered concerning these frameworks and this history. These considerations have both theoretical and practical entailments. Theoretically, they add a social-political dimension that has been subordinated in the evolutionary-ecological models uniformly employed in recent forager studies. Practically, they contribute to current debates over San status in the modern national state of Botswana, to further extension of that debate in an independent Namibia, and - by association - to similar debates elsewhere.

It should raise no controversy to state that anthropological approaches to social mechanisms of San land distribution have tended to treat San groups as sociocultural isolates which have been insulated until comparatively recent decades from contacts with other peoples, whether African or European. Accordingly, San relations to land have been seen as entirely autochthonous in origin and development. The underlying motive forces forming these relations have been attributed to principally ecological imperatives centered on resource procurement necessities (Meillassoux 1967, 1972; Lee 1979; Silberbauer 1981; Tanaka 1980; Cashden 1982). Lee and Meillassoux, especially, follow Marx (1867) in finding ecological necessity to be the driving force of forager social and cultural forms.

San land tenure, however, far from being an ecological given, is part of that social universe negotiated by San persons in their day-to-day interrelations with each other. Furthermore, San are not "free from fundamental

conflicts of interest," as Lee's own descriptions as well as those of other authors forcefully show. Land, and rights to its access and use, is a continually recurring factor in these negotiations. It goes without saying that San have developed inherent political structures for organizing these negotiations both in their internal dimensions and in relation to other peoples whose distribution overlaps or interlayers with San geographical space.

Consequently, it is necessary to examine the comparative systematic similarities of San social relations to land with those of other southern African groups. In stressing these similarities, I am aware of the danger of imposing structural uniformity where none exists and have tried to avoid tendencies in that direction. I do not envision anything like "a San system of land tenure" much less that it might be simply a subspecies of southern Bantu - or Tswana or Herero or whatever - systems. Nor by drawing on some principles adduced for other societies do I intend to suggest that the structure of San land tenure can be comprehended entirely in models derived for those societies. Indeed, I specifically reject the applicability to San systems of significant parts of those models. I wish only to demonstrate that San systems, although exhibiting important distinctive features, share with other systems a number of equally important common principles for relating persons to place. These common elements have their ontogeny in a long history of association among these groups, a history that has been distorted by colonial interventions which have obscured longer-term regularities. This has been a result both of the administration of intended policies of political differentiation and of a corollary consequence of competitive capitalism.

Also obscured is the fact that San social relations to land and the structures for confirming these relations are as fully developed as are those of their neighbors with which there is significant congruence. The establishment of this point undermines arguments of San inequality in this regard. It is to this rather than to a postulated unproblematic relationship or a shared corpus juris among the examined systems that this essay is addressed. The histories of these peoples and the colonial system as it impinged on them are considered in companion papers (Wilmsen 1984a, 1984b).

Ecological and Marxian Models

There is virtually nothing to distinguish ecological and marxian models as they have been applied to foragers. This is no accident. Both are founded on the premise that for foragers "reproduction of the means of subsistence is left to nature" (Lee 1979:117). Upon this base rises a superstructure of sociality and ideology: "foragers must fit their organization into the niches afforded by nature" (Lee 1979:117, see also page 4). I have criticized the ecological components of these models (Wilmsen 1983); it is enough to observe here that the San have been particularly tyrannized by attempts to find in contemporary foragers insights into cultural evolution (Lee 1965:1-3), the original configuration of human society (Tanaka 1980:xi), and the technological cum environmental drive which White (1943) - and Steward (1955) - saw to be primary in shaping human social life (Silberbauer 1981:30-31). Lee (1979) makes a serious effort to wed these ecological components to their marxian analogues. We may turn directly to the marxian models.

Meillassoux (1967, 1972, 1973) anticipated Lee; his construction is based on a literal reading of Marx's distinction between land as a subject of labor

and land as an instrument of labor (Meillassoux 1980:194). He says, "the use of land as subject of labor [original italics] amounts solely to the extraction of the necessities of life from it, as it is the case with hunting or collecting" (Meillassoux 1980:194). Such use fosters "instantaneous" production which, once shared, frees the hunters from "any further reciprocal obligation or allegiance" (1980:194). There is no ground for the emergence even of extended family organization at this forager level: "The basic social unit is an egalitarian but unstable band with little concern for biological or social reproduction" (Meillassoux 1972:99). Only with the emergence of agriculture is the material base available for "the emergence of the 'family' as a productive and cohesive unit and of 'kinship' as an ideology" (1972:99, original italics). Obviously, there can be no basis for land tenure among foragers so conceived. This conception was, of course, in error when it was born, as even a superficial examination of the results of decades of condensed research in Man the Hunter (Lee and DeVore 1968) reveals. Earlier, Sahlin (1965), dismissed by Meillassoux as a "liberal economist," had offered a theoretical formulation of the role of kinship reciprocity in forager society. Prior to that, Marshall (1961) had presented an empirical description of such reciprocity for !kung San. Both absolutely contradict Meillassoux's formulation.

Lee does not fall victim to this error when he appropriates key elements of Meillassoux's construction. He recognizes forager social integrity (Lee 1979:117 ff). He subordinates this integrity, however, by offering a forager mode of production the five components of which are a hierarchical construct based on environmental constants. In this, he follows quite faithfully the lead offered a decade earlier by Meillassoux as well as by Terray (1972). Taylor (1979:150-163) carefully dissects this approach and finds it to be reducible to the identification of elements and their combination in a process of production, in more simple terms, a typology. As with all typologies, this one obscures the basis for analyzing social relations which is presumably its intended purpose. Similarly, Godelier (1973, 1975) reduces human social relations to the product of the evolution of chronologically antecedent forms which develop in response to functional constraints imposed by a combination of environmental and technological forces (cf. Taylor 1979:157-163); foragers are way down on the scale (cf. Kahn and Llobera 1981:298). Clearly, these constructions are all legacies of Morgan (1963) descended through Engels (1972 [1891]) in the marxian genealogy and through Steward (1955) in ecology to their multilineal standpoints of today (Wilmsen 1983a; Schrire 1980; Perper and Schrire 1977). Attempts to insert social dimensions more firmly into these marxian-evolutionary schemes (cf. Keenan 1981) have been hampered both by inadequate ethnography and by underdeveloped theory.

This is not to assert that social dimensions are categorically excluded by students of the San. Silberbauer (1982:28, 33-34) speaks of factions, cliques, the exercise of political power, and strategies for decision making among the g|wi (Lee 1982:52-53) mentions multiple options exercised by individuals in a number of social situations and (in apparent contradiction to the denial, mentioned above, that foragers may have fundamental conflicts of interest) strategies of competition among !kung groups for recruitment of members. But Silberbauer (1982:24) sees these things as g|wi manipulating their society to fit their environmental requirements, while Lee (1982:53) finds that the characteristics of foraging life lead to shallow spans of social continuity (1979:60-61) and - although he subsequently appears to have changed his mind (Lee 1982:46) - to political egalitarianism (1982:53-55). This brings him back suspiciously close to Meillassoux's position. Similar views are put

forth by Yellen (1976) and Tanaka (1980). Barnard (1979:131) correctly identifies the environmental determinism of these authors (cf. Wilmsen 1980, 1983a).

It is, thus, no distortion to claim along with Taylor (1979:162) that in all these studies "phenomena such as kinship, religion, etc. are analyzed as 'functional necessities' in relation to the level of productive forces" (emphasis in the original). Or, in Williams' (1977:75-82) terms, an economic/ecological productive "base" is objectified with the result that all variations in social relations are reduced to secondary consequences. From this perspective, it is easy to view continuity in social relations as reflecting stability in ecological conditions with perturbations tending to oscillate around some equilibrium state, and for change to be seen as adjustments to external impositions - either drastic alterations in the productive base or injection of disruptive forms. There can be no doubt that conditions both of continuity and of crisis have characterized the past and continue to characterize the present for forager societies. These societies have, consequently, developed a repertoire for anticipating and managing a wide range of contingencies. What has been missing in studies of these repertoires is close attention to the constraints that social relations themselves impose on the forces of production, or, more cogently, the dynamic connection - the dialectic - between social relations of production and the productive environment. Attention to these connections opens the way to analyzing their integral coordination in specific societies. Paradoxically, for foragers, it has been concern, recently developed, for the articulation of remnant forager societies within modern capitalist states that has pointed to the most rewarding direction in which to pursue these analyses.

Theoretical considerations

The constitution of land tenure in San societies is the logical locus for this investigation because, in contrast to the ecological concept of territory which focuses on productivity and the means of production, it locates people within the social matrix of relations to land within which productive activity must take place. Hitchcock (1980:23) notes that virtually every anthropologist who has worked in the Kalahari has mentioned the existence of San territories; however, the distinction between these applied model concepts of ecological territoriality and indigenous San conceptions of land tenure was posed first by Wilmsen (1976) in a report to the government of Botswana and later, in 1977, by Hitchcock, Vierich, and Wilmsen (in press) at the first Botswana National Migration workshop. Theoretical arguments on which this distinction is based were developed further at the Botswana Society Symposium on Settlement (Wilmsen 1982b) and in the final compilation of the National Migration Study (Wilmsen 1982a).

In light of the above discussion, it is not surprising that the structure of San land tenure has been overlooked. Marshall (1960, 1976), Lee (1965, 1979), Yellen (1976), and Yellen and Harpending (1972) include sections on spatial distributions of !kung as do Silberbauer (1965, 1981) and Tanaka (1969, 1980) for the g|wi, Heinz for the !XO, and Cashden (1984) for the g||anna. All these authors look upon their subject group in isolation and offer no more than generalizations drawn from limited descriptions of a few particular cases. Barnard (1979) makes a similar point. Moreover, Marshall and Lee - whose publications on this topic are the most extensive to date - limit

their understanding of underlying San conceptions of ownership because they consider San to be members of separate enclaves, until very recently dissociated from their neighbors. They have, therefore, not noticed that San share structural elements of ownership and tenure common to a number of societies in southern Africa; accordingly, they misconstrue San land tenure practice as well as its interdigitation with other systems. On the other hand, Wiessner (1977, 1982) successfully places some aspects of San settlement dynamics in a broader social context, and Hitchcock (1978, 1980) firmly anchors contemporary San relations to land in the context of dominant Bantu systems. Hitchcock gives excellent descriptions of interlocking San and Tswana customary claims to land ownership at the local level and shows how this differs from higher level administrative views on the matter, but he does not attempt to develop a basis for San customary claims (other than presence on a specific parcel of land, an argument that can be - and is - negated by assertions that this presence is the result of squatting and not of tenure).

We must search elsewhere. By definition, non-literate societies do not keep written codifications of their constitutive principles of ownership. The only avenue for comprehending these principles in such societies is to examine the logic of social relations which govern their ownership and its extensions without forcing it entirely into a Western model. Harris and Young (1981:127-128) relate Gluckman's analysis of links between kinship and ownership to labor processes and thus carry it a step further into the realm of social production. I shall return to this extension as it applies to San.

The argument may be distilled as follows:

Property law in tribal societies defines not so much rights of persons over things, as obligations owed between persons with respect of things.... The crucial rights of such persons are demands on other persons in virtue of control over land and chattels, not ... any set of persons, but persons related in specific, long-standing ways.... To understand the holding of property, we must investigate the system of status relationships; we must deal constantly with relations to property (Gluckman 1971:45-46).

Ownership in such societies cannot be absolute because property acquires its critical role in a specific nexus of relationships. Under these circumstances, there can be no definition of ownership in a sense of incontestable control over property. Rather, ownership involves being bound within a set of reciprocal obligations among persons and things; everything, and especially land and the right to its use, must be subject to a complex of claims arising from the social matrix. In essence, ownership is a flexibly defined right over someone or something in terms of social status: "rights to property ... are attributes of social position" (Gluckman 1965:163).

Gluckman did not employ a dialectic vocabulary, nor did he participate in a dialectic tradition, yet the essential dialectic dynamic of property is apparent in his formulation: the reciprocal discourse among members of a social universe conducted in historical not mechanical nature. It is this dialectic element that I take from Gluckman. For foragers, as for anybody else, persons create property. They create it in reference to each other, not in reference to space or the use of objects in space. Use, production, takes

place within a conception of property - within a conception of persons in relation to each other with respect to place. Within that conception, the social rules and processes of the relations of production are as fully articulated for foragers as for anybody else. This crucial and self-evident point is subverted in ecological marxian models of forager cultural order.

I should make it clear that I depart from Gluckman's construction in two important ways. First, no codified corpus juris such as he seems to have found among the Barotse can be attributed to San, or for that matter, to Herero or Batswana (cf. Comaroff and Roberts 1981) who will also be considered in this paper; I neither make that attribution nor follow an analytical procedure that requires it. Second, Gluckman assigned major importance for property relations to the status hierarchy inherent in Barotse social organization and considered rights to land to be held in a graded arrangement of administrative estates. Aside from the fact that this assessment has been criticized (White 1963; Biebuyck 1963; see Comaroff and Roberts 1981:5-11 for an extensive evaluation of the controversy), no status hierarchies can be attributed to San or Herero (Tswana do have them) and I do not adopt that aspect of Gluckman's model.

Instead, I take the "attributes of social position" by which rights to property are obtained to be entailed simply by virtue of native membership in a group, that is, by ascription at birth or adoptive incorporation into a specific set of related persons. Acquisition of new status by a person is constrained in scope and direction by that person's initial membership in such a group and, hence, is an extension of ascription (cf. Comaroff 1978). Abandonment of hierarchical ladders does not impair the theoretical foundation for the argument to follow. On the contrary, it opens the possibility of a more fundamental analysis of the way in which property is woven into the social fabric of forager society. As will become clear, flexibility of spatial organization for San - and for Herero and Tswana - rests on a fluid and negotiable social field in which a repertoire of rules is constantly activated and continually reassessed by individuals in the course of everyday interactions. In this social field, "norm and reality exist in a necessary dialectical relationship" (Comaroff and Roberts 1981:247) that gives form to the San universe. That social field must be brought into prominence in order to set equally variable functions of production in their proper context. For San, it must also be made comprehensible within the broader social sphere of southern Africa in which it has always existed. This is especially urgent today when a centuries-old legacy of precapitalist and capitalist disenfranchisement is being legitimated in legislation for lack of well-grounded and persuasive arguments that this dispossession should be corrected rather than concretized (cf. Hitchcock 1980). Gluckman's insight, modified as mentioned, provides an indispensable first guide to this endeavor.

As I see it, the principal heuristic value of Gluckman's effort is that it stresses the flexible quality of property rules and the leeway allowed in their application during negotiation of individual cases. Theoretically, by identifying the dialectic between person and property mediated in a social field, it restores kinship to that central logic of forager cultural relations from which it has been analytically divorced by ecological-marxian endeavors.

Beyond that, and more important in the overall scheme of things, read in this way property is removed from the arena of pursuit of means to overcome necessity and is situated where it is in fact created: in the cultural definition of how these means are to be pursued. Forager relations to property

(land, chattels, and the rest) can then be seen as inhering not in a different natural order but in a cultural order that organizes persons and relations of production differently. To at once rescue San from Western legal institutions and to dig them from the teleological grave in which they have been buried before they are dead is to open the way to their culture in terms of its own structure set in the concrete locus of its African history.

San Land Tenure

The initial discussion will center on $\check{z}u|'\check{h}oasi$ San relations to land; subsequently, the systems of other San groups and of Herero will be summarized and their congruence with that of $\check{z}u$ will be made clear. Finally, the underlying principles of kinship and membership in a group as the basis for tenure rights in these systems will be shown to be compatible in essentials with those of Tswana land tenure.

The $\check{z}u|'\check{h}oasi$, better known in anthropological literature as !kung, live now in Botswana and Namibia between roughly 19°S - 22° S and 19°E - 22°E. This area has been labelled variously the Nyae Nyae (Marshall 1976) or the Dobe (Lee 1979) region. The word !kung is an anglicized rendition of !XU which means 'speech/language' in a regional variant of !kung spoken mainly in Angola; this word (!kung) is used by linguists to designate the group of northern Bush languages (Vedder 1910; Bleek 1929; Westphal 1963) spoken in Botswana, Namibia, and Angola. Snyman (1970) originally used !XU to designate $\check{z}u|'\check{h}oasi$ in his grammar of that language but has since changed to the latter term (Snyman 1975). The San people within the coordinates indicated invariably use $\check{z}u|'\check{h}oasi$ as the designation for themselves and their language ($\check{z}u$ = person, people; |'hōa = real, true, complete; si = plural suffix: hence, $\check{z}u|'\check{h}oasi$ = completed or true people). For this reason, I use $\check{z}u|'\check{h}oasi$ as the name of these people and for simplicity in presentation abbreviate it to $\check{z}u$, a convention which is in keeping with their own usage.

$\check{z}u|'\check{h}oasi$ Spatial Organization

There is agreement among researchers on the ecological-geographical correlates of $\check{z}u$ land division: space is partitioned such that each demarcated section of land contains enough food and water resources to sustain the user group in all but the most unproductive years. The basic unit is called n!òrè (pl. n!òrèsi).

To move more deeply into the meaning of this term, it is necessary to recognize that the word n!òrè is associated with a group of etymologically allied words carrying the primary sense "belonging to place." Snyman (1975) formulates a standardized orthography in which to couch the discussion; he also provides independent confirmation for my glosses of the lexical items to be considered. Placing the word n!òrè within its etymological group will help clarify the conceptual connotation it has for $\check{z}u$. The noun, n!ám, is translated into Afrikaans as plek by Snyman (1975:57); plek, in turn, is rendered place/position in English by Bosman et al. (1982:592) who associate it with the sense of location (plaas). The verb, n!áng is glossed vasmaak (Snyman 1975:57); Bosman et al. (1982:817) translate this as attach/secure. As an adjective or preposition, n!áng is given as binnekant (Snyman 1975:57), inside (Bosman et al. 1982:91); for example, g!ún!áng combines g!ú (water) plus

n'àng, literally "waterinside" = pan/well. All these words have the connotation of attaching or securing something to its place. In contrast, the verb, 'ú, is used more casually to put (insit) or to stick (insteek) (Afrikaans from Snyman 1975:98) something somewhere. A ǀu person distinguishes between the use of n'àng (to place) and 'ú (to put) in a way analogous to the distinction in English between "place it properly" and "put it there." Thus, n'òrè may be glossed "place in land" and has the primary connotation of attaching persons properly inside locations of land. Snyman (1975:62) captures this sense in n'òrè! xaijasi, landgrens = land frontier/border [of a country] (Bosman et al. 1982:407). A ǀu 'hōa refers to some locality - some demarcated land - as n'òrè mimà (n'òrè plus mi = self plus mà = possessive: my place), meaning the place where I belong/was born).

There is, however, disagreement among anthropologists about the mechanisms of place affiliation. Marshall (1976:184) notes that a person, no matter where residing, identifies primarily with n'òrè of origin (birthplace); Lee (1979:338) agrees. While this is true, it must not be construed to imply denial of rights in subsequently acquired n'òrèsi, as we shall see. Such identification is made to locate a person in an appropriate social geography; anyone familiar with that person's network will automatically fill in many kinship details without further prompting. N'òrè affiliation is said by Marshall (1976:184) to be inherited unilaterally through either parent. Lee (1979:338) says that inheritance may be unilateral, bilateral, or neolateral with a strong unilateral bias. Wiessner (1977:50-51) says inheritance is strictly bilateral but that additional affiliations are acquired through marriage. This lack of agreement arises because n'òrè inheritance is considered by these authors to be primarily a means for associating individuals with geographic territory.

Marshall (1960:344-345) brings a thoroughly commodity view to her depiction of ǀu relations to land. Although she does recognize that kinship plays a role in forming these relations, she holds that relative adequacy of resources causes people to flock around an "owner" of productive land. She has altered her view to the extent that she no longer thinks of an "owner" as a headman (1976: 191-195), but the resource function of ǀu spatial organization has been retained in her most recent presentation. Lee (1976:58, 334), too, defines n'òrè in resource terms - he again uses the word territory here as he did in his original discussion (Lee 1965:137-148) of what he then called ǀu territories. He has now reversed his interim view that have no concept of land ownership (Lee 1972) by asserting that "the !kung do own the land they occupy" (Lee 1979:337) but he does so in an anecdotal manner that puts him in a position indistinguishable from that of Marshall. Lee (1979:58-63) envisions a core group of owners who compete to recruit members in order to increase productive output (1979:457, 1982:53) and thus create a radiating chain of affines who may stay together for two generations or so (Lee 1979:60-61). The main adhesive holding some people together while keeping them well spaced from others is personality (1982:52) and observance of rules of conduct (1979:338). The adhesive, however, dissolves in the unpredictability of rainfall with its consequent variable resource production, this being a "powerful argument against territoriality" (Lee 1979:352) which induces !kung to "consciously strive to maintain a boundaryless universe" (Lee 1979:335, original italics). In this contradictory ecology, Lee (1979:339) says "ownership of land passes from parent to child" (my emphasis). Even so, since he investigates only one generation of such passages, he finds shallow and diffuse inheritance and guesses that a significant rate of moving about in the n'òrèsi

occurred in pre-contact as well as in contact time (Lee 1979:338-339). It is true that Lee's respondents - all male - were of different ages and generations, but he reports inheritance from their immediate parents only, not for earlier or subsequent generations.

But it is not land itself that is inherited. What actually is inherited is a set of status positions binding an individual to a network of obligations owed between persons with respect to land. It is through this network of associations that persons become associated with geographic space. Among *ǀZu*, a person's primary *n!òrè* is always that person's birthplace. As I shall demonstrate, there is a very high probability that this birthplace will be in at least one parent's *n!òrè*. Thus, an individual *ǀZu*'s tenure rights in land are a dynamic function of a regional kinship net defined initially by ascription through birth into a social unit and later expanded through acquisition of membership in other units either by marriage or adoption. Ascription is bilateral with rights at birth vested equally in the *n!òrèsi* of both parents.

Hitchcock (1980:24) documents the fact that in Botswana government officials invoke published work of anthropologists in support of their particular positions during debates over land reallocation. He specifically cites a case in which anthropological conclusions that San do not have territories in the classic ecologic sense were used by the then Commissioner of Land to argue that the San had no vested tenure rights in land and therefore had no basis for claims to land other than as a subject of resource exploitation. Simple resource exploitation is, of course, completely compatible with a squatter existence: use of land is appropriated by the currently present group, but tenure does not accrue. Lee (1979:337), by recognizing that *ǀZu* land ownership is collective rather than individual, had the right answer for an African context. His discussion, however, obscures this collective ownership: "land ... because it is owned by no one exclusively, is available to everyone who can use it" (Lee 1979:445). Lee clearly does not mean by this just everyone; he, of course, is thinking of foragers in a world of foragers - of *ǀZu* in a land of *ǀZu* - despite his approving citation (1979:16) of Sahlin's remark (1968:) that such people could no longer be found. But policy makers do not think in terms of such isolated worlds; they think in terms of competing interest groups. In this context, customary tenure systems of all Botswana's people have subsequently been expressly recognized as a basis for adjudicating rights in land within the country (GOB 1978; Hitchcock 1980:24). We must establish that basis for San. To do so it is essential to elucidate the kinship matrix in which San land tenure is set. I shall begin with the *ǀZu* case.

ǀZu |'hoasi Kinship

Since Marshall (1957), no one has reported fundamental work on *ǀZu* kinship and marriage. Fabian (1965) and Barnard (1978) identify contradictions in her work, and Marshall (1957:14) herself noted that some critical points remained to be clarified. The contradictions, however, do not lie in *ǀZu* kinship relations as has been supposed. A thorough reconsideration of *ǀZu* kinship and marriage is in preparation (Wilmsen, forthcoming); only the essential outlines necessary to comprehend the active dialectic among *ǀZu* kinship, marriage, and inheritance of land will be presented here. Marshall (1957) gives male-centered consanguineal terms correctly; however, her decision to exclude kin-term suffixes, which she considered to be strictly diminutives (despite the fact that the suffix *n!á'a* [n!a in her spelling] means big), led her

astray, especially in association with her second decision to adopt an exclusively male egocentric paradigm. She was consequently unable to discern the systematic relation between terms, especially those applied to affines. Nor did she recognize the reciprocity in male and female centered terms which lie at the terminological heart of transformation from kin to affine.

To facilitate comparison with Marshall's work, I will enter ^{Yu} terminology through male-centered terms for consanguines and then move on to the female-centered paradigm. Marshall's Diagram 1 (1957:6) gives these male-centered terms correctly; Figure 1 is an expanded kinship diagram which incorporates those terms in the standard orthography of Snyman (1975). Figure 2 is a nearly identical diagram to which have been applied female-centered terms. As is readily apparent, terms in ego's adjacent generations are the same for both sexes, and there are only two: glla (adjacent generation female colateral), parent's female sibling and generational equivalent plus sibling's and cousin's female child and equivalent, and tsu (adjacent generation male colateral), parent's male sibling and generational equivalent plus sibling's and cousin's male child and equivalent. In ego's and alternating generations, however, there is a fundamental difference; terms here are linked to gender of ego. For males, male offspring of tsusi-gllasi are in the !u (name) relationship as are female offspring of these parents for female ego. Notice that in her Diagram 1, Marshall makes female ego's parent's fathers as well as all male cousins !un:ā'a to her; as Yu names are gender-linked, this cannot be true in the consanguineal terminology, although, as we shall see, it is true in the affinal terminology.

Complimentary to this !u relationship is a txu relationship which is also gender-linked: opposite sex persons in ego's and alternating generations are txug:ā to female ego and txumā to male ego. Again, Marshall assigns affinal terms in the female consanguineal paradigm, as she must do having placed male cousins in the !u category.

It is important to summarize at this point. In ego's first ascending generation, all father's brothers (FB) and all mother's brothers (MB) are termed tsu by both male and female ego; in this generation, all father's sisters (FZ) and all mother's sisters (MZ) are termed glla by both sexes. These terms are also applied to male and female kin, respectively, in generations alternate to this one. In ego's generation, however, male ego applies the term !u with appropriate suffix to all male offspring of both parent's siblings (FBS, FZS, MBS, MZS) as well as to all male relatives in parent's parent's (FF, MF, etc.) and children's children's (SS, DS, etc.) generations; in these generations, female ego applies the same term to the female counterparts of these persons (MZD, MBD, FZD, FBD, MM, FM, etc.). Male ego applies txumā to females in these generations (FBD, FZD, MBD, MZD, FM, MM, etc.); female ego applies txug:ā to their male counterparts (MZS, MBS, FZS, FBS, MF, FF, etc.). As Figures 1 and 2 make clear, these terms are indefinitely extended both laterally and vertically.

It is also important to note that txug:ā and txumā are not primitive terms but are compounds of a stem, txu, and a suffix, g:ā or mā. The stem component will be considered when affinal terms are introduced. At this point, glosses for the suffixes are not entirely certain. That they are not strictly diminutives is clear from the fact that txug:ā is always used no matter what the relative ages of persons, as is txumā in most cases. There is also no txun:ā'a. The morpheme mā is a diminutive, but it is also a possessive

(Snyman 1975:42); for example, dshau mimà = my wife. The morpheme g!à is never diminutive but may be derived from gā, a possessive (Snyman 1975:10), as in ʒusi o mi gāsi = my relatives. Both mā and g!à also appear to have gender marking functions.

Support for the possessive character of these suffixes is found in the term *māmā* which Marshall (1957:15) notes is used as a term of affection, as is also !ún!ā'ā. But it is also a kin term denoting parents' mother (Snyman 1975:43 gives grandmother). The stem, mā, is associated with a whole set of lexical items (Snyman 1975:42-44) expressing incorporation in a group: m̄ = us, mā = own child, mā'ā = to give birth or to carry a child (J. Marshall finds only this second gloss), mhisi = own children, mi = self, and the possessives mā and m as in mba = my father; *māmā*, thus, is a reflexive possessive that may be glossed "she who bore us" or "she who carries us."

For purposes of understanding ʒu marriage and inheritance prescriptions, these are the only consanguineal terms that need be considered. Affinal terms are given under their consanguineal counterparts in Figures 1 and 2. Notice first that the txūg!ā - txūmā reciprocal pair has affinal as well as consanguineal denotations: upon marriage into a group, a man's consanguineal txūmāsi in that group remain his, affinal txūmāsi, but his consanguineal !ún!ā'āsi/!ūmāsi become affinal txūg!āsi. In like manner, a woman's txūg!āsi remain as such while her !ū relations become txūmāsi. For both sexes, consanguineal tsū becomes father of spouse and is termed ~~txū~~ as are all other affinalized tsū. It has already been noted that txūg!ā and txūmā are compounds; it should now be apparent that they share the stem ~~txū~~ (or perhaps xū) with ~~txūm~~. This stem may be glossed "in-law"; thus, txūg!ā and txūmā are then seen to be "belonging to in-law."

There are only three other affinal terms, and these are also compounds. The consanguineal g||a (when married to tsū) becomes |'utsū (from gū = take, marry + tsū, hence wife of tsū). Parents of child's spouse are !ūntae (name + tae = mother, hence name-mother) and !ūnba (name + my father, hence name-father). Notice that these two affines were respectively already in the consanguineal !ū name relation with the same sex parent of child's spouse: !ūntae was !ún!ā'ā to child's spouse's mother and !ūnba was in the same relationship to the father. And, of course, opposite sex parents of this offspring pair had been in the txū relation. This set of co-parents-in-law contains the four persons for whom their children's children will usually be named, hence the terms name-mother and name-father. These co-parents-in-law apply the term !ūmā to all their mutual grandchildren regardless of sex (Wilmsen, forthcoming, gives the reason) by whom they are reciprocally called !ún!ā'ā. Thus, the puzzling aspects of the name relation (Marshall 1957:7-14) becomes more clear; this system operates in a straightforward way, not only to override consanguineal relations, but to recognize terminologically a bilateral consanguineal kin group.

We may now consider ʒu marriage prescriptions. Any opposite sex, same generation descendant of ego's parent's parent's sibling (PPsCC) or parent's parent's parent's sibling (PPPsCCC) is called by a term (txūg!ā - txūmā) that connotes persons "belonging to in-laws" and such persons - and only such persons plus their terminological equivalents in alternate generations - are permissible marriage partners and sexual mates. Appropriately, Marshall (1957:21) notes that a joking relationship exists between these persons. She (1957:19) also records that persons in a joking relation and who apply the

reciprocal \checkmark txu terms to each other are permissible marriage partners. Persons in this category who are most likely to be available for marriage to ego will be ego's PPsCC and/or PPPsCCC but the relationship may extend further collaterally. The name relation, as illustrated above, serves to reduce the probability of first cousin (PsC) marriages because both partners will have a primary name-relative pair (grandparents) in common. It does not eliminate such marriages, however; for example, in Figure 1, ego's brother may have married his MBD, but he more likely married his MMBDD or perhaps his MMMBDDD or even his MMFMBSDDD. The lines of reckoned descent will be orchestrated by the principals to the marriage according to their perceived interests. Adjacent generation primary kin of txumasi - txuglasi are never eligible mates for them, are also accorded respect, and, after being linked through a marriage, are addressed by an in-law possessive term (\checkmark txum - l'utsd) by affinal ego.

Marshall (1960:332-333) provides some evidence that this is indeed the system operating among the people she studied. Her Figure 3 is a chart of partial relationships among 108 persons in what she calls 8 band segments. Among these persons, there are 58 spouses of whom 19 are without information regarding their kin; of the remaining 39, 37 have at least one primary kin link (parent or sibling) in the group. As this information is confined largely to a single generation (there are only 8 living persons in the eldest of 3 generations shown and only 5 marriages in the youngest) and is, no doubt, also incomplete (an unknown number of persons is said to have been omitted), this number of links is even higher than may have been expected. Furthermore, Marshall (1960:344) confesses that she has no data on second and third cousin relationships, therefore can say nothing about marriages among so related persons. In the single case she gives that can be worked out, 25-tsamgao is engaged to marry 54-kushay his MFBS, as he should.

This discussion has been sharply abbreviated; it is enough, however, to make it fully apparent that \checkmark zu marriage takes place within a clearly defined kin coterie in which affines are simply recategorized kin. This overlapping of consanguinity and affinity distorts any assumption of a dichotomy between these categories. There are different lines of reckoning kin, and a person falls into one or the other category according to contingencies of the moment. Kinship in society, rather than being a static strait-jacket, is a dynamic keyboard on which individuals play variations on a theme of options. It is, as Comaroff (1980:164) notes, up to the individual to "create and manage an effective social network."

\checkmark Zu l'hōasi Land Ownership

Within this incorporative structure of \checkmark zu kinship the corporate unity of \checkmark zu land holding devolves from one generation to the next. Property right transfers consequent on marriage are, accordingly, largely matters of reshuffling priorities among latent claims by members of a kin consort. Negotiations and legitimation of marriage ties are important moments in this creative process. To compress Bourdieu (1977:35-36, original emphasis): to treat kin relations as something people make, and with which they do something, is not merely to substitute a "functionalist" for a "structuralist" interpretation; it is radically to question the theory of kin relationships as a "form of object" as Marx put it.

In this perspective, \checkmark zu bride service can be seen not in the decontextualized structural-functionalist terms usually offered. (Lee 1979:240-242,

1982:42-43) but as a form of devolutionary marriage payment which mediates the conflicts over land that inevitably must occur among mutually interdependent groups. San bride service has long been recognized as marriage payment in traditional Tswana law and is specifically related to bogadi, the Tswana form of marriage payment. In 1930, Tshekedi, then regent of the Bamangwato, testified before the British Resident Commissioner, "Bogadi [marriage payment] is a tradition and a right of Masarwa [San]: bride service of one or two years or, if a man owns cattle, he can pay in stock" (Botswana National Archives 1930). Schapera (1970:138) notes that when, in 1875 under missionary influence, Khama III abolished bogadi among the Ngwato he specifically did not ban the practice among his other subjects including San who continued to practice their traditional forms of marriage payment.

For ^Vzu, bride service resolves the question of personal status and locates a marriage union with its offspring within the structure of relations between persons and places. The devolution of property begins with negotiations and prestations between principals to a future marriage, primarily future co-parents-in-law. Wiessner shows this process in action through hxaro (Snyman 1975:88 writes xarò) prestations primarily of beadwork and other symbolically valued materials. This process may extend over a period of many years, as Marshall (1960:351-352) and Lee (1979:240-242) confirm. Devolution begins to take more concrete form with the establishment of a new household located in association with the woman's parents. The period of bride service is measured in terms of offspring, its conditions having been satisfied when two or more children have been born to the union.

Children born during this period in the woman's n!òrè will have as their primary n!òrè that locality. This confers lifelong mutual obligations between the woman's natal group and those children, and, indeed, on their descendants. It is the inheritance of land that is at issue in this service, not some few pieces of meat that a newly recruited hunter may provide. Lee (1979:240) stresses the surface function of hunting prowess - he refers to bride service as a period of probation for the man - and fails, thereby, to comprehend its deeper significance. Economics and nutrition are, of course, unassailable necessities in corporal and social life, but the large animal that the young husband is expected to kill and present to his parents-in-law provides not only protein and calories; more importantly it symbolically mediates the new relational status of families.

That it is not hunting ability per se that is specifically at stake is confirmed by the fact that domestic animals (either owned or obtained from employers - or even purchased with mine labor wages [Lee 1979:241]) are readily substituted for hunted animals. Such substitution does not, however, free the husband from uxori-local residence obligations. This transferred animal, hunted or herded, should be seen as a signifier of commitment by the parties concerned (acceptance is as much an active act as is giving) and has its analogue in the transferred mokwele animal among the Tswana (Comaroff and Comaroff 1981:34). An employed man may more easily evade his commitment than is possible for his hunting brother, but he knows this commitment is reciprocal. Half the social and material support for his household resides in his wife's social matrix, for he not only shares with them, they share with him. He may manage his end of the commitment differently, but ultimately his status devolves in the kinship defined network of n!òrè relations. Without that base, he has no status.

During the period of bride service, devolutionary rights in husband's n'òrè are kept open by visiting his primary kin who reside there; after that period, if household residence changes to husband's n'bré, rights in wife's n'òrè are kept open by visiting her kin who remain there. Such visiting is undertaken not only to enjoy each other's company. Lee (1979:377, 389-391) documents that nearly 70% of all homicides occur when groups are visiting each other and that a high proportion of fights and killings occur between affines. These risks are counterbalanced by the need to keep options open through active participation in social relations to land; expectably, many conflicts arise in disputes over the exercise of those options, although they may be masked as simple marital disputes.

It is probable that the frequency - and, perhaps, the violence - of such *Yu* disputes has increased under colonially induced disruptions of relations to land. But the source of these disputes - in the interpretation of rights and obligations - must always have been present. To paraphrase Sahlins (1976:9): foragers are not related by the way they enter into production; they thus enter into production by the way they are related. For foragers - as for anyone else - these relations, if they are to persist, must be unambiguously expressed even if they are ambiguously practiced. "Because the status of property holdings and exchanges conveys a range of messages concerning social linkages and individual rights, their definition and designation are always critical to the parties involved" (Comaroff and Roberts 1981:175). It is in this dialectic of structure and practice that *Yu* regulation of ownership lies.

It is now possible to demonstrate that *Yu* kinship and land tenure are stable in space. To begin with, the majority of *Yu* marriages take place between people who live in closely contiguous n'òrèsi. Harpending (1976:161) plots marital distances for a large number of marital pairs who are parents, that is, whose marriages have been stable. These data, regrouped into intervals of 30km, are displayed in Table 1. Harpending stresses the large distances over which marriages may take place. Equally striking, however, is the fact that 53% of all partners were married within 30km of their birthplaces and 78% within 60km; in other words, more than half of all marriage partners were born within the same n'bré space and more than three-quarters within the same or adjacent n'òrèsi as were their spouses. In addition, Harpending (1976:161) states, without citing evidence, that parent-offspring birthplace distances (distance between birthplace of respondent and that of respondent's parents or children) are even less dispersed. Supporting evidence is provided by Lee (1979:338) who found that 77% of his respondents inherited their n'òrèsi from one or both parents. To this may be added that Wilmsen (1976:4-7) documents five generation continuity of kin-based owner groups at *lailai*.

Thus, the probability of a *Yu* *h'ôa* being born in parent's ancestral land is at least 0.8. This is precisely the result that one would expect under a structural system that incorporates primary relatives into spatial entities and puts collaterals into contiguous units linked through prescribed reciprocal, bilateral marriage. A high degree of generational continuity of tenured family groups is evident from these data. If anything, events of recent history, which have introduced pressures from European and mfecane induced movements, have reduced these probabilities. For example, these pressures are responsible, in conjunction with ecological changes that may be linked to a more intensive pastoralist land use keyed to market production for bringing half of the current rural inhabitants of Western Ngamiland to their current places of residence.

Exchange networks play important integrative roles in this social-spatial structure. Wiessner (1977:119, 178; 1982) found that 62% of *xaró* partners (persons who engage in preferential, reciprocal, obligatory exchange) are tracable to same grandparents and 82% to same great-grandparents. Given the marriage prescription and spatial distribution noted, these people will be contiguous, consanguineal relatives among whom are potential as well as actual affines. Wiessner (1977:246) gives the spatial distribution of *xaró* partners by area and distance for a sample of people residing at *lai lai* and at *Tchumk!oë* in Namibia; these data are displayed - also grouped in 30km intervals - in Table 1. Inspection of this table reveals that 48% and 55%, respectively, of *xaró* in these two places is transacted within the home location, and 70% and 67% within 60km of that location, that is, within same or adjacent *n!òrè*. Wiessner (personal communication) finds that a high proportion of this exchange is associated with marriage negotiations.

Figure 4 combines these data and demonstrates graphically that kinship, space, and exchange describe an interlocking system of status relationships in which individuals are bound within a set of reciprocal obligations among persons and things. The internal boundaries within this system are zonal rather than incisional but are well known and are open to those with appropriate social ties. Ownership - in the sense in which I have been speaking - is vested in all members of a group who apply a reflexive set of reciprocal terms to each other and refer to themselves as "people who own [have] each other" (Marshall 1976:214). It is this group of people who form the stable set of descendant owners of a place. They are the *n!òrè* K'ausi (possessors of place); that is, they are those who have generationally continuous, inherent rights of tenure in their ancestral land.

Other San systems

Schapera (1943:5-7) speaks of "this system of land tenure characteristic of Bushmen" in exactly this way. The compatibility of other San tenure systems may be indicated quickly. Table 2 lists cognate terms for locational place in six San languages plus Nama; all of these terms are clearly derived from a common root. Traill (personal communication) has confirmed the essential meaning to be locative, referring to a person's or group's possessed place. Common origin and common meaning do not, however, guarantee that terms are parts of otherwise identical systems; other evidence must be called in support. Silberbauer (1981:99) records that *g!wi* attitudes to land are centered on "the fact that the primary bond is between the individual and his band, whereas the link between the individual and territory is derived from the bond between community and land ... rights ... flow from band membership." Land ownership is vested in band members for whom elders act as intermediaries when non-members enter and ask to use the land, "a formality that clearly indicates that the use of territorial resources and residence have to be granted before they are gained" (Silberbauer 1981:141). On the question of the social determinates of membership, however, Silberbauer is not so clear. He applies a normative, rule-centered approach to his strictly ecological frame of reference and looks for lineal descent groups with namable ancestors and finds only shallow lineages in this sense. Nevertheless, he recognizes that, inevitably, real and classificatory kinship links are established and a high probability of a kinship bond among members exists (Silberbauer 1981:142). It is apparent that this high probability is the product of *g!wi* marriage arrangements in which bilateral cross-cousins are preferred mates.

Silberbauer (1981:183) lists 34 relationship positions covered by the term glossed cross-cousin including - in addition to MBD and FZD - MMBSD, FFZDD, MMMBSSD, FFFZDDD plus others into the fourth ascending generation. He confines his analysis, however, to first cousin marriages despite the fact that all first marriages are between terminological cross-cousins (Silberbauer 1981:149-150); he, of course, finds relatively few current first cousin unions among adult males but tells us nothing about the status of other-cousin unions. Without going into further detail, it is apparent that this cannot be either a shallow or a divisive system. For any ego to know that a descendant of a person probably long dead and never met (perhaps never having been specifically mentioned), along with terminological equivalents of that descendant, is a potential mate the system must be comprehended in considerable depth and detail. This requires membership in a group that is stable - although not necessarily static - in person and place. Fragments of texts from the girl's menarcheal ceremony (Silberbauer 1981:151-152) makes it clear that such stability is, in fact, conceptually inherent and actually realized in the g/wi point of view. Tanaka (1980:127-134) presents data that conforms to this analysis. He demonstrates that residence groups are tied in a regular manner to kinship: of his residential groups, 11 (N = 18) contain 20 parent-child links, 9 have 14 sibling links, while only 3 have no kin ties to the rest of the total group (note that 2 of these are composed of a single married pair each). He shows, further, that primary kin ties link adjacent groups and that the relationship among residence units is structured in space as a direct function of kinship distance.

Cashden (1977:22-24) states that "Among the Bag||anakwe, a person has an automatic right of access to an area that is part of his 'lefatshe' (ngo) meaning 'place' or 'territory'." (The term lefatshe is Setswana; ngo is g||ana.) She discusses the process of the inheritance of land based upon "birth and/or residence and/or parentage" and makes clear the kinship matrix which controls access to land, whether for resource exploitation or residence, noting that "the absence of [a claim to kinship] may prevent a person from choosing to use an area even if it is geographically convenient."

Heinz (1972, 1979) documents an equivalent system for the !xóõ as does Barnard (1979) for the Nharon. Barnard (1979:72-75) details the devolutionary nature of transferral of rights among Nharon: "Kamane, or marriage and child-birth prestations, mark the change in the disposition of rights over individuals." Gifts are exchanged during negotiations for marriage, at marriage, and at the birth of first child. People are said to be "owned" by their grandparents, ownership being inherited bilaterally. Kamane symbolically mediates transfer of sexual and residence rights at marriage and establishment of primary rights at birth. As among Zu, Nharo marriage prestations enter the larger gift giving cycle where they serve to reinforce the continuous association of persons and place. The case for the Ghanzi area of these people has historical documentation: Hahn (1895) concludes the report of his investigation for the Imperial Secretary, Cape Town as follows, "Ghanse can only be claimed by the Bushman, who admittedly and indisputably from time immemorial lived on it and never left it." Heinz (1972:412) records the fact that even today Ghanzi ranchers recognize the San land divisions that intersect their own holdings and employ San in relation to those land divisions. Identical systems for the Kwaa (Hitchcock 1978, 1980) and Tsaase (Vierich-Esch 1982; Hitchcock 1978) in eastern Botswana are recorded. Hitchcock (1980:25-26) emphasizes that even today local Ngwato ward-heads and cattle owners respect San land ownership, if only to the extent of consulting San owners before using the land for their own purposes.

Herero Land Tenure

The relevant features of Herero land tenure will be summarized briefly. The principal unit is the onganda, a settlement unit constituted by a set of patrilineal affiliates with their wives and children; matrilineal kinsmen and affines may be included and may even be more numerous but never organizationally dominant (Gibson 1959). Onganda have associated sections of land for grazing in which are located ozohambo (sing., ohambo), cattleposts conjoined to water sources of varying permanence.

Almagor (1980:50) vividly documents that a Herero's rights in land are traced exclusively through kin networks. Rights to pasture derive from the concept of locality; a person attached to a specific locality cannot utilize another locality except by activating the structural links among individuals (Almagor 1978; Luttig 1933:96-97). A person's identification with natal household and locality is lifelong but links to kindred households and localities may be invoked to change residence. Ownership - again in the sense used in this paper - of land and chattels is vested in the kindred group (Vedder 1938; Luttig 1933:96-97). Marriage is prescribed among bilateral cross-cousins and children are born preferentially in mother's natal onganda to affirm the spatial-social solidarity among generations of the group (Luttig 1933:69). Possessive particles are applied to persons and things, and, once established, rights to land, water sources, and chattels remain in the group. The wells at #gi, for example, are the contemporary states of natural springs which have been progressively deepened by Herero since the mid-1930's; each well has passed in ownership among a set of patrilineally related men. Further, the division of the grazing land among the cattle owners of the /ai/ai - Herero, ǁu, and Tswana - is such that each set of households has its own section. Similar settlement-tenure rules have been described for the Bakgalahadi (Campbell and Child 1971; Hitchcock and Campbell 1980).

Institutional Equity of Tenure Systems

Despite significant differences in detail, the underlying principals of affiliation and legitimization are compatible among these systems with Tswana institutions of land tenure. Schapera (1943:46-59) encapsulates the essential determinates of place in Tswana law: the location of a Motswana's home is determined primarily by group affiliation not by income, occupation, or social ambition. Tribal land is apportioned among social units constituted as wards under the administration of headmen. The basis for establishing a ward was initially kinship or ethnic identity, although this is no longer invariably the case. Areas mofatshe (rights to use specific sections of land) are allocated to members of a ward and may be passed to descendants, but the land remains the property of the tribe under the administration of the chief and his headmen. Rights are acquired by membership in the tribe and are activated by application to the headman of the ward to which one belongs (Schapera 1938:195-213; BNA 1958). Schapera (1963:164-169) further notes that in pre-colonial times fission as a result of tenure disputes was common among Tswana for whom, in such cases, assassination or succession were the principal recourses. As a Motswana recently put it, "it's just that we moved around a lot looking for good land" (Kiyaga-Mulindwa 1980:85). Thus, it would appear that, before direct colonial intervention, San and Tswana tenurial systems had as much in common as they now superficially appear to lack.

The important thing to note is the structural commonality of land tenure among San, Herero, and Tswana. The only conclusion that can be reached is that San tenure has been, and continues to attempt to be, generationally stable and sanctioned by traditional native rules that are congruent with other southern African systems. The basis of rights to land is membership in a kinship group whose history is associated with a specific parcel of geographic space. The fact that related person's are admitted to an owner group's land in order to share ecological resources reinforces, rather than weakens, the fact of tenure rights based in group sociality. For only certain persons who can claim participation in the social polity are admitted, and then only after they present their kinship credentials for examination.

Multi-tiered ownership of places and things have characterized the remembered and recorded past. Space associated with one particular group was layered upon that of other groups. This was possible, not because of some altruistic urge for accomodation, but because the tenure systems of the different competing peoples were intelligible to each other and their ecological requirements were to some extent complimentary rather than conflicting. Displacement and display were the usual modes of defense of these tenures, with considerable negotiation based on detailed examination of geneologies given an important part in the process (cf. Comaroff 1973). Fights over land did, and do, occur, of course; all of the cases given by Lee (1979:336-338) for the San illustrate this, although he chooses to interpret them as revealing paucity of structure rather than structural articulations of persons in place. The literature of conflict for the Herero is vast (Vedder 1938; Tlou 1972, 1976; Estermann 1976) as is that for the Tswana (Parsons 1982 gives an extensive summary). And the history of subjugation of San by Tswana is well documented (Tagart 1933; Joyce 1938; Tlou 1977; Silberbauer and Kuper 1966; Hitchcock 1978). Nevertheless, a striking feature of current settlement in the Kalahari is its continuity - a continuity that transcends time and space and ethnicity despite some major displacements of peoples. The current distribution of groups in the region is clearly the product of a very long process of interaction involving congruent social concepts and complimentary economic systems. If this were not the case, current debates within Botswana over the reallocation of tenure rights (Hitchcock 1980; Wilmsen 1982a; Kerven 1982 gives extensive overviews) would not be necessary. These systems were able to maintain their integrity until disrupted by the penetration of commodity capitalism in this century. It appears that even during the initial colonial period of mercantile capitalism in the nineteenth century, they were able to retain significant parts of their former structures which - though continually modified in relation to each other - continue to be realized today.

This analysis has brought us back to where we started. Thus far, in considering social relations to land of peoples such as foragers who are conceived to exist in an uncomplicated past made present, we have been led by our own concepts of natural order and by our own ideological investment of the nature of relations; these are the products of our own creative reasoning. We must now turn to the creative reasoning of those we presume to study, whose concepts of natural order and whose ideological investment are of a different nature of relations. If we succeed in this intellectual effort, we may better find our way through practical negotiations of contemporary tenurial relations.

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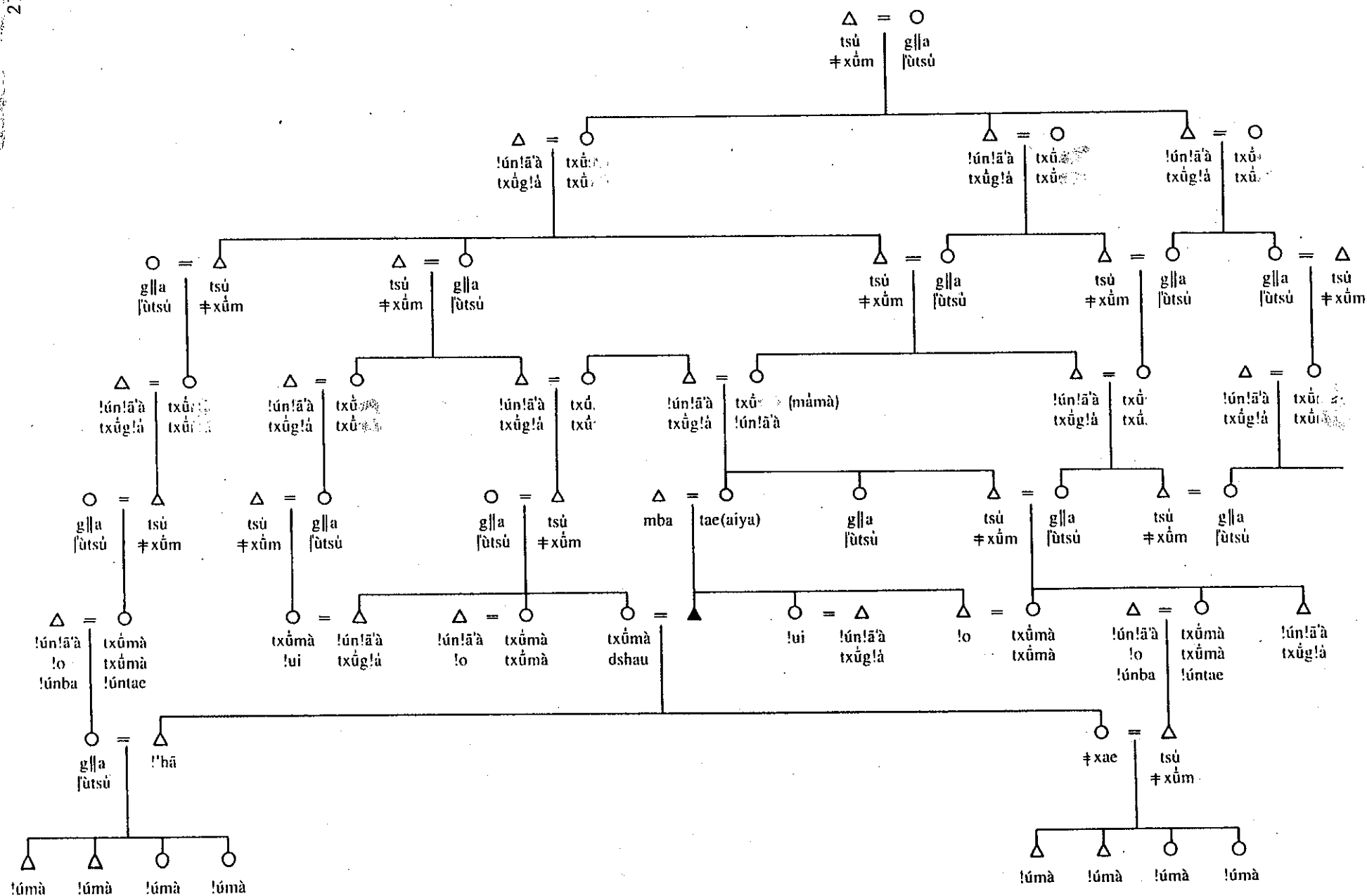


Fig. 2. Kinship terminology: female ego. Terms as in Fig. 1.

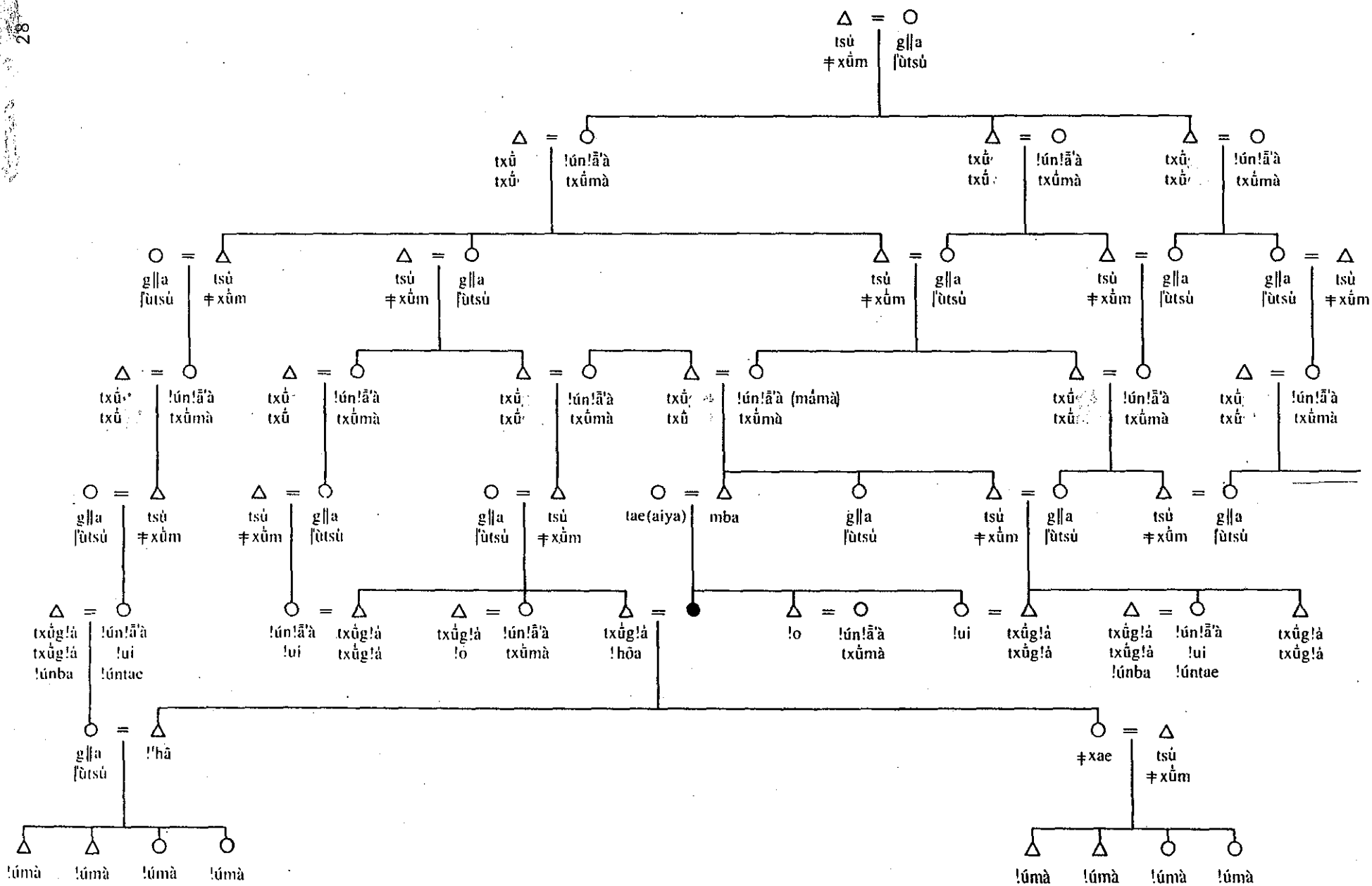


Fig. 3. Alternate lines of reckoning kinship relations between one set of marriage partners depicted in Fig. 1.

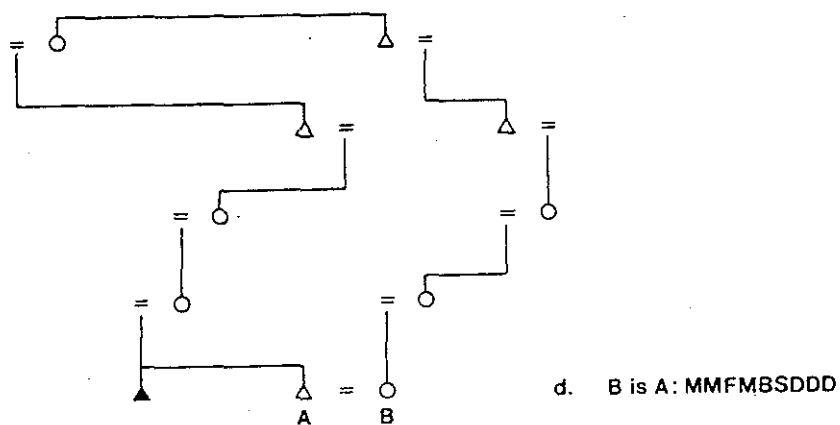
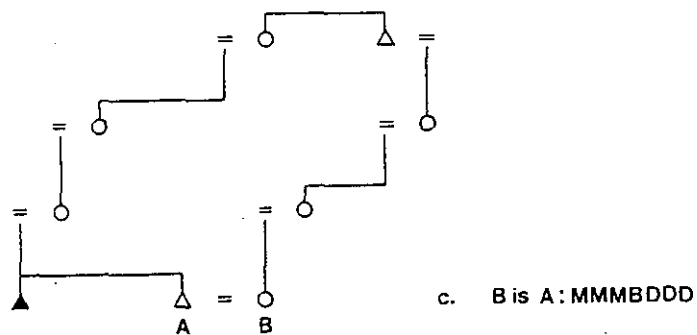
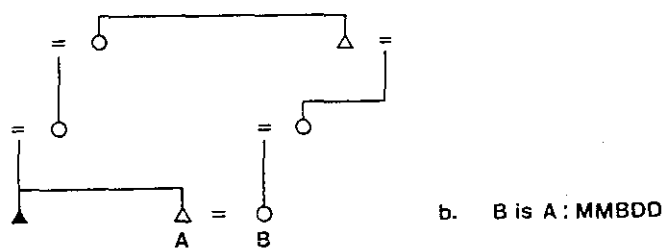
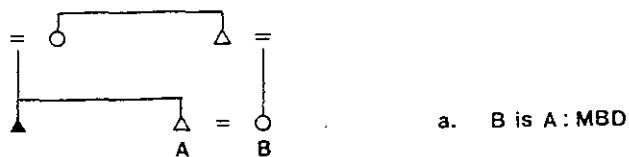


Fig. 4. Frequency of distribution of individuals at given distances.

———— between birthplaces of married pairs
 - - - - - between x̄arō partners, čum!kwe x others
 between x̄arō partners, |ai |ai x others

