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Dealing with institutional changes in property regimes. An African case study.

Thomas Widlok¹

Introduction: A sort of communism in Africa

“[...] although in effect it approaches a sort of communism, [the economic life of a Bushman band] is really based on the notion of private property.” (Schapera 1930:147)

“[...] although an apparently pure communism is observable in the life of the Naman, actually this is not found. Everybody has his own property, which he seeks to increase and improve, and, preferably unobserved by others, to use for himself.” (Schapera 1930:319-320)

Europeans have been confused about the property regimes that they have encountered in Africa and in non-European contexts more generally. Schapera's comments quoted above summarize the dominant views at the time about Khoisan-speaking people in southern Africa, Nama (Khoekhoe-speakers, then called “Hottentots”) and “Bushman” (now often called “San”). In southern Africa in particular confusion about local property regimes is closely linked to a deliberate disregard of these property regimes in the process of large-scale dispossession of land, cattle and other resources for the benefit of a growing European settler community. The claim that “Bushman” do not know property has been used as a way of dispossessing them of their land (see Gordon 1989:143). Nama were dispossessed of their land through large scale land “sales”, founded on the European presumption that the land could be considered the alienable private property of chiefs (see Schapera 1930:290). One anthropological response to this situation was to point out that there were in fact different property regimes at work with regard to different objects of property relations. With regard to both, Bushman and Nama groups, Schapera pointed out that “the only thing owned in common is the land” (1930:147, see also 1930:290) while all portable property (including livestock, utensils) is individually owned (1930:148, 319). Moreover, the emphasis on private property was qualified by pointing out that there is also the strong social expectation of sharing freely and even of taking for use purposes without consulting the owner (Schapera 1936:148, 320). It seems, therefore, that for a proper understanding of these African property relations it is not sufficient to distinguish different property regimes that may operate in parallel for different objects but furthermore to distinguish different aspects or layers in property regimes. A systematic differentiation along these lines is what this paper hopes to achieve by looking at a specific Khoisan case study but also by developing a specific theoretical model for understanding the dynamics of property regimes more generally.

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Ethnographic background

The people involved in this case study call themselves =Aoni or Topnaar and they live in the central Namib desert of Namibia. In this desert environment of coastal and inland sand dunes, gravel plains and non-perennial rivers the Khoisan-speaking =Aoni practice a mixed economy consisting of limited livestock raising, occasional wage labour, foraging on coastal marine resources, and the use of a major endemic food resource, the melon-like *!nara* (*Acanthosicos horridus*, a cucurbit). Despite their desert environment the =Aoni are not an isolated group. They share a language with other Khoekhoe-speakers in southern Africa, with other Nama groups but also with Damara and even with Hai//om “Bushmen” (see Haacke, Eiseb and Damaseb 1997). They share cultural traits with Nama pastoralists in other parts of Namibia (see Hoernlé 1985) as well as with other Khoisan people (Widlok 1993) and they share a history of colonization and dispossession with other groups of the area, for instance with the Bantu-speaking Herero (see Köhler 1969). One way in which ethnic group boundaries have been drawn in this part of Africa is to identify people by highlighting what they own. The =Aoni or Topnaar have been distinguished from others living in the same cultural area or living on the same land on the basis of the main wild resource they own and utilize: the fruit of the *!nara*, an endemic plant of the Namib desert (for botanical details see van den Eynden, Vernemmen, and Van Damme 1992:34). This is reflected in the local Nama name “*!naranin*” (*!nara* people) for the =Aoni of the !Khuseb river valley and in the ethnographic classification of the =Aoni as a “harvesting people”. The *!nara* plant, botanically a member of the cucumber family and in appearance similar to a melon, has been used by humans for thousands of years as the archaeological record indicates (Sandelowsky 1977, Kinahan 1991). Ethnographers have linked the archaeological evidence of *!nara* use in the past with the =Aoni of the present. By classifying them as a “harvesting people” (Budack 1983) the =Aoni have been put into a category of their own, set apart from the pastoralists and the hunter-gatherers of central Namibia. There is little information available about the ethnic identity of the *!nara* users of the archaeological record who may not have constituted themselves as a distinct ethnic group at all. However, the =Aoni of today trace their roots as a group to the *!nara* users of earlier times. The *!nara* is not only a key element in the definition of =Aoni identity but it also serves as a political tool for defending =Aoni rights to their land that have been under pressure since colonization began. Being officially classified as “Nama” by the apartheid administration, the =Aoni were supposed to be resettled in southern Namibia away from their land and the *!nara* but they =Aoni have resisted this forced resettlement.

The economic importance of the *!nara* has shifted over time. European explorers who landed at the Namib coast already noted that the Khoisan-speaking people of this area ate cooked pulp which with all likelihood was cooked *!nara* (see Moritz 1992:5). As contacts with colonials developed the fatty *!nara* pips gained importance as a trade item. The colonizers became consumers of the *!nara* which they bought from =Aoni and exported to the Cape colony and to Europe. At times colonizers were also disturbed by the *!nara* which provided a food security to =Aoni who at times used this option to evade being recruited into wage labourhood (Köhler 1969). *!Nara* are still consumed widely in the area, but today the largest group of consumers may be found in Cape Town which is far away from the =Aoni settlement area. *!Nara* are also harvested and processed by people who may not be identified as =Aoni but as Damara, in fact some ethnographers suggest that Damara living with =Aoni have at times been the most diligent harvesters (Köhler 1969).

The Topnaar are not only identified through their association with their major plant resource but also with the specific property regime that regulates the way in which the plant is being used. Schapera has the following summary about the =Aoni system of managing the ownership of *!nara*:

“The only instance recorded [for Khoisan peoples] of recognized private ownership of land or its resources occurs even to-day in the Nara bushveld of the Khuseb regions behind Walvis Bay. Here each Topnaar family has an hereditary claim to certain *!nara* bushes and their fruit. Trespass by other members of the tribe is reported to the chief and dealt with by him; but if the thief is a Bergdama or a Bushman, he is tracked and simply shot down, the chief as a rule taking no notice at all of such cases, and, where he does, never siding with the party of the thief. In the other Nama tribes there seem to have been no private rights of this nature.” (Schapera 1930:290-1)

Schapera’s synthesis illustrates that the notion of “regime” is very fitting here. Private property of *!nara* is not simply an isolated cultural trait but it touches on issues of ethnic identity, it involves individual actions of sanction, a social organization into families and chiefs, and social relationships of inheritance. For Schapera the *!nara* property regime is remarkable because it contrasts with the communal property regime of land ownership among other Khoisan groups.² He also contrasts *!nara* ownership and other local forms of private property (in huts, livestock, and utensils) among Nama people with the European image of communism “in the sense of all men having equal, free, and unconditional access to all goods and privileges” (Schapera 1930:319, for a critique see Barnard 1993:38). While he makes that communist conditions of this kind do not exist among the Nama, his synthetic account of the *!nara* property regime, based on the available ethnography, also contains some ambivalences. The object of property relations seems uncertain: Is it “land” or “its resources”, “*!nara* bushes” or “their fruit”? The exact nature of the property relations also remains unclear. “Private”, it seems, is not understood as “individual” nor strictly in opposition to “communal” since a whole family has ownership rights. “Private” appears to be seen in contrast to “public” and “open access” but also in contrast to centrally owned by an individual chief. Both these ambivalences deserve further comment.

!Nara grow wild in hammocks on the sand dunes south of the *!Khuseb* river valley but in greatest density in the extensive *!Khuseb* delta near Walvis Bay. Since the *!Khuseb* is a dry river bed except for a few days of a year, and may for many years not reach the Atlantic ocean at all, the delta of the *!Khuseb* is a large field of dunes on which the *!nara* plants but very few other edible plants grow. Continual winds and occasional floods reshape this dune field all the time so that *!nara* plants can also be said to move. Moreover, the plant is a creeper with long tendrils so that neighbouring plants easily get entangled. As I will point out in more detail below, the primary object of the property regime of the =Aoni seems to have been the *!nara* plants, and by implication their produce, rather than plots of land, as it is sometimes suggested in the literature. As I will point out in more detail there

² The =Aoni of today endorse the fact that the *!nara* property regime is outstanding in regional comparison because it provides them with an important ethnic marker. In the words of the present =Aoni Chief: “In contrast to all other Khoi Khoi tribes where the concept of communal ownership prevailed, the *!nara* fields of the Topnaar people are the property of individual lineages. Each and every field is the alienable property of a specific extended family” (Kooitjie 1997). There is no evidence that *!nara* fields have in fact been sold or otherwise alienated but it seems likely that this self-representation is also informed by numerous echoes of Schapera’s early statement which goes back to earlier observations from the 19th century (see Moritz 1992).

is evidence that the focus has recently shifted from *!nara* bushes to the land itself, with the *!nara* harvest as a powerful symbol that expresses =Aoni attachment to their land.

The =Aoni system of named and unnamed family-groups encompasses all members of the group, but it is also extended to include individuals of other ethnic origin who have come to live in the !Khuseb. The statement (repeated by several administrators and ethnographers) that the named fields are owned by named families seems to suggest that ultimately private ownership could be traced to the individual heads of these families. In fact family names were probably used as a short cut by =Aoni who wanted to establish ownership relations at a specific point in time. However, across time there is no stable relationship between named families and named fields, nor was the circle of people belonging to that named family once and for all fixed. This is partly due to demographic shifts as some named families grow and others die out. But it is also built into the system insofar as the =Aoni, too, followed the general Khoekhoe practice of cross-sex naming (Hoernlé 1985, see Widlok 1999, 2000). In this system the son of a family, reportedly the principle heir of a field, would carry his mother's surname while the girls would receive their father's surname. It is therefore to be expected that individuals with different family names would form the *de facto* property-owning group and that the same name could indicate ownership rights in a number of fields. Budack's map of 54 *!nara* fields recorded in 1975 contains examples of both cases, single fields being associated with more than one family name and one family name being associated with more than one field (see Figure 1). It seems that when being asked about the family unit that would legitimately own a field =Aoni refer to the *!hao-!nas* (lit. "in the tribe"), i. e. a division below the level of the ethnic group but above that of a family household. This unit is constituted by a group of genealogically related families that do not all carry the same name but can be identified as a "clan" or "sib". The =Aoni *!hao-!nas* encompasses a larger number of individuals and families than those who form the everyday economic unit among the =Aoni. At the same time the social system suggests that relatives belonging to one's *!hao-!nas* are potential partners in the exploitation of a *!nara* field and that a sufficient basis for trust and common ground exists to pool efforts with them, either in forming a harvesting party or in sharing *!nara* products and exchanging them for the returns of other economic pursuits such as livestock herding. Little is known about the patterns of incorporating members of other ethnic groups into =Aoni society but it seems that recruiting these people into a *!hao-!nas* went hand in hand with accepting them as partners in *!nara* harvesting groups. This is not to say that being partners in this context means being equal in terms of work effort or the enjoyment of profits. The same holds for the chief and tribal elders who, as members of their own *!hao-!nati*, were integrated into the social organization but who also enjoyed some authority in guaranteeing ownership rights to individuals as I will point out in more detail below.

Historical background³

Environmental change in the !Khuseb valley has been documented in great detail due to the fact that the desert research station Gobabeb, home to the Desert Ecological Research Unit, is located in the !Khuseb. Here, ecological research over several decades has shown changes in the distribution of density of natural species in the various desert habitats (sand dune desert to the south, gravel plain to the north and a mostly dry river bed rich in animal and plant life at the centre of the !Khuseb valley). The research has shown that many species useful to the =Aoni are declining, not only the *!nara* but also for instance game animals. The =Aoni who inhabit the Namib-Naukluft Park but who so far had little say in the way in which it was managed blame this ecological degradation on the various forms of colonial interference, water mining for mines and towns at the lower !Khuseb, intensive farming by Europeans at the upper !Khuseb, flood dam construction near the coastal town, but also restrictive nature conservation management in the Namib-Naukluft Park itself.

Primarily due to the presence of the Namib Desert Research Centre at Gobabeb but also because of the incorporation of the area into the Namib-Naukluft Park, the *!nara*, and the way in which the =Aoni make use of it, has attracted a lot of popular attention. There has been little in-depth field research but many cursory accounts over the decades (Berry 1991; Enviroteach 1995; Grimme 1910; Herre 1975; Pfeiffer 1979; Storad 1991). These accounts leave no doubt that there have been considerable ecological and social changes over the past decades but the causal links connecting these facts remain unclear. There is agreement on the fact that the distribution of *!nara* plants and the size and quantity of *!nara* fruits in the !Khuseb delta has deteriorated over the last 30 years or so. It is also not disputed that the practices connected with the *!nara* harvest, in particular the institutionalised property regime, have changed during the same period. However, multiple explanations, some complementary others mutually conflicting, have been put forward to explain the dynamics that have led to either the ecological change or the social change and to the possible connections between these two processes.

Over the recorded past, ecological changes have affected the distribution and productivity of the *!nara* plants and therefore also the possibilities for its use. Some of these changes, such as the irregular flooding of the !Khuseb river delta, are “natural” and unpredictable. Others, such as the drop of the groundwater level due to a water extraction scheme and the building of a flood dam, are man-made. *!Nara* subsistence and trade continue up to today but wage labour and other forms of income such as small-livestock holding and a fishing quota produce more income for more =Aoni than *!nara* collecting, processing and trading does today. The *!nara* harvest as an institution is still

³ Despite my emphasis on current issues, I maintain that this paper is an exercise in historical anthropology (see Gregory 1997) in the sense that it considers the =Aoni of today as facing a similar historical challenge as anyone living in our global post-socialist world, the world which lost socialism either as a regime or as a negative blueprint. It is not anthropological history since I do not aim to reconstruct the pre-colonial property regime of =Aoni *!nara* harvest. Anthropological studies into the origins of private versus communal property regimes (see Schott 1956) show that, as far as can be established comparatively, elements of both regimes co-existed during pre-colonial times. Archaeological evidence from the region under consideration here suggests that there might have been lengthy shifts in both directions (see Kinahan 1991). There can be little doubt that the =Aoni system of sustainable resource exploitation as we know it was the result of a lengthy process of institutionalization, even though this cannot easily be demonstrated “historically” for the data is not available. What can be studied ethnographically and analyzed theoretically is how this process of institutional change continues in the present.

very relevant for today's =Aoni but complex changes have taken place insofar as the economic dimension of this institution seems to be declining while the political dimension is increasing and insofar as the relation between this institution and other institutionalised forms of economic activity, such as livestock holding and wage labour are changing. Urbanization, ecological degradation, commercialisation and integration into the world economy have changed the social organization of the =Aoni and their relations with other groups considerably. A crystallization point for these institutional changes are changing property relations.

The land of the =Aoni is considered state land by the national government and =Aoni were not consulted when state agencies interfered with the ecology of the area by the building of a flood protection wall, the mining of water, and the damming of water in the !Khuseb catchment area. It has been suggested that these measures together with restrictive conservation policies (especially the prohibition for =Aoni to burn unproductive *!nara* plants), donkeys grazing on the *!nara* and changing harvesting practices (for instance the use of iron rods by harvesters) has led to a decline in the size and number of *!nara* (Shilomboleni 1998). All these causes are ultimately man-made but the responsibilities are attributed to different social groups - farmers, miners, town-dwellers, conservationists, planners, harvesters (see Botelle and Kowalski 1996). While some ecologists point out that the availability of water is highly unpredictable in this environment so that some of the changes observed may be due to irregular natural cycles, the human factor, including institutional change, seems to be crucial in this change.

The decline of the traditional property regime seems to play a major part in the social changes that concern the harvest and use of the *!nara*. Less =Aoni are harvesting *!nara* than in the documented past, and less =Aoni families depend on the *!nara*, although the harvesting season has been extended so that it covers almost the whole year. The system of recognized and protected family-fields is largely defunct and the remaining families harvest freely in a number of different fields. At the same time =Aoni complain that the *!nara* is virtually an open-access resource now as town-dwellers, who are not =Aoni, harvest in the !Khuseb delta. Again the responsibility for these changes has been attributed to various social agents. The decline of the traditional property regime is attributed to weak leadership which failed to protect property rules, to a decreasing economic importance of the *!nara* in the =Aoni economy, and the lack of control granted to the =Aoni by the national administration. Furthermore, =Aoni themselves often draw a direct causal link between the ecological decline of the *!nara* and the practicability of the traditional property regime putting the blame on external forces for producing ecological change to which they themselves then had to react. Representatives of the Ministry of Environment and Tourism who run the Namib-Naukluft Park have for a long time blamed the =Aoni for detrimentally influencing the local ecology and restricted =Aoni movement in the park and at times threatened to expulse them from the !Khuseb.

The researchers of the Desert Ecological Research Unit (DERU) at Gobabeb, being mostly natural scientists by training, tend to look at human action as just another form of behaviour that effects the growth and spread of the *!nara*. DERU is currently establishing a *!nara* project and the baseline studies for this project investigate the use that insects, donkeys and humans make of the *!nara*. Using pit traps to compare the diversity of insects close to a *!nara* hummock and distant from it, it was possible to establish that the *!nara* is important for a variety of insects (Shilomboleni 1998:5). That is to say the *!nara* plant supports biological diversity in the area, which gives it high value as a national, and even an international asset. At the same time a controlled domestication experiment showed that insects are also a major obstacle for any attempt to domesticate the *!nara* from saplings. There is

evidence for the effects that donkeys have on the *!nara* as they feed on its shoots and fruits but it has still to be established whether this detrimental effect on the *!nara* is more substantive than the damage done to the *!nara* by wild animals in the past. As for the activities of humans, =Aoni harvesting techniques of today are also considered detrimental to the growths of the *!nara*. But while for a long time =Aoni use of the *!nara* was considered ecologically damaging *per se* (see Gabriel 1993) steps have now been taken to initiate some co-management of the !Khuseb area as a protected zone.

In sharp contrast to the disagreement about the causes of environmental change in the area, all parties involved strongly agree on the value of the *!nara* plant and that institutions which support it should be maintained or newly created. Since colonization began researchers advocated a cultivation of the *!nara*, others have highlighted the uniqueness of this endemic plant at least implicitly demanding a better protection. =Aoni use of the *!nara* has always been mentioned in this context and has after independence been at the focus of popular reports and films (Botelle and Kowalski 1994; Visser 1998). Most recently the =Aoni themselves have raised their voice not only as informants to researchers, journalists, and film makers but directly as they have issued policy statements and have been involved in the planning of a development project centred around the *!nara* and its products (Dausab 1993; Grasveld and Gabriel 1993).

With no long-term record of ethnographic research available, surveyors with an interest in developing the potential of the !Khuseb (including the *!nara*) have sought to establish how changes in the environment and in property relations are perceived by the =Aoni themselves.⁴ However, “perceptions from the Topnaar community” have shown that “the community” does not speak with one voice. Even though individuals frequently contradict one another there is some common ground in their views. In interviews with =Aoni the decline of the *!nara* is unanimously lamented, which indicates that they value the *!nara* and do care about its state. Given the relatively small number of =Aoni who depend economically on the fruit, it seems that many =Aoni maintain that the *!nara* has a high cultural value also for those who are not directly involved in its harvest or consumption. Individuals differ in their ranking of the *!nara* as a resource vis à vis other resources. In a survey-type ranking task the *!nara* was placed on ranks 3-5 in a spectrum of seven types of resources. Overall, *!nara* ranged in the middle behind “water”, “vegetation”, “lifestock”, and “land for settlement/development” but above “gardens” and “wildlife” (Botelle and Kowalski 1996:68). This reflects the variety of ways in which individuals make use of natural resources. All =Aoni need water, no-one today relies on wildlife for subsistence, while the degree to which gardens, *!nara*, stock, vegetation, and land for resettlement play a role in economic pursuits differs according to circumstances.

It is interesting to note how the interviewed =Aoni placed these resources in terms of property rights. Discussing the control over and the responsibility for the resources (i. e. ownership), the =Aoni argued that water was owned by the government, in the form of the Department of Water Affairs

⁴ Although =Aoni have had little or no say in environmental planning so far, their views are now on record in transcribed interviews (see Botelle and Kowalski 1995). This has aggravated the situation insofar as many =Aoni today feel that they have given their opinion many times and have answered many questions without any noticeable improvement of their situation. In the aftermath of a socio-economic survey conducted by the Ministry of Environment and Tourism in 1992 (again without conclusive results) a team of film-makers collected numerous interviews with =Aoni in the !Khuseb which I was able to use to complement my own interviews conducted during field research in 1996.

which manages boreholes in the !Khuseb since the water table dropped too low for the use of hand dug wells. Wildlife, vegetation and the land for settlement was also seen as being *de facto* and *de jure* owned by the government, primarily in the form of the Ministry of Environment and Tourism responsible for managing the Namib - Naukluft Park, even though this was contested on principle grounds. Livestock was considered as property of the =Aoni but since they did not have control over the wild predators or the necessary vegetation to graze the stock, this was considered to be a somewhat spurious claim of ownership. Gardens and *!nara*, by contrast, were considered to be genuinely owned by the =Aoni. Since gardening plays hardly any role in the !Khuseb this leaves the *!nara* as the main field in which =Aoni see their own property rules at work, even though with some interference from the government's side in the management and harvesting of the *!nara*.

Despite this overall positive value attached to the *!nara*, =Aoni elders complain that young people are "too lazy" to harvest *!nara*. In the words of Reuben (70 years) "Many of the Topnaar are too lazy to work on the *!nara* and the children are learning other ways, that is why the fields are so empty nowadays" (Botelle and Kowalski 1996:40). The breakdown of the family field system receives conflicting assessments. Some =Aoni remark that the breakdown of the property rights also meant that individuals were no longer urged to ensure the health of their *!nara* plants (Botelle and Kowalski 1996:21). Abandoning the *!nara* property system therefore would not only mean deregulation but also negligence with regard to the *!nara*. But not all =Aoni interviewed agree with this assessment. Compare the following two statements given to Botelle and Kowalski (1996). Both were made by elderly men involved in the *!nara* harvest but one seems to represent economic liberalism while the other seems to express a call for regulation by a strong central authority.

"I don't know why it has changed but I think it is better now. There used to be fights over the plots and a lot of confusion. Now we do not have plots and we are free to go to the delta and take what we need. This is good because you are free to collect what you need to survive."

"When the men owned the plots we earned more money. Now there is competition between us and sometimes you cannot collect enough to sell. The plot system stopped all grievances and it was good for the *!nara* too [...] The rules changed about 15 years ago. As the chief and strong men died out so did the rules. With no rules people go early to the delta when the *!nara* is still not ripe and they stay for a longer time. By the time we get there, the *!nara* is gone."

I suggest that an analysis of the *!nara* property system in terms of layers, as I will develop it below, allows us to account for these diverging assessments by realizing that individuals within the =Aoni group as well as interested parties from outside this group may be commenting on quite different aspects of what has hitherto been considered a large undifferentiated institutional package of ownership rights.

Theoretical background

Anthropologists have been careful to point out that forms of private ownership usually coexist with forms of communal ownership basically everywhere, including seemingly simple societies (see Schott 1956). It has become equally important to point out that these property regimes could consist of

both, formal institutions such as the position of Chief or inheritance rules involving corporate kin-groups, and also informal institutions such as habitual practices. In order to avoid any sense of deficiency when discussing the informal “habits” of “simple” societies in contrast with societies that have a tradition of formally codified and written laws, anthropologists have tended to cover all these manifestations under the broad category of “institutions” of property. The anthropological study of property could be phrased as the study of institutions that regulate property relations in diverse cultural settings. In the established practice of anthropological writing, a monographic case study is usually a comprehensive account of the institutions of an ethnic group. It would include a description of named and formalized arrangements, sometimes reflectively described by actors, as well as of patterns emerging from recurrent behaviour which are only named and identified by the observer. In fact there is, in this respect, continuity between the ethnographic works from the early days of the British school of social anthropology, see for example Peristiany’s “The Social Institutions of the Kipsigis” (1939) and more recent ethnographies, see for example Moore’s “Space, Text and Gender” (1986).⁵ Therefore, not only comparative works but ethnographic monographs, too, tend to describe a cluster of related property institutions in terms of a property regime. However, with the recognition that we study social relations in the process of historical changes, the dynamics of changing regimes have recently been at the focus of attention. The change from a regime of predominantly communal property towards a regime of predominantly private property (see Hann 2000) is such a historical process of institutional change.

Since anthropologists study a wide variety of cultural contexts they usually tolerate a very broad definition of what constitutes an institution. Institutions in this broad anthropological sense may include everything from a convention or rule to a “social grouping” – named or unnamed - that requires some supporting cognitive foundation which distinguishes it from any odd recognized practical social arrangement. In approaches that strongly rely on methodological individualism (such as network analysis or rational choice theories) institutions are either considered the outcome of behavioural regularities which can be measured in frequencies of interactions and clusters of relations and at the same time as “the rules of the game” which produce these regularities (see Schweizer 1996). In approaches that look at individual activities on the background of collective representations (such as Durkheimian and culturalist theories) institutions are considered to be not simply the outcome of conventions but as a cognitive classification that has been socially and culturally grounded “in nature and in reason” so that social actors do not see it as “a socially contrived arrangement” (Douglas 1987:48). It is one of the most fundamental insights of anthropological work that these different forms of institutionalization condition one another as they are either complementary or are in conflict with one another in a single complex process of change. From an anthropological perspective, therefore, the aim has to be a single analytical framework that distinguishes aspects or layers of institutions rather than types of institutions. The purpose of having

⁵ Peristiany describes named institutions such as the Kokwet, the “village community”, made up of domestic units (1939:127) and unnamed groups of villages that form the key territorial unit (1939:176) as well as court proceedings that embody the legal institutions of the Kipsigis (1939:185-6). Moore also identifies formal and informal institutions among the Marakwet as well as the social activities that produce spatial and social entities at any particular time. The theoretical advances sought after in social anthropology were not a reformulation as to how institutions should be defined or classified but rather how institutional dynamics are to be described and analysed. Moore does not differ significantly from Peristiany in what is considered an institution but in that she succeeds to explain the changing form of institutions such as the household and the homestead on the basis of working out the developmental cycle that governs the life stages of the household head and by implication the make-up of the household and the homestead.

such a framework is that it can enable us to do two things. Firstly it helps to split the notion of institutions into components or layers that can be studied ethnographically and comparatively. Secondly it helps us to develop a dynamic model that suggests how these components or levels are related to one another.

For the purpose of this paper, I make use of ideas recently developed in the field of legal anthropology. My point of departure is a model which was primarily designed as a descriptive tool and which would allow to compare diverse property regimes as they are usually encountered by anthropologists working in diverse field situations. Benda-Beckmann and Benda-Beckmann (1999) have proposed a model of institutional layers for dissecting and understanding complex institutionalised property relations. The underlying idea of such a layered model is to overcome “the simple opposition between rules/ideology and practice/reality” (1999:20). The Benda-Beckmanns distinguish four layers: cultural ideals and ideologies, normative and institutional regulation, property relationships, and social practices. This has an important advantage over earlier institutional approaches in that rules, relationships, and practices are no longer “packaged in an institution” (1999:22). Thereby we are put into the position not only to investigate the interaction between packaged institutions or between institutions and apparently institution-free activity, but rather to come to understand the internal dynamics of different layers within an institution. They recognized that all layers are connected in social practice but that they are independent enough “to warrant an examination of their mutual interrelationships” (1999:22). I subscribe to their layered model but I propose a graphical representation which contains two important qualifications to the model (see Figure 2).

I suggest that it is useful to maintain a sense of that which may be considered the objectification of property relations. With regard to the *!nara* case, but probably this is true more generally, much of the confusion seems to result from the fact that the object of property regulations and relations is not clear. While state environmental agencies underline their sovereign rights over the land on which the *!nara* grows and on which the =Aoni live, other state agencies such as the water affairs administration, the mining companies and the administrators of the urban centre seem to be primarily concerned with the underground water reservoir. The traditional concern of the =Aoni seems to have been the *!nara* bushes more than “plots of land” but this seems to be changing now as the rights in managing the *!nara* come to stand for land rights more generally which contain various potentials, not just that of harvesting *!nara*. Furthermore the social relations that constitute the *!nara* property regime are usefully distinguished for the *!nara* fruit and the *!nara* plant as will be shown in more detail below. The objectification of *!nara* property regulations and relations are graphically represented with a lozenge.

The second qualification to the model which is contained in the graphical representation concerns the distinction between relations and social actions. Instead of limiting relations to the link between previously identified individual actors, the representation allows to see relations as constituting arenas for action which may then either be filled by individual persons (or corporate persons) but which may also be internal to individuals as well as subject to shifts as natural persons take on some fields of action or leave others. The dynamic picture gained through this graphical convention will be described in more detail below. The first necessary step that lead to this discussion is a dissection of the *!nara* property regime into the layers that I have identified above.

Dissecting a property regime

As a first step for arriving at a more dynamic and realistic picture of the *!nara* property regime I suggest to break up the synthetic statements about “privately owned plots” by investigating separately the different analytical layers of property regimes, namely cultural values, cultural regulations, social relations, and social actions.

Cultural values

The key cultural values in the *!nara* property regime are its exclusiveness with regard to the =Aoni as an ethnic group and its inclusiveness with regard to all =Aoni families. Ethnic exclusiveness is hinted at both in Schapera’s and in Kooitjie’s statement (see above). Trespassers of other ethnic groups are severely dealt with since they cannot hold any legitimate ownership rights in the *!nara*, which are – according to the ideal - inherited from one =Aoni generation to the other through the male line. Furthermore “each and every” *!nara* field is claimed by some =Aoni family, leaving no residual area for the use or ownership of others or for open access. But not only are all *!nara* in the area divided into exclusive fields for the =Aoni. Conversely, every =Aoni family has some ownership right in a *!nara* field. Both ideals, that of a comprehensively divided world of *!nara* plants and that of a complete provision for all =Aoni families, are maintained as a value up to this day. The =Aoni chief is often named as the guarantor for these values and his role therefore needs to be discussed in this context.

Since colonization began, chieftainship among the =Aoni has been under pressure, especially during this century. Colonial interference interrupted the succession of chiefs and there have also been conflicts about succession. This weakened the =Aoni with regard to the colonial powers and neighbouring groups. Internally the *!nara* property regime did not rely exclusively on the sanctioning power of chiefs being in office but more generally on a shared recognition of the principles of =Aoni social organization, in particular its identity as an ethnic group and its internal make-up as consisting of family groups. It seems that the property regime was not installed from above but was anchored in the web of =Aoni social organization which prevented it from collapse in the absence of chiefs. There was no support from external authorities for =Aoni cultural values with regard to ownership since the colonial administration considered =Aoni land to be crown land and their ownership claims and rules therefore as spurious.

The Ministry of Environment and Tourism and the Department of Water Affairs have, if at all, consulted the =Aoni only as one interested party among many others and have carried out their strategies according to their own values, especially the value of “the national good”. Despite this general disregard for =Aoni values, the *!nara* fields have been important in the relation between =Aoni and the colonial, now national, administration. The ownership of *!nara* fields is the basis for =Aoni land claims more generally and for their constitution as an ethnic group claiming land ownership in the !Khuseb valley on the basis of their ethnic identity. The entitlement of all =Aoni families to have access to *!nara* plots has been maintained even under changing ecological conditions. According to the acting chief he initiated a redistribution of family rights to plots when

whole stretches of *!nara* fields disappeared due to the building of the Walvis Bay flood dam and due to other measures taken in the interest of a growing urban population and of growth in the livestock and mining industries. The recent urban and industrial developments have exploited the underground water reservoir of the *!Khuseb*, threatening the *!nara* fields and consequently threatening to leave some families without access to any *!nara* fields. This development is of great concern to the =Aoni, not only because of its detrimental effects on the *!nara* harvest but more fundamentally because it affects key values of identity and cultural property. The *!nara*, therefore, is best characterized as a =Aoni good, maybe the supreme good of the =Aoni (see Gregory 1997:81). It certainly has not only value as an object of consumption or exchange. The fact that the positive evaluation of the *!nara* is closely connected to a positive self-image of the =Aoni as *!nara* harvesters is also highlighted by the recent re-emergence of *!nara* praise songs in the *!Khuseb* which include the following sequences:

“You round food / with many thorns / you many-breasted / foster-mother of the =Aoni children / even if I am far away / I will think of you / you food of my ancestors / I will never forget you”
(Kooitjie 1997:2)

There is little doubt that such praise songs did exist in the past but ethnographers who undertook great efforts to record songs in the 1970s were only able to record remnants of these songs, the longest version was obtained from a European farmer who had heard it being sung by an old “Bushman” employee (see Moritz 1992:36). This example of the recreation or revitalization of a cultural tradition shows not only how different cultural values, such as identity and property are connected, but also that they need to be seen in the context of the cultural means of communicating and reaffirming values and of institutionalising them as cultural conventions and regulations of cultural organization.

Cultural regulations

The general cultural values of appropriating the *!nara* for the =Aoni and of guaranteeing access to the *!nara* for all =Aoni families were integrated into a more elaborate cultural system which has been called the *!nara* field of “plot” system. *!Nara* fields were demarcated with “beacons” which served as a cultural sign indicating boundaries and the individual entitlements of families (Budack 1983:4). As I have already pointed out it seems more likely that the property rules in fact applied to *!nara* plants and not to plots of land taking account of the fact that *!nara* plants “move” as they grow on the shifting sand dunes of the river delta and that the tendrils of individual plants may easily get entangled with one another. There was another cultural tool for detecting trespassing even when it was not observed as a manifest spatial transgression of boundaries. Individual owners claim to recognize the *!nara* pips of their own field by their taste. What may at first appear to be a mystical skill can still be tested today. I took samples of *!nara* pips from a number of different localities in the *!Khuseb* and asked several men and women to taste where a sample came from and to whose harvest they belonged. The results confirmed that there is such a skill of distinguishing *!nara* pips according to taste. The experiment revealed that the size and saltiness of pips varied in relation to the location where the *!nara* plant grew, probably due to the amount and saltiness of water available to the plant. Individuals varied with regard to their skill to match pips with names of places and with individual people harvesting at these places and differences in skills were readily acknowledged. But

there was no doubt among =Aoni that tasting pips in order to determine their origin is a cultural skill and a legitimate means for the owners to establish the origin of pips. It also suggests that most =Aoni have some sort of socially shared mental map of the *!nara* fields, that is to say some representation about the spatial distribution of *!nara* bushes and people having claims to the fruit gained from these bushes. Furthermore, there are cultural standards of what constitutes a good, tasty *!nara* pip, which largely refer to the colour and taste of pips after they have been cooked. This corresponds to cultural skills involved in cooking the *!nara* properly (such as the selection of suitable ripe *!nara*, the right temperature and duration of cooking the pips). These skills not only help to identify the harvest of an individual but they are also a means of establishing the value of a particular *!nara* as a desirable good in comparison with the *!nara* of other fields and families (see above). Furthermore, the different quality of *!nara* pips is also important for determining the commodity and exchange value of the pips. This is the cultural background for understanding =Aoni complaints about “*!nara* pirates” that is mostly non- =Aoni who harvest and trade *!nara* without the culturally recognized skills. These pirates not only upset the established pricing mechanisms between =Aoni harvesters and urban traders they also more generally threaten the value of *!nara* as a =Aoni good.

=Aoni complaints against “pirates” fall on deaf ears with the administration which appears to follow the policy of various colonial authorities who considered the *!nara* to grow “wild on waste Crown lands and [to be] veld kost, so [that] the law against theft was inoperative” (Rolland quoted in Budack 1983:5). Consequently, all regulations put in place by the colonial administration such as the prohibition to burn old and unproductive *!nara* plants or the prohibition to move freely in the sand dunes are detrimental to the maintenance of the =Aoni property system. The cultural rules governing *!nara* property relations only apply to individuals within the reach of =Aoni cultural organization. However, within this cultural context the organization of property claims involved not only relations between owners and (potential) trespassers. Putting up beacons, it seems was only to underline claims that were already socially recognized. It is therefore unlike the establishment of boundaries through fences in previously communal areas which currently takes place in other parts of Namibia. While owners could not appeal to the administration to safeguard their property rights, they did appeal to the chief and his council who were also known as “parents rich in *!nara*” alluding to their special position with regard to matters concerning the *!nara* (Budack 1983:5). In other words the cultural organization of the *!nara* plot system relied on a well-established network and hierarchy of social relations.

Social property relations

Property relations are taboo relations because they imply that certain forms of taking and appropriating (and sometimes of giving and alienating) are considered to be forbidden between certain people. However, it is important to note that a taboo relation is still a social relation. It is not the absence of engagement but it is characterized by a distinctive restriction of engagement with certain people at certain times for certain purposes. The culturally constructed property taboos that separate the owner of a *!nara* field from others implies that the *!nara* is not freely shared with everybody. However, the owner still engages in social relations with non-owners or other owners. Since these social relations may be eclipsed or “hidden” in taboo relations I will propose (in the following section) a method that elucidates these relations. Products of *!nara* plots do not flow freely among the people related with the =Aoni who harvest *!nara* in the !Khuiseb. Therefore, we need to

pay special attention to the engagement not only among owners, but also between owners and non-owners that are involved in the flow of *!nara* products and in establishing the rights in *!nara* plants.

It is important to go beyond the static cultural map of *!nara* “plots” and to consider all relevant social relations involved in the *!nara* property regime. Apart from the relatively instantaneous conflict between owner and trespassers (mentioned above) and the relatively fixed genealogical succession of persons leaving an inheritance and those taking it (discussed below), the benefits of *!nara* ownership are distributed in social relations that are formed in the process of *!nara* harvesting. There is no indication that =Aoni sought to sell or buy plots, nor that they received prestige or status owning a particular plot, nor that there was any possibility or interest to accumulate ownership rights in order to make profits, gain interest etc. Inheritance of *!nara* fields seems to have been fairly unproblematic, at least no inheritance conflicts are reported in the records. There are, however, many indications that use rights were complex and subject to manoeuvre and negotiation. The social relations between owner and harvester imply relations between members of the owning family who are active in the *!nara* harvest and those members who are not as well as relations between harvesters and traders. It is important to note that the composition of harvesting parties seems to always have been flexible. This is certainly the case in the present and for the documented past (Dentlinger 1983). Although harvesters would in most cases be related through ties of kinship or marriage, the kinship system does not predetermine who may join a harvesting party this year or next year. Relations between harvesters are informal in the sense of being non-predetermined, as are relations between coresidents who form the main consumption unit and indeed as between co-habitants who form the reproductive unit of the =Aoni. Owners of *!nara* fields can engage with others in a cooperative seasonal harvesting team or they can send out any kinsperson but also a non-=Aoni, usually a Damara, as a worker in the *!nara* fields. The returns would then be shared with these workers. The most common strategy seems to have been to split the household during the *!nara* season so that yields from inland livestock herding and coastal *!nara* harvesting could be pooled or exchanged by members of the household. Sharing the returns means not only receiving some *!nara* as food but also receiving some of the cash or of cash economy products gained in the trade of *!nara* pips. For this purpose *!nara* owners also had to engage with urban traders in what for a long time seems to have taken the form of long-term trading partnerships. General traders were, and sometimes still are, providers of all kinds of commodities for the =Aoni who would pay off their debts at harvesting time by trading in their *!nara* pips.

Social action

The most influential individual choice in the context of the *!nara* property regime concerns the intensity of *!nara* use. The =Aoni never subsisted solely on the *!nara* but relied on hunting (now no longer possible), livestock raising (now less intensive than in the past) and wage labour (now more intensive than in the past). Harvesting *!nara* was only one constituent of their mixed economy and it had to be kept flexible in order to account for demographic changes but also for irregular ecological changes that would affect the supply of *!nara*. At the end of the last century there were reports that the population had decreased, the *!nara* increased, leaving tracts of *!naras* vacant (see Budack 1983:5). Then, after a devastating flood in 1934, harvests were reportedly very low up to the 1950s, leaving some Topnaar without harvest (Köhler 1969:118). In the 1970s the available *!nara* were reported to have exceeded the demand (Budack 1983:5). At the level of individual action this means

that every season a person would need to ask him- or herself whether it was worthwhile to move into the *!nara* fields. Given that most *!nara* fields are situated in the !Khuseb delta where there are no permanent =Aoni settlements, moving to the *!nara* fields often meant abandoning a paid job or leaving livestock in the care of others. Benefitting from this mixed economy implied depending on others as partners in livestock herding or *!nara* harvesting. With the increase in permanent wage labour opportunities, strategies seem to have bifurcated as some =Aoni do not take any active part in the *!nara* harvest at all while others make much of their living through *!nara* harvesting. For the latter this means that they have to be more active in trading *!nara* pips so that they can bridge the times when *!naras* are lean and so that they can convert some of their harvest into cash income.

Also more recently, some =Aoni convert *!nara* not only into economic capital through trade but they convert it into symbolic capital in the national politics of community identity and of land rights. This is particularly true for =Aoni who are no longer living in the !Khuseb but in any case for =Aoni who are engaged with administrators and representatives of the media and of development NGOs.⁶ Although I have seen many young people among the *!nara* harvesters of the 1996 season, it is certainly true that harvesting in a make-shift shelter in the !Khuseb delta is an arduous task so that not only young =Aoni but all harvesters try to get regular lifts into the nearby coastal town of Walvis Bay which has all amenities of modern life including access to a rich spectrum of consumer products.

As a staple food the *!nara* has a rather low reputation among =Aoni, and this has been so at least since the 1970s (see Dentlinger 1977, 1983). Other forms of income are being sought after by =Aoni and those who continue working in the *!nara* fields seek to earn money for more prestigious commodities by selling *!nara* to traders in town. Selling *!nara* helps families pay their children's school fees, as I have been told frequently (see also Botelle and Kowalski 1995:69). This shift of interests is recognized by the =Aoni themselves who often take this as their starting point for explaining the processes of change in which they are involved. In the pursuit of a quick buck individuals harvest randomly across the *!nara* fields, disregarding the traditional property regime. In that process they also harvest unripe *!nara*, they do not care or manage *!nara* fields (e.g. by burning or cutting unproductive plants), they use iron rods which can harm the plant. All these developments contribute to the decline of the *!nara* and its fruit.

Analyzing institutional dynamics

Having dissected a property regime into institutional layers allows us to view institutional dynamics in terms of changes that take place at one of the layers and which then trigger off changes at another layer or which indeed may clash with changes (or the lack thereof) at any of the other layers. Disentangling the different layers of an institutionalised property regime may also help to understand

⁶ This is underlined by the results of a workshop in which young people were asked to envision of how they wanted to see the !Khuseb environment being used in the year 2034 (fourty years ahead). *!Nara* do not feature in this vision, only in the subsequent discussion it seems to have been mentioned that people continue to use the *!nara*. By contrast a group representation of land use at present (that is in 1994) depicts the *!nara* prominently in three instances (see Botelle and Kowalski 1995). Note t hat the *!nara* also does not feature in the representation produced by elderly people of !Khuseb land use in 1944. Again the *!nara* seems to have only been mentioned in passing in the discussion. This may be explained by the fact that the participants in this workshop focused on events surrounding the great flood of 1934 which in fact destroyed many *!nara* plants and the harvest of the subsequent years.

why deliberate or involuntary changes to one aspect may only gradually change the property regime and may lead to unintended effects. For instance discontinuing one action, such as burning old *!nara* plants, or letting one aspect of the social organization, such as the *!hao!nati* (clans), fall into disuse, may not lead to a demise of the whole institution. A description that accounts for the state of affairs at the various layers promises a more realistic, yet clear, representation of the complexities of an institution such as the property regime under investigation here. But the argument which I want to pursue in the remainder of this paper goes even further than that. The layered model not only inventorizes various aspects or suggests that a certain threshold has to be reached for institutional change to take place but it also links to a dynamic model of institutional change. Moreover, it is possible to characterize different analytic approaches as focusing on opposite ends in terms of this layered model. That is to say, individualistic approaches (e.g. Schweizer 1996) assume that institutional change rely on behaviour change, which then work its way “up” to cultural values. Culturalist approaches (e.g. Douglas 1987) seem to assume that a change of values (in individual cognition or public culture) will eventually trickle down and lead to changes in behaviour. The model suggested here allows for input from either “end” and for indirect influences, too, that is for changes in social or cultural organization triggered by actions and values that are not directly linked to the institution in question. The key assumption is that mutual involvement of people, their social relations, are at the centre of the institutional dynamics. Relations are the joints that connect values and actions. When social action has lasting impact on social relations it will change cultural values, too. When value changes have impact on social relations it will lead to changes in social action. Given the constant flow of individual action on the one hand and cultural invention, forgetting and remembering on the other hand it is likely that most processes of social change take place at both ends, crystallizing at the layer of social relations. With the help of this construction the model allows us to situate activity firmly at the level of the individual actor who changes his or her behaviour or attitude without reducing the process to these individual actions because individual acts are amplified and ultimately governed by the layer of social relations. In this model it is possible to see how individual acts gain a momentum that cannot be attributed to individuals only without the need to assume the fictive agency of “a culture” or “a society”. A detailed account of the changes affecting the *!nara* property regime should help to illustrate the dynamics outlined here.

The case of the *!nara* harvest lends itself to exemplify the methodological shift from mapping property rights in terms of simply matching people and things towards elucidating complex property relations with the help of diagrams. While Figure 1 was a simplification of the way in which =Aoni fields of *!nara* have conventionally been mapped, Figure 2 converts this into a simple diagram of the layers that make up this particular property regime. Figure 3, finally, is a more detailed exploration of the lower part of Figure 2. It is an attempt to show how the objectification of “*!nara* plants and “*!nara* fruits” is in fact a result of, or “eclipses”, the relation between the family owning the field, harvesters possessing the fruit, and outsiders trading the *!nara* pips. The use of diagrams in this context deserves further comment. In these diagrams relationships not only connect individual human beings or things but they relate terms to one another which can only be reliably identified in and through the relationship itself. For instance, mother and child may be related through physical procreation or legal adoption. One term (that of mother) is logically defined by the existence of another term (that of child). Terms may be filled by different natural persons (men may act as “mothers”), by corporate bodies larger than a single person (a group of classificatory sisters may be “the mother”) and natural persons may combine more than one term within them (as in many forms of exchange).

What is true of mothers and children is also true of other relations such as owners and non-owners (see below) or authors and readers. One way of conceptualising and clarifying these relations is through the use of anthropological relationship diagrams, called “Strathernograms” by the late Alfred Gell (1999) who used them to clarify exchange relationships described by M. Strathern. The graphic conventions are a representation of terms in square boxes, relations in circles and their objectification in lozenges. The graphic representation is useful because relations between social terms are unlike simple relations between physical entities and “invisible” unless elicited through analysis. An appearance in the physical world is usually the objectification of more than one social relation (e. g. a book is also an objectification between an author and a publisher and possibly an author and a funding body). Furthermore it is usually made up of terms which are themselves constituted by other relations between other terms or by the same terms (e.g. a book is written by an author who himself has been the reader of other texts and possibly the author of previous texts). This given complexity, a result of the diachronic character of social relations and the embeddedness of human action in a mesh of relationships, is usefully unravelled with the help of diagrams.

We can now start to see the multiple relations that are “hidden” or “eclipsed” in the ownership claims of our case and to introduce differences of hierarchy between them. Distinguishing *!nara* plants and their produce is not only a matter of material boundary drawing but also a matter of relationships of separation or taboo. This is not only so because ownership rights concern plants rather than land. In their *!nara* property system =Aoni are not concerned about dividing the !Khuseb delta geographically or about distributing general land rights. Rather they are concerned about exclusive rights of access to the *!nara*, that is to say about the relations between potential claimants. Figure 3 tries to elucidate all relevant relations on which the harvesting of *!nara* relies - down to the actions of providing *!nara* (to dependent family members for instance) and consuming *!nara* (or its profits).

When analysing the objective returns or benefits of a *!nara* field it is necessary to begin by distinguishing between *!nara* possession (holding usership rights, possessing harvested *!nara* pips) and *!nara* ownership (holding ownership rights to a *!nara* field, being able to exclude non-owners from the plots). Even in the traditional system (as far as we know it) it was possible to be the legitimate user of *!nara* fruit without ever being the owner of a *!nara* field. At the same time it was also true that those who procure *!nara* through their harvesting work did rely either on the owners of fields to exclude others from harvesting or on traders who help to convert *!nara* into commodities or money. Or to put it more precisely, being the benefactor of a *!nara* field relies on the relation between people with the capacity to work (to harvest), those with the capacity to convert (to exchange *!nara*) and people with the capacity to exclude appropriation (with the necessary kinship links and sanctioning powers). It is through the relation between these capacities that a *!nara* harvest materializes. In the diagram this creates branches representing sub-clusters in the complex relationships governing the *!nara* property regime. Being a user or beneficiary of the harvested *!nara* fruits also depends on the relation between harvesters and traders. It would be misleading to think of traders as coming in only after the harvest is completed. In fact harvesters enter long-term exchange relations with traders and are continually indebted to them so that traders have legitimate rights to the *!nara* even before the seasonal harvest has started. A harvesting party at any one season would consist of members of the field-owning family plus a flexible number of non-owning harvesters who could gain access to *!nara* through their relationship with the aforementioned members of the owning group. In turn their participation in a harvesting party eclipses the relation between providers and consumers. The two terms may be contained within a single person or constituted by a person and

his or her dependents. In any case the work of owning and non-owning harvesters is based on the fact that the fruit of this work can be ultimately consumed. Consumption may be indirect insofar as the harvesting party is in relation with trading partners whose presence is based on a relation between more distant parties who demand *!nara* and those who offer something else in return (and again there is a relation of consumers and providers at the end of this line). For the *!nara* harvest to take place successfully and repeatedly in the traditional property regime all these relationships constituting the “*!nara* user” seem to be as relevant as the relations which are hidden behind (or underneath) the term of “*!nara* owner”. This branch of the diagram provides further details on the complex relationships since “the family” which is usually given as the traditional owner of a *!nara* field is based on a web of relations between parties who do not move to the *!nara* fields but who stay behind in the settlements and look after livestock or who have moved into wage labour. They are likely to consume the *!nara* that they are given in return for their services and do not contribute directly to the *!nara* harvest. However, they link the harvesters with the owners and thereby with other spheres of the economy, in particular the livestock economy. In order to be able to provide outputs from these fields of subsistence the position of non-harvesting owners relies on relations with people (or categories of people) who may ostensibly have nothing to do with *!nara* ownership but who enter the scene insofar as all subsistence activities of non-harvesting owners (with the possible exception of foraging activities) relies on cooperative relations within a household. Raising livestock is based on a relation between those who pool their time and energy with others in order to accomplish the tasks of herding and breeding. This demands some division of labour across age groups (even generations) and across gender (or even spouse exchanging groups). Relations of investing work (i.e. of providing) and of receiving returns (i.e. of consuming) again form the lowest level of the diagram.

There are restrictions to this graphical representation in the form of a single tree diagram. However, with slight alterations to the graphic convention, namely by adding more than one tree diagram to the objectification in question this can be overcome. One advantage of the graphical representation is that it is possible to show patterns of relatedness and to highlight central positions in the network of relations, in this case the position of the harvesting party and the fact that it links the *!nara* harvest with both, the trade of *!nara* and the exchange with other subsistence products.

The diagrammatic outline of the *!nara* property regime, as given above, is not only an attempt to visualize the (invisible) structure of social relations that are part of this institution but also to unravel the institutional dynamics at work. Changes may originate at either “end” but the diagram allows us to trace them through the complex web of property relations. In the =Aoni case the values or terms of the property regime have been under pressure, partly because of value shifts in other domains especially group sovereignty. The apartheid administration which threatened to resettle =Aoni far away from the !Khuiseb but also the post-independence situation which makes them strive towards establishing a coherent local “community” have pushed the owners of *!nara* fields and fruits to identify strictly in ethnic terms as =Aoni and to delete “non-=Aoni” from the terms of the harvest (even though they cannot get rid of any real person anymore). The reinvention of *!nara* songs and the reiteration of the close symbolic link between *!nara* and =Aoni has led to a situation in which the term “harvesting party” is in effect divided into two terms, namely that of “legitimate =Aoni harvesters” and “illegitimate non-=Aoni harvesters”. The diagram illustrates how harvesting was distinguished from owning in the traditional system. However, the term of “non-owning harvester” was linked to that of owners. Through overemphasizing the identity of harvesters as =Aoni this link is curtailed. Since non-=Aoni owners nevertheless continue to harvest and use the *!nara* this in effect

creates a direct relation between traders and the non- =Aoni harvesters, disconnected from the =Aoni property regime. This has triggered off changes in the distribution of shares in the *!nara* harvest in favour of non- =Aoni . The ethnicization of terms has changed social relations in a way that paradoxically gives a larger share of the harvest to non- =Aoni .

At the same time people living in and around the *!Khuseb* have – through their actions – changed the world of this property regime by shifting for instance the *de facto* boundaries in the real world of objects, or through redistributing the proportions of *!nara* being harvested, traded, exchanged and so forth. In the political debate about land rights, owning *!nara* plants seems to become more important than possessing fruits. This changes the division with the real of objectifications (within the lozenge of the diagram) but also the relative weight of the social relations that are hidden behind it. In the *!Khuseb* people who were not the direct beneficiaries of the *!nara* harvest took action that led to a reduction of the harvest available, and that increased the profits from alternative subsistence activities. In terms of the diagram they have altered the division within the lozenges, and possibly its shape and this has repercussions on the relations that constitute these division which in turn effects the terms involved. Graphically speaking changing the central lozenge means that the relations between traders, harvesting parties, and non-harvesting owners is no longer as tight as it was before and may be cut off altogether. This means that relations of cooperation and exchange are severed while the subordinate relations of consumption continue so that they now compete directly with one another. Again this leads us to an explanation of another counter-intuitive fact, namely that a reduction of the volume of *!nara* harvest does not lead to a denser interaction between traders, harvesters and non-harvesters in the fields that remain.

The picture at large also changes since the building blocks are no longer relatively autonomous field owners paired with a group of *!nara* users but pairs of *!nara* users in competition with one another. Furthermore, since bounded fields no longer exist it would be more appropriate to talk of nested relations between successive users – varying in number - of the *!nara* field. In an emerging open access system any new user who enters the scene, or season, takes up a relation with previous users all nested in one another.

Conclusion

The =Aoni of the *!Khuseb* valley are distinguished from other groups with whom they share linguistic and cultural features, with regard to their use of the *!nara*. They are distinguished from others with whom they share the consumption and harvest of the *!nara* by the specific way in which they have institutionalised the property rights in the *!nara*. Early ethnographers with an interest in regional comparison have pointed out that the *!nara* property regime is the only instance of “private ownership” of land among Khoisan groups in southern Africa – without, however, resolving whether the object of these property relations is land, the plants, its fruits or yet something else, and without resolving what kind of “private” relations are eclipsed in such a property regime. It may have been useful for comparative purposes, for instance for Schapera’s regional comparison, to synthesize property relations into a description of a dominant property regime, that is the specific constellation of institutionalised values, actions and relations. However, for a better understanding of the internal working of these property regimes and their dynamics under changing conditions the synthetically described property regime needed to be dissected.

The layered model of institutions and the theoretically informed construction of relationship diagrams proposed here, do not preserve all details that may play a role in processes of institutional dynamics. The model reduces the intricacies contained in ethnographic descriptions, in this case or any other case. However, there is reason to believe that the model proposed here can help to overcome some of static dichotomies that continue to haunt anthropology. In the case in question the dichotomy concerned is that between private and communal ownership. The distinction becomes subordinate, as we discover clusters of social relationships eclipsed in the property regime governing the *!nara* harvest. The diagrams developed above show that even in a regime that ostensibly involves private ownership, relations link trading, ownership of plants and possession of fruits. The terms that are connected by those relations may be covered by individuals or groups or elements of these since several relations may be incorporated in particular individuals or groups. The *!nara* property regime is a complex mix of relations between different terms, only some of which are to be identified with individual owners.

The *!nara* harvesting system does not lend itself to ideals of primitive communism, nor can it be used to demonstrate the supremacy of private property. Rather, the =Aoni case study can help to overcome the private/communal dichotomy and to understand the process of shifts between property regimes understood as layered constellations of cultural values, regulations, relations, and social actions.

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Figure 1:
Schematic representation of !nara field ownership

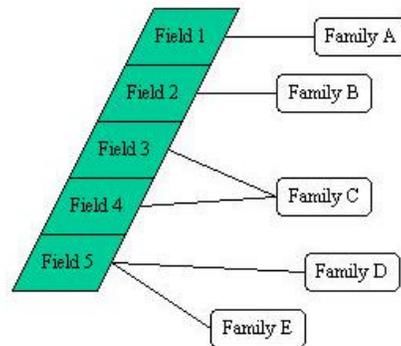


Figure 2: Schematic representation of a layered model of the !nara property regime

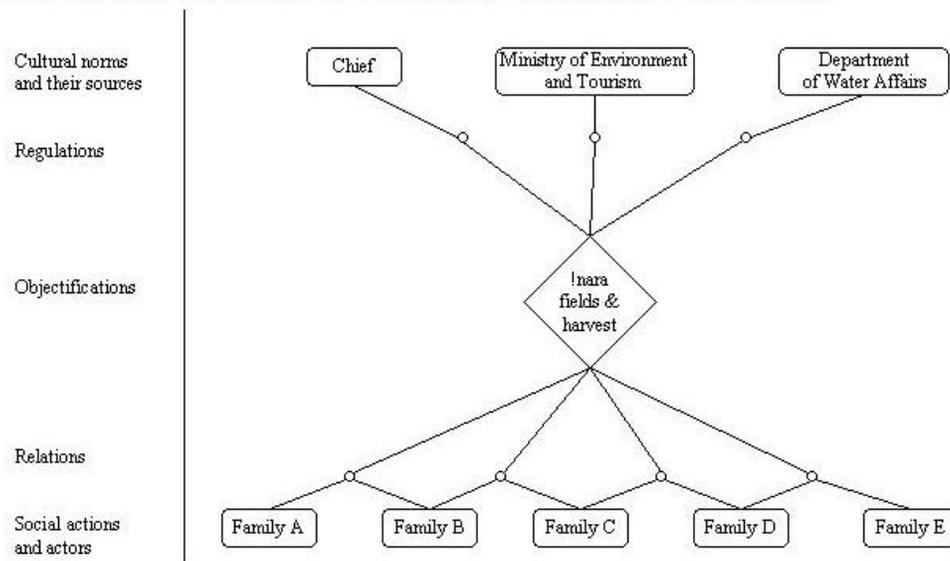


Figure 3:
Social relations of
the Inara property
regime

