

The semantic and epistemic divide in South Africa's state subsidised housing market: Understanding off-register property sales

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Key words: Affordable housing; Cadastre; Education; Security of tenure; Off-register property sales; tenure security; cadastral reform; epistemic justice; postcolonial land governance; informal housing markets

SUMMARY

The paper critiques how the South African state conceptualises problems arising from the titling of state-subsidised housing. Since 1994, more than three million houses have been delivered as part of the post-Apartheid government's transformation policy. Conceived to redress the exclusion of Black South Africans from property ownership, the programme assumed that title would provide tenure security and intergenerational wealth, integrating the poor into the formal property market. Yet this assumption has been undermined by widespread off-register sales - informal transactions occurring outside the Deeds Registry. Drawing on the first author's PhD research, the study examines why beneficiaries sell and purchase houses informally and why formalisation efforts continue to falter. Using a qualitative case study in Cape Town and Stellenbosch, it draws on twenty-six household and more than twenty key-informant interviews, analysed through grounded theorising and a progressive case study approach. The findings show that informal sales are not acts of irresponsibility, as often claimed by the state, but rational responses to exclusionary and linguistically elusive systems. Building on James Scott's notion of legibility, Hernando de Soto's concept of dead capital, and theories of epistemic justice advanced by Miranda Fricker and Boaventura de Sousa Santos, the paper argues that South Africa's cadastral regime, rooted in colonial and Roman Dutch legal traditions, remains misaligned with the cultural and linguistic realities of its Black beneficiaries. While the cadastral system renders property legible to the state, it fails to make it meaningful to its holders, who often view title deeds as abstract bureaucratic artefacts rather than guarantees of security. In practice, legitimacy is derived from social recognition, community witnesses and lived continuity rather than from formal registration. The paper theorises an 'epistemic divide' - a mismatch between state forms and local realities - expressed through educational and linguistic gaps between the state and citizens. Bridging this divide requires reimagining tenure as a social relationship mediated through language, culture and history, and redesigning cadastral systems to be socially intelligible to their users. By theorising the

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Cape Town, South Africa, 24-29 May 2026

limits of state formalisation through an epistemic lens that foregrounds lived understandings, the paper contributes to global debates on postcolonial land governance and cadastral reform.

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