

AUTHORITY STRUCTURE AND INSTITUTIONS
IN A MONDOVIL TRADITION

Heinz Luckenbach

A Thesis submitted for
the Degree of Doctor of Philosophy

Witwatersrand University

January 1984

AUTHORITY STRUCTURE AND HOMESTEAD
IN A MPONDO VILLAGE

+

TABLE OF CONTENTS

+

Maps, Figures and Tables	v
Preface	vii
Acknowledgements	xxii

+

FIRST PART: INTRODUCTION

I. The Mthwa chiefdom in Mpando history	1
Footnotes to Chapter I	12
II. The capital village, Caguba, and the socio-geographical setting	15
(1) A village-type settlement	15
(2) The Ludume ward of Caguba	19
(3) Spatial distribution of kin men and the mat-associations	24
(4) Conclusion and a methodological consideration	27
Footnotes to Chapter II	40

SECOND PART: POLITICAL NETWORK AND THE SOCIAL PROCESS OF INTERACTION

III. The institutional field of authority and its political implications	41
(1) Authority in Mthwa	41
(a) Distinguishing political and juridical authority	44
(b) Development of the specific authority of the chief	51
(2) The political authorities and the corresponding organisational forms	58
(a) The chief	58
(b) The headman	60
(c) The chief's council	63
(d) The mat-leader	70
(e) The local clan-section elder	76
(f) The homestead head	91
(3) Conclusion	95
Footnotes to Chapter III	98

IV. Interaction processes by means of the court system	104
(1) The court of the homesteads	106
(a) <i>Eyasekhaya</i> , 'something that concerns a single homestead'	107
(b) <i>Eyegazi</i> , "something that concerns kinsmen"	108
(c) <i>Ezasemakhaya</i> , "something that concerns several homesteads"	113
(d) The court of the homesteads in perspective	116
(i) The meeting of the court <i>in camera</i>	117
(ii) Law as a factor of social control	118
(iii) The element of legal majority	119
(iv) Conclusion	120
(2) The court of the mat-leader	120
(3) The court of the village headman	127
(a) Homestead heads as legal majors	128
(b) The court yard	132
(4) The chief's court	137
(a) The preparation for the court trial	137
(i) The conflict becomes a written statement	138
(ii) The complainant becomes a witness	138
(iii) The conflict becomes a culpable offence	139
(b) The chief's court in session	141
(i) The jury	141
(ii) The court officials	142
(iii) The chief	143
(5) The district-chief's and the magistrate's courts	145
(6) The court system and the integration of non-legal institutions	145
Footnotes to Chapter IV	150

THIRD PART: SOCIO-ECONOMIC NETWORK AND PROCESSES OF LIMITED INTEGRATION

V. Institutionalised forms of the family and their socio-economic implications	155
(1) The size of the domestic units	156
(2) The head of the homestead	160
(3) The forms of the family	162
(a) Families of homesteads which are independent households	164
(i) Single adult families and couples	164
(ii) Nuclear family	165
(iii) Extended family	166
(iv) Complex family	170
(b) Families of homesteads which are multiple dependent households	171

IV. Interaction processes by means of the court system	104
(1) The court of the homesteads	106
(a) <i>Eyasekhaya</i> , "something that concerns a single homestead"	107
(b) <i>Eyegazi</i> , "something that concerns kinsmen"	108
(c) <i>Ezasemakhaya</i> , "something that concerns several homesteads"	113
(d) The court of the homesteads in perspective	116
(i) The meeting of the court <i>in camera</i>	117
(ii) Law as a factor of social control	118
(iii) The element of legal majority	119
(iv) Conclusion	120
(2) The court of the mat-leader	120
(3) The court of the village headman	127
(a) Homestead heads as legal majors	128
(b) The court yard	132
(4) The chief's court	137
(a) The preparation for the court trial	137
(i) The conflict becomes a written statement	138
(ii) The complainant becomes a witness	138
(iii) The conflict becomes a culpable offence	139
(b) The chief's court in session	141
(i) The jury	141
(ii) The court officials	142
(iii) The chief	143
(5) The district-chief's and the magistrate's courts	145
(6) The court system and the integration of non-legal institutions	145
Footnotes to Chapter IV	150

THIRD PART: SOCIO-ECONOMIC NETWORK AND PROCESSES OF LIMITED INTEGRATION

V. Institutionalised forms of the family and their socio-economic implications	155
(1) The size of the domestic units	156
(2) The head of the homestead	160
(3) The forms of the family	162
(a) Families of homesteads which are independent households	164
(i) Single adult families and couples	164
(ii) Nuclear family	165
(iii) Extended family	166
(iv) Complex family	170
(b) Families of homesteads which are multiple dependent households	171

III

(4) "Residence," a residence pattern of agnatic kinsmen	172
(5) Summary	177
Footnotes to Chapter V	178
VI. Interaction processes of socio-economic cooperation based on the homestead	
(1) The three dimensions of Caguba's present economic life	184
(a) There is bicentric economy	184
(b) The economic complexity of cattle, field and cash	186
(c) A homestead economy	190
(2) The major material and human resources	191
(a) Land, cattle and rational planning	191
(aa) Natural resources and land	191
(i) The right to a field as a divisive factor in Mthwa society	193
(ii) The actual cultivation of a field as an integrating factor	197
(bb) Domestic animals and rational planning	203
(i) The significance of cattle in relation to other domestic animals	204
(ii) The significance of cattle in relation to cultivation	206
(iii) The significance of cattle in relation to the cash economy	208
(b) The organisation of labour	212
(i) Organised labour as familial obligation, <i>umsebenzi</i>	213
(ii) Organised labour as assistance, <i>uncedo</i>	216
(iii) Organised labour as reciprocal assistance and as wage labour	228
(3) The family: its cyclic life and economy	231
(a) The cyclic homestead economy	231
(b) The homestead economy and the system of inheritance	237
(4) Conclusion: economic homestead individualism, a comparative note	247
Footnotes to Chapter VI	251

FOURTH PART: MTHWA RELIGION AND THE SYMBOLIC STRUCTURE OF THE WORLD

VII. Ancestor religion of Mthwa society	258
(1) Mthwa cosmology, an outline	260
(a) The Supreme Being	261
(b) Ancestors and ancestor-spirits	262
(c) Spirits	264
(d) Extra-human beings: familiars	265
(e) The neutral force of pollution	266
(f) Conclusion	269

(2) The structure of the ancestral feast	271
(a) Ancestors relate to a group of agnatic kinsmen	271
(b) When ancestors demand "food"	272
(c) The two major parts of the ancestral feast	278
(i) The ancestral public feast	279
(ii) The ancestral lineage feast	285
(iii) Summary and brief discussion	298
(3) The ancestral lineage feast: a court trial and an act of contrition	307
(a) First part of the ancestral lineage feast: informing the ancestors	307
(b) Second part of the ancestral lineage feast: the core- ritual as an act of contrition	312
(4) The ancestors as conceptual frame of authority	319
Footnotes to Chapter VII	329
 VIII. The homestead - symbol of the world	336
(1) Ceremonial beer-drinking: the celebration of unity	340
(a) The ceremonial spatial order of the main-house	341
(b) The ceremonial drinking order	341
(2) The ideal plan of a homestead in Mthwa	356
(a) The north-eastern direction of the main-house	356
(b) Living in union with the dead	357
(c) Sanctioning rules of behaviour	359
(d) Correlating the major divisions in Mthwa social universe	369
(e) Agnates, affines and the world	361
Postscript	365
Footnotes to Chapter VIII	367
 Appendix 1. Map No 1. Mthweni. The Ncamane chiefdom, ca 1850, and the administrative area of Caguba, 1980	370
Appendix 2. Map No 2. The capital village of Caguba, ca 1900, and as residential area, 1980	371
Appendix 3. Terms for "ancestors" linguistically	372
Appendix 4. Extract from a conversation during a beer ritual of informing the authorities	378
 References, Interviews and bibliography	380

(2) The structure of the ancestral feast	271
(a) Ancestors relate to a group of agnatic kinsmen	271
(b) When ancestors demand "food"	275
(c) The two major parts of the ancestral feast	278
(i) The ancestral public feast	279
(ii) The ancestral lineage feast	285
(iii) Summary and brief discussion	298
(3) The ancestral lineage feast: a court trial and an act of contrition	307
(a) First part of the ancestral lineage feast: informing the ancestors	307
(b) Second part of the ancestral lineage feast: the ore- ritual as an act of contrition	312
(4) The ancestors as conceptual frame of authority	319
Footnotes to Chapter VII	329
 VIII. The homestead - symbol of the world	336
(1) Ceremonial beer-drinking: the celebration of unity	340
(a) The ceremonial spatial order of the main-house	341
(b) The ceremonial drinking order	347
(2) The ideal plan of a homestead in Mthwa	356
(a) The north-eastern direction of the main-house	356
(b) Living in union with the dead	357
(c) Sanctioning rules of behaviour	359
(d) Correlating the major divisions in Mthwa social universe	360
(e) Agnates, affines and the world	361
Postscript	365
Footnotes to Chapter VIII	367
 Appendix 1. Map No 1. Mthweni. The Ncamane chiefdom, ca 1900 , and the administrative area of Caguba, 1980	370
Appendix 2. Map No 2. The capital village of Caguba, ca 1900, and as residential area, 1980	371
Appendix 3. Terms for "ancestors" linguistically	372
Appendix 4. Extract from a conversation during a beer ritual informing the authorities	378
 References, Interviews and bibliography	380

M A P S .

Map No 1. Mthweni	Appendix 1, p. 370
Map No 2. Capital village, Caguba	Appendix 2, p. 371
Map No 3. Caguba, ward Ludume, mat-associations, in 1979	23
Map No 4. Court of the mat-leader and spatial distribution of members of a mat-association involved in a case	123
Map No 5. Caguba, ward Ludume. Typical cases of residence and of settling-out	175
Map No 6. Caguba, ward Ludume. Typical case of an invited workparty	219

+

F I G U R E S .

Figure 1. Royal lineage of Mthwa society , Ncamane	
Figure 2. The chief's council and the kinds of authority of the chief	66
Figure 3. Agnatically-defined authority in Mthwa	81
Figure 4. The inclusive and segmental agnatic groups of Mthwa clans	86
Figure 5. Accumulation and inheritance of agnatically- defined authority	89
Figure 6. Levels (sections of authority in Mthwa	97
Figure 7. Participants at a clan-section trial	110
Figure 8. Example of village headman's court in session in main-house	131
Figure 9. The village headman's court in Caguba, 1978	134
Figure 10. The juridical integration of Mthwa society	147
Figure 11. How genealogies are levelled out	165
Figure 12. Family life-cycle in Mthwa society	169
Figure 13. Mthwa rule of inheritance and of trusteeship	241
Figure 14. Female participation in control of property of the homestead	245
Figure 15. Grave pit and ceiling	272
Figure 16. A group of agnatic kinsmen and their wives as ritual community. A typical case.	273
Figure 17. The afflicted person as an intermediary	281
Figure 18. Ritual places and curation at an ancestral lineage feast	286

Figure 19. Participants at an ancestral lineage feast. A typical case.	293
Figure 20. A typical case of seating order at the core- ritual of an ancestral lineage feast	295
Figure 21. The structure of the ancestral feast in Mthwa	301
Figure 22. Beer-drinking ritual at cattle byre	309
Figure 23. Ancestors: model-of and model-for authority in Mthwa	328
Figure 24. Symbolic spatial order of Mthwa main-house	343
Figure 25. Beer ceremony, Pattern I	353
Figure 26. Beer ceremony, Pattern II	354
Figure 27. Ideal plan of a homestead	358
Figure 28. Mthwa homestead as symbol of the world	362

+

T A B L E S .

Table 1. Population density in Ludume ward-sections	22
Table 2. Distribution of clans in Ludume ward, Caguba	26
Table 3. Mat-association membership in relation to clan membership	33
Table 4. Territorial basis of mat-associations	35
Table 5. Example of men in a court session forming cross-section of the village	131
Table 6. Population of Ludume in relation to households	158
Table 7. "Adult" to "child" ratio in Ludume per household	159
Table 8. Designation of "head of homestead"	160
Table 9. Composition of families in Caguba	163
Table 10. Settling-out of senior and junior brothers	174
Table 11. Acquisition of field per household	195
Table 12. Domestic animals per household	205
Table 13. Correlation between cattle-owning, cultivation of fields and cash	207
Table 14. Composition of invited work-part-	221
Table 15. Motivation for migrancy	235

PREFACE

The direction of this dissertation is determined by a long-standing problem in sociological thought coupled with my experience in field research in Mthwa, Mpondoland. The two are closely related.

When I went to live as a participant observer in a village in Mpondoland, I knew that I was entering one of the remoter areas, and that I could expect a more traditional way of life, still bound to habits and customs of the past. I had familiarised myself with the relevant social anthropological literature on the Southern Nguni and had learnt about agnatic kinship, shared values, reciprocity and cooperation, domestic life, a hierarchical order of authorities, and the unity which is found among people who have a common focus in their respective chiefs. With this concept of a social life relatively integrated in its various aspects, I embarked, in December 1977, on my research project which was to concentrate on the authority structure and the homestead in the Mpondo village of Caguba, near Port St Johns on the Indian Ocean.

Initially, the research work proceeded much in accordance with my expectations. Almost daily I had to label new files covering the various aspects of village life: settlement pattern, kinship, local primary school, court system, circumcision lodges and so on. The chief himself showed interest in my work and pointed out several aspects of traditional life to me. I let myself be drawn into the routine of life in the village by participating in

as many social activities, and particularly workparties, as was possible. The various institutions of Mthwa society appeared to constitute a neatly working system of social relations. For examp. the chief participated at a coming-out of the newly circumcised; more than 100 people from all over the chiefdom came to assist in the chief's workparty; the chief presided at a special meeting organised by the school committee; he appeared at funerals and came to meetings of his kinsmen, and so on. However, aspects of social life began gradually to present themselves to me which could not be fitted into the pre-conceived system of Mthwa socia' life.

The more I learnt to know tle individual villagers who were involved in the various social activities of the village, the more I became aware of discrepancies in the system. The matter of significance of agnatic kinship is an example: (a) in the many smaller workparties that took place in the vil- lage, participation appeared at first to be based on kinship; but then it became clear that in fact kinship was sometimes of no account; (b) regard- ing the Cagubans' sense of the corporateness of agnatic kin-groups, at first it appeared that all members had the same image of their group and its in- ternal genealogical relationships; but then it became clear that different members of the same group could have quite contradictory images of that kin- group; (c) Cagubans living at close quarters with one another were first pre- sumed to be kinsmen and to share economic activities, however this proved to be not always the case.

My initial view of a fairly integrated social life, based on some concept of a social structure, began to totter. Obviously, there was some order in the social life in the village, but the longer I stayed in Caguba the further removed became the answer to the question: "What does account for order in this village, in this chiefdom of Mthwa?" My very method of collecting data, organising it into files specified by clear labels, began to seem questionable.

purpose of my trip and
structure and homeostasis
crisis

dissertation about authorit
had met my field identit

Things came to a head after the funeral of a very respected Caguban. It should be emphasised that any funeral is a solemn occasion for all the villagers; nevertheless, it ends in an atmosphere of enjoyment. "The living celebrate death," as one sophisticated informant put it, "the people put on their Sunday behaviour and enjoy life." After this particular funeral an argument arose among a few of the participants about who would travel home in my car: the three men to whom I had promised a lift, or the three women to whom my cook (without my knowledge) had made a similar promise. All solemnity had vanished and pure self-interest appeared. It may seem ridiculous that I should recall this incident at all after more than four years, but it proved to be the turning point in my research causing a considerable delay in completing the present study, influencing the method and the form of writing and turning the dissertation into a hybrid analysis.

It was the turning point in my research method because instead of looking for some kind of social unit and attempting to determine its nature, i.e. instead of searching for social institutions, I began concentrating strictly on individuals, on their interactions with one another and the type of awareness they brought to these interactions. What was relevant to them in a given context of social interaction now became my research data, no longer some isolated social interaction filed according to what I thought was the institution. The result was the realisation that several participants in an ongoing social interaction could have different, if not opposing, views of the social event. I stopped looking at the village of Caguba as a field of "human ecology" (Udy 1968), with its rules and roles which presuppose some

kind of fixed groupings of ward and village, of lineage
so on. Instead, I pictured the village of Caguba — consisting of a
gate of individuals, leaving such interaction to the individual
and how they were understood by the people themselves.
of the Cagutans thus became the focus of my research.
recordings multiplied rapidly.

I have described my analysis in this dissertation as well as in my analysis of Mthwa social life. I had to cope with the tension between the idea of the order of the social structure (initially introduced from the literature) and the (subsequently strongly) recognised, that was generated by individual interests and the types of interaction which the villagers freely involved themselves. This tension between an assumed order and the voluntary social life in-the-making which I observed produced a constantly shifting point of analytical interest in writing this dissertation. In this search for the actor's frame of reference of social interaction and for the order which such interaction yields, the aim of the description and the analysis of social life was to investigate the validity of the assumption of a "social structure" with respect to the chiefdom of Mthwa. The concept of a social structure proved unsatisfactory. The reason for this is that "social structure," this persuasive metaphor of social life (whether it be conceptualised as "natural phenomenon," Radcliffe-Brown 1952; or as a "property of empirical data," Nadel 1957; or as "the totality of patterns of collective human phenomena," Udy 1968) takes order for granted, and proceeds to discuss the mechanism by which this order is constituted and maintained. The mechanism is the assumed ordered relationship between institutions. The difficulty which is inherent in that persuasive metaphor of social life had to be made explicit, and therefore this dissertation had to concentrate — among other things — on the actual relationships between

institutions in Mthwa. The assumed ordered relationships were not born out by the data. Thus, while the search for a constituting and integrating mechanism of social life in Caguba remains central to the present dissertation, the assumption of an ordered social structure is not taken for granted. The questions, then, which this dissertation attempts to answer, are: what accounts for order in social life in Mthwa, and what provides the frame of reference, in a given circumstance, for the participants of social action in Caguba? The answers to these questions could not be given in the form of an observer's idealised model, based on the concept of "institutionalised spheres" (Eisenstadt 1968), because these spheres do not reflect such a "social structure" in Mthwa society, as the data will show. Instead, the dissertation tries to provide a "thick description," a "sorting out (of) the structures of signification" (Geertz 1973:9), which make life in Mthwa meaningful to the Cagubans. The answers to the questions of order in social life of Mthwa and of the frame (or rather, frames) of reference of the people in Caguba require a morphological, an interactionist and a cultural approach based on the type and range of activity in which the individual is involved.

In order to come to grips with the problem of "social structure," a rather unconventional method of presenting the research material has had to be used. On the one hand, the traditional ethnographic method has been followed, according to which the institutions of the society under investigation are described from the point of view of their function for the (expected) totality of society. On the other hand, the awareness of the participants who were actually socially involved has had to be presented; and this has been (to some extent) achieved by describing the processes of social interaction in which they are involved. Thus, in contrast to the description of institutions, the emphasis in describing the social life of Caguba is on processes, on the people's awareness of the social reality within which they interact.

Yet, the Cagubans' way of acting cannot be regarded as the idiosyncracies of individuals. They do share in something, but a knowledge of what this something is cannot be arrived at by way of abstraction as former ethnographic descriptions of institutions attempted to do. In other words, the institutions of Mthwa do not constitute a normative structure which - for the Cagubans - is their (latent) frame of thought and action. Their norms are not enshrined in institutions but in 'statements' of what is right and in beliefs in what super-human beings demand and sanction. Yet notwithstanding such normative statements, the Cagubans act as if within a field of possible choices. The questions of the contrasting approach taken here could be phrased thus: what in fact *do* people together; how does it come about that they do it together; who is intended to gain from the common activity; what is the range of involvement which the ongoing social interaction actually achieves? When does the total society of the Mthwa chiefdom become the frame of reference, if at all? In answering such questions, processes of interaction need to be described independently of the norms which could be "stated." The advantage of such a description is that it is no longer related to a sociological *a priori* construct, but to the social phenomena in the sense of the phenomenal reality of social interaction shaped by the interlocking and contradictory interests of the participants.

The combination of the two modes of description has certain consequences. First, there are consequences for the writer and for the reader. For the writer, the combination of the two modes of description creates a constraint. It does not allow him to develop the description to a desirable level of completeness. The limited length of the dissertation allows to unfold only the central theme of each chapter; it must then break off and turn to another area of social life in Caguba. This creates a consequence for the reader. He needs to adopt different perspectives, as he proceeds from chapter

to chapter: in one chapter the institutional mode of description, in the next the processual mode.

The second main consequence of this combination of the two modes of description is that the dissertation could create the impression in the reader of a selective presentation of the data. Although the descriptive frame of reference remains within the boundary of the chiefdom of Mthwa, in fact, the actual social life that is described here proceeds within a single village of the chiefdom, namely the capital village, Caguba. In other words, this dissertation is a micro-study of the social life of a severely limited area which, however, must be seen against the wider background of Mpondo life. Politically, the chiefdom of Mthwa is part of the wider organisation of Mpondoland and Transkei; economically, it is incorporated into the national economy of the Southern African region; religiously, it has been under the influence of Christianity for about 150 years. In very broad terms, the connection between the micro- and macro-situations is given in Chapter I and at the beginning of Chapters III and VI, with regard to the historico-political and economic situations respectively. The micro-study has the advantage of remaining as close as possible to the social interaction itself, i.e. on the level of the empirical data.

It is this concentration on the actual social reality which may give the impression that certain facts have been deliberately ignored, that the description is selective. The reader is likely to have expectations which would result from a *sociological* interest, i.e. from a search for logical connections between the micro and macro dimensions and between the various aspects of the society. More specifically, the impression of selectiveness may arise most seriously with regard to the chapter on economic life in Caguba (Chapter VI). Here many questions regarding the traditional as well as the modern national

economy remain unanswered. But it is the explicit aim of the present study not to look for the logical-analytical connections, i.e. the observer's sociological construct of Mthwa society. For us here, it is the participant's awareness that creates the link between the individual social facts, not the analyst's tools which allow him to make inferences which the participants either may not be aware of or cannot recall at the time of reflection or directly refuse to accept. Such a description from the perspective of the participant's awareness is strongly influenced by the phenomenology of Schutz (1967) and Schutz and Luckmann (1973), although I do not attempt, at any point of the dissertation, to give a phenomenological account of social life in Caguba.

The organisation of the study as a whole and the individual chapters has been designed to bring to the fore the contrast between the two modes of description. The two introductory chapters (Chapters I and II) provide the context of Mthwa society and Caguban social life within which the theoretical problem is to be studied. The remaining six chapters (Chapters III to VIII) are grouped in pairs: the first chapter of each pair discusses a particular institution of Mthwa society, the second concentrates on processes of social life in the village of Caguba, processes which are related to the institutional sphere discussed in the preceding chapter. Three institutional spheres are dealt with in this dissertation: the political institutions of authority (Chapter III), the institution of the family in its various forms (Chapter V) and the institution of ancestor religion (Chapter VII). The conclusion of this institutional presentation of social life in Mthwa is that Mthwa society cannot be understood by invoking a social structure by which the "social phenomena are united" (Radcliffe-Brown). On the contrary, from this perspective the chiefdom appears as a co-ordination of "loose ends," particularly with regard to the political institutions of authority.

Yet, Mthwa society nevertheless coheres, it does not fall to pieces. In following up the social interaction among individuals, forms of integration appear which are situational and which vary in type and range. In the course of such interaction institutions and whole institutional spheres become related to one another. For example, a given court case relates certain homesteads to the leadership of a particular voluntary association; or, the case of a particular person's ill-health relates the juridical sphere in a symbolic way to the religious sphere of ancestor religion. Yet, without the actor, there is no such relation between these institutions. The actor's involvement generates the process of integration between institutions. In his absence, there is not only no such integration; on the contrary, there is institutional divergence. This contrast between diverging institutions and the integrating involvement of the participants is shown paradigmatically in Chapters III and IV. The crucial Chapter IV yields three important insights: first, at the basis of Mthwa society there is law, i.e. the fundamental authority which only processually, through the gathering of the men, becomes a social reality, after the gathering has been declared juridical.

Secondly, the juridical gathering of the men is a coming together of *homestead heads*. They carry (*ukuphatha*) Mthwa society, the authority of law. They are the legal experts and the judges (arbitrators) on the lowest level of the court system, i.e. each individual homestead head for his respective homestead. In this way, the *homestead* gains particular significance in Mthwa. Why? Because no homestead endures permanently, and, therefore, a homestead head is not merely the incumbent of a role. Rather has he an irreplaceable and, therefore, descriptively significant individuality. The emergence of homesteads as an ongoing process of social life in Caguba requires chains of conscious decisions and of related actions without which these homesteads could not come into existence. Each new homestead requires such a chain of decisions in terms of its

own individual situation. Most significantly, in the process of the constitution of a new homestead, the (*juridical*) authority of the homestead head is constituted as well. Thus (a) authority does not rest in an institution, but appears in the course of a process, and (b) the homestead head is not the incumbent of a role, but he and his authority are the continually-constituted product of a social process.¹⁾ In this process, homestead and authority in the village of Caguba are correlative terms.

Thus the homestead gains a double significance: it is significant for social life in the village as an ongoing process which is open to empirical investigation; and it is heuristically significant for an understanding of Mthwa society as a whole.

The argument of this dissertation is that the understanding of the *complex socio-economic reality* of the homestead provides the possibility of accounting for the whole range of social life among the Cagubans and people of Mthwa. As will be seen from what follows, neither patrilineal kinship, nor the political sphere, nor economic life, nor ancestor religion can serve as a single Archimedean point from which one could describe the "social structure" of Mthwa society, because none of these institutional spheres can provide the explanatory central point which the sociologist needs in order to establish his sociological goal of an observer's model of Mthwa society. A *complex processual reality* must be looked for which already contains what the institutions are supposed to provide. From the evidence presented here, it appears that the processual (and therefore observable) reality is the (individual) homestead. Here, in each individual homestead, the basic concepts of Mthwa

¹⁾ It will be clear that my problems with the structural-functional approach are fundamental. My reservations imply serious theoretical issues which, for lack of space, cannot be dealt with in this dissertation.

society are repeatedly re-created; they become an enacted reality in the process of the homestead's constitution and its existence over a limited period of time. There is no need to assume a social structure in order to understand unity among homesteads; it is sufficient to establish the purpose of their interaction; e.g. voluntary associations (Chapter II), litigation (Chapter IV), labour organisation (Chapter VI), snaring beer ceremonially (Chapter VIII), and other purposes which are not discussed in this dissertation. The respective decisions for all these interrelations between homesteads are made in *individual homesteads*.

Thirdly, since any homestead continues to exist by virtue of certain ongoing relationships between the respective members - which necessarily implies levels of authority - the notion of authority reveals its essentially relational nature. Thus it is not sufficient to say that a chief "has" authority ("is the role incumbent") or that a father "has" authority over his family. Rather, a chief and a father are "awarded" authority since there are people who obey them. Without the people who obey there is no authority. A chief does not "have" authority because of his position in a social structure, but because people obey him. This simple datum is well-captured in proverbs like *inkosi yin'osi ngahantu* ("a chief is a chief because of the people"); or "a chief without people is nothing;" or, "a chief without people is a chief of the pumpkins." The institutions of authority in Mthwa society are not "natural phenomena" nor can they be considered as "facts" (Durkheim), from which the observer can re-construct a model of (Mthwa) society.

If the assumption of a social structure is, ultimately, not very helpful in social anthropological discussions, the concept of structure nevertheless remains important, even if in a rather limited sense: authority appears in processes of social interaction. In the chiefdom of Mthwa, the socially and

heuristically most important processes of interaction are located in the (individual) homestead. Since the interactions between members of the homestead take the (observable) form of relationships of authority, authority is always structured and is always structuring the social situation: one participant "takes" the part of authority and "demands" (*ukuthetna*), the other or others "take" the part of obedience and "listen" (*uva*) - for the time being, until the situation of interaction has changed. The constitution of the homestead constitutes authority in Mthwa, but authority is structured; hence the title of this dissertation: *Authority Structure and Homestead in a Mpondo Village*.

The conclusions of Chapters III and IV, drawn from the political sphere and the court system of Mthwa society, need to be tested in other spheres of Caguba social life. A first test is done in Chapter V, in a detailed study of the forms of the family which is always at the centre of the homestead in Caguba. This investigation culminates in a discussion of the cyclic form of the typical Mpondo (Mthwa) family and of the related inheritance system. We find in the institution of the family a great variety of forms and a cyclic disintegration which corresponds - to a certain extent - to the diverging tendencies of the political sphere. But, in the political sphere we also find an integrative process, the court system. Thus the question arises: is there a process by which the chiefdom-wide integration of the homesteads is achieved? The answer is No. There is, however, a process which integrates social groups of a limited range: the economic process, and this is discussed in Chapter VI.

Extensive cooperation is required in Caguba in order to make physical life possible. But from what follows it appears clearly that the most frequent form of economic cooperation, namely workparties, is situationally conditioned

and follows the decision-making process rooted in the household. This process depends on clear economic planning and not on the result of some latent function or a sub-consciously-operating social structure. Thus economic processes are integrative for a limited range of social groups each of which is (almost) identical with the (individual) homestead. I shall speak about economic homestead individualism. Economy, as one of the major institutional spheres of Mthwa society, is not integrative in the sense of embracing the society as a whole. Furthermore, there is no direct link between the political decision making processes and economic life in Caguba and in the Mthwa chiefdom.

The test has shown that the institutional approach does not lead to a vision of Mthwa society as integrated; on the contrary, the institution investigated here, i.e. the family, reveals diverging elements. Furthermore, the test has shown that social processes *per se* do not integrate the whole of Mthwa. Has the processual method failed? It would seem that we are left with an atomistic situation: the homestead. A further test is therefore required, and this is done in Chapters VII and VIII.

In Chapter VII the institutional sphere of religion is investigated with special reference to ancestor religion and the ancestor cult. It is an accepted fact in anthropology that ancestor religion is particularistic. This particularism is even more radical than was noted in the domestic sphere and its economic activities: it is on the wellbeing of the individual member of the homestead that ancestor religion focuses. In other words, Mthwa ancestor religion fragments Mthwa society. The life of the *individual* is the core issue of the ritual activities. The family is at the disposal of any one of its members and makes his return to "life" possible. It is not the integration of the family that is the concern of the ancestor religion and its related

xx

ritual, let the restoration of the "afflicted child" of the homestead

There is, at this juncture, no reason for introducing a "latent function" or an "unintended consequence" with respect to the acting social group of the homestead and the agnatic kinsmen (while not denying that there are such latent functions or unintended consequences). The type of awareness among the participants is sufficient to explain the proceedings: at the very point at which total individualisation of the members of the social group is in hand, a vision of the society becomes conscious which has a cosmological wholeness. As the participants at a public (ancestral) celebration interact, they symbolically enact the unity among themselves. This unity has its social legitimisation in relationships of kinship and marriage situationally centring in a particular homestead, and it has its religious justification in the authority of the (agnatic and affinal) ancestors. In a definite sense, as will be shown in Chapter VIII, it is not the institution of ancestor religion that effects the unity of Mthwa in terms of a social structure, but the process of symbolic interaction at a certain homestead at which the celebration takes place. It is the homestead's members' obedience to the demands of the ancestors which shows that the authority structure of the homestead is rooted in the authority attributed to the ancestors. United in a single celebration, the participants honour the source and model of any authority in the chiefdom.

There remains one point which goes beyond the scope of the present dissertation. If the unity of Mthwa society - and of society in general, as I would like to propose - results from processes of interaction rather than from sociologically-assumed social structures, then it must be recognised that any such unity is related to the interests of the interacting people. However much such interests are socially constituted, they are also rooted in the

Individual choice, action, decisions. The process... no act and decision are thus inescapably relevant to any social-anthropological discussion. In other words, it is the nature of individual human beings and their interests and modes of interaction which unite (Mthwa) society and not some hypostatized structure. As the dissertation will show, unity in Mthwa is achieved without an (analytically necessary) recourse to the notion of a social structure. Furthermore, had I pursued my description on the basis of the latter assumption, I should have been forced to present a picture of a fairly disunited social situation, a conclusion which the actual facts of social life in Caguba do not warrant.

ACKNOWLEDGMENT

I wish to express my thanks:

- To my confrères of the Congregation of the Holy Spirit and to Rt Rev. H. Bucher, Bishop of Bethlehem (Orange Free State), who released me from my pastoral duties and made it possible for me to join the staff of the Lumko Missiological Institute, Cacadu (Transkei).
- To my promoter, Professor W.D. Hammond-Tooke, Head of the Department of Social Anthropology, the University of the Witwatersrand, Johannesburg, for his tireless guidance through the intricacies of systematic thought and the maze of empirical data.
- to my former colleagues at Lumko Missiological Institute for their encouragement and unqualified support over the years.
- To Professor P. Zernitz of the Department of Sociology, the University of the Witwatersrand, on whose sociological and phenomenological expertise I had repeatedly to draw.
- To Professor G. Schutte, Professor C. van Onselen and Dr J. S. G. du Plessis of the University of the Witwatersrand, for their help.
- To the people of Mthwa, and in particular, of Caguba, who were the *conditio sine qua non* of this dissertation:
To District Chief Msolina who recommended me to his Sub-Chief, Malvin Ntamsanqa Fono, who made me feel at home in his capital village of Caguba.

To Mr Fafa Fono, who gave me invaluable help during the first two months of my research, accompanying wherever I wished to go.

To the many in Caguba for the friendship and unreserved openness in all matters. I can thank them only through Headman Nothutha of the Gwangule clan. Elder Polishi of the Wotshe clan, and Elder Bhabhalaza of the Ncamane clan.

To my assistants, Mr Sonwabo Tshabe, B.A., and Mr Harrison Zang'.

- To the Holy Cross Sisters in Port St Johns and to the Sisters of the Precious Blood at Lumko, for their many kindnesses.
- * To the Provincial of the Marist Brothers, Johannesburg, to the Administrator of the Cathedral of Christ the King, Johannesburg, and to the Franciscan Fathers at St John Vianney Seminary, Pretoria, for their generous hospitality.
- To Lumko Missiological Institute, for shouldering the main financial burden, and to the Institute for Catholic Education, for the generous grant made available to me through Rev. Fr Fergus Barrett, OFM.
- To Miss Moira P. Tothill, Pretoria, for her successful wrestling with my style of English.

May the dissertation itself be the expression of my gratitude to all who helped make it possible.

J.K.

FIRST PART

INTRODUCTION

CHAPTER I

THE MTHWA CHIEFDOM
IN MPONDO HISTORY

TRAVELLING from Umtata, the capital of Transkei, to Port St Johns, one passes through the heartland of Nyandeni, or Western Mpondo land. About seventy kilometers from Umtata, there is a store called "Ntsimbini", which is also the name of the local administrative area. The road runs along a ridge and overlooks the valley of the Mngazi River. Both the place Ntsimbini and the name itself do not only recall an important part of Mpondo - and British - history of the 19th century, but take the Chieftdom of Mthwa out of oblivion and into the limelight of history. The history of the Mthwa chiefdom will be sketched briefly in this first chapter.

The armies of the Zulu Paramount Chief, Shaka, had crossed into Mpondo-land for the first time in the early 1820's. The Paramount Chief of all Mpondoland, Faku (+1867) (Wilson 1969:89), was unable to withstand the Zulu incursion, and fled across the Mzimvubu River, which flows into the Indian Ocean at Port St Johns. When the invaders had withdrawn, Faku returned to the part of his home territory east of the Mzimvubu, an area known as Qawukeni or Eastern Mpondoland. But, in 1828, once again Shaka's armies raided the country, and for the second time Faku sought refuge in the west. He

crossed the Mzimvubu again and for the next twenty years settled in the Ntsimbini area in the valley of the Mngazi River. In 1841 he returned to the east, after concluding a treaty with the British Colonial Government which promised him protection and which in return gained for British subjects the right to pass freely through "Faku's land." In a subsequent agreement, dated 23rd November 1844, Faku's territory was recognized by the British Government as stretching from the Mzimkulu River in north-east to the Mthatha in the south-west (Brownlee 1923:72).

The following year, 1845, Faku's son, Ndamase, also crossed the Mzimvubu River, coming from the east as his father had. His intention was to settle permanently at a distance from his brother Mqikela. He left the east with his household and possessions, and crossed the river on large bundles of faggots which, in the vernacular, are called *iinyanda*. This mode of transport eventually gave its name to the new paramountcy: Nyandeni ("on the faggot-bundles"). For the people of Mthwa this division of the paramountcy of Mpondoland constitutes their link with the history of the Mponda⁽¹⁾.

When Ndamase crossed the Mzimvubu, he entered the west in the area of Luthengele, about twenty kilometers up the Mzimvubu River as the crow flies. According to an oral tradition of the Ncamane, the royal clan of Mthwa society, Luthengele belonged to one, Fono, whom this clan considers to be the founder of their chiefdom. According to the same tradition, the present Chief Regent Ntamsanqa Calvin Fono recalls that Paramount Chief Faku considered Fono a particularly reliable ally and councillor, and he put the new Chief in Nyandeni under Fono's protection⁽²⁾. Oral history as told in Caguba corroborates Chief Victor Poto's (1927:20 f) written account. He confirms his great-grandfather's arrival in Luthengele, and among Ndamase's non-royal allies '*imifunda*' he lists Mthwa, the name of Fono's chiefdom:

The whole household came and crossed the Mzimvubu at Luthengele. There Ndamase stopped, and there Faku came to meet him being accompanied by a few men ... Faku spoke to Ndamase and said that it (i.e. Ndamase's departure from East Mpoland) is accepted, since he had crossed the Mzimvubu. He should build and live (here in West Mpoland) and be in charge of all his (Faku's) people who live between the Mzimvubu and Bashee (*sic!*) Rivers. Those people are the Khonjwayo, Mthwa, the Gwangule, the Kwalo, the Ntlane, the Mpinga, the Tolo, the Nci, Jizo with Diko's Mpandomise, the Bomvana and the Qiya (my translation).

Chief Poto (whose book is written in Xhosa, employing an older form of spelling) uses the *uMtwa* (i.e. Mthwa) several times, but he never specifies what or whom precisely he has in mind by this term. That the term is not an easy one to understand historically can be seen from the fact that among Ncamane informants there is a difference of opinion as to whether these *entiweni*, i.e. these "who live in the area of Mthwa," are really Mpondo or not. Be that as it may, Fono's people identify themselves by the name of Mthwa, claiming an area as belonging to "Mthwa" far wider than the present-day administrative area of Caguba, the village in which I conducted my research between 1977 and 1981⁽³⁾. When Ndamase crossed to Luthengele - according to the claim - he came to "Mthwa."

The certainty with which we can link documented and oral historical traditions allows us to draw further lines of Ncamane history.

The name *Ncamane* points to a mythical past. Today it is both, the clan-name (*isiduko*) of a particular clan and the genealogical point of reference for a clan-cluster which includes Ncamane, ~~Ula~~ and Gwalushe. The name itself is controversial. Some maintain that it denotes a certain descendant of Sukude, a forefather of Chief Faku, fifteen generations back (see Hunter 1936:399). Others maintain that it was the nickname (*isi-eketiso*) of a certain son of Mthwa, Sukude's alleged grandfather. The nickname superseded

the actual name and the latter was in course of time "forgotten"⁽⁴⁾.

Still another opinion holds that Ncamane and Sukude are names of the same person. In short, the origin of the name has been lost. However, there is a consensus that the Ncamane clan is related to Sukude and that the clan lives *eMtiweni* ("in the land of Mthwa")⁽⁵⁾. This is the basis of the Ncamane claim to be in rightful control of the territory of Caguba.

If the name *Ncamane* points to a past the beginning of which cannot be exactly determined, with the name of Chief Fono we enter a period that can be reconstructed with some degree of certainty. Indeed it is still possible to trace the genealogy of Fono, the alleged founder chief, well back into the 18th century, perhaps even further. The royal line of Ncamane goes back ten generations, beginning with the present heir to the chiefdom, Patrick Mgwaqo Fono, who was born in 1957⁽⁶⁾, as shown by the following genealogical table (Figure 1, p. 5).

While the genalogical past of the Ncamane clan can be established with some certainty, their whereabouts during the period before Fono is difficult to determine since the evidence is contradictory. According to one tradition, it was Fono who crossed the Mzimvubu river. But another far stronger tradition maintains that the Ncamane were already in possession of the land when the Nyawuza (Ndamase's people) came to settle in Western Mpondoland. The evidence for this is that some reliable speakers say that the grave of Mbulawa (Fono's father) is in Bholane village, west of the Mngazi River, an area which is often referred to as *kwaKhiwane* ("at Khiwane's place")⁽⁷⁾. But with Khiwane we are well into the 18th century.

Given that Mbulawa is buried at Bholane and that the area between Mngazi and Mngazana is known as "at Khiwane's"⁽⁸⁾, and given that Fono is indeed Mbulawa

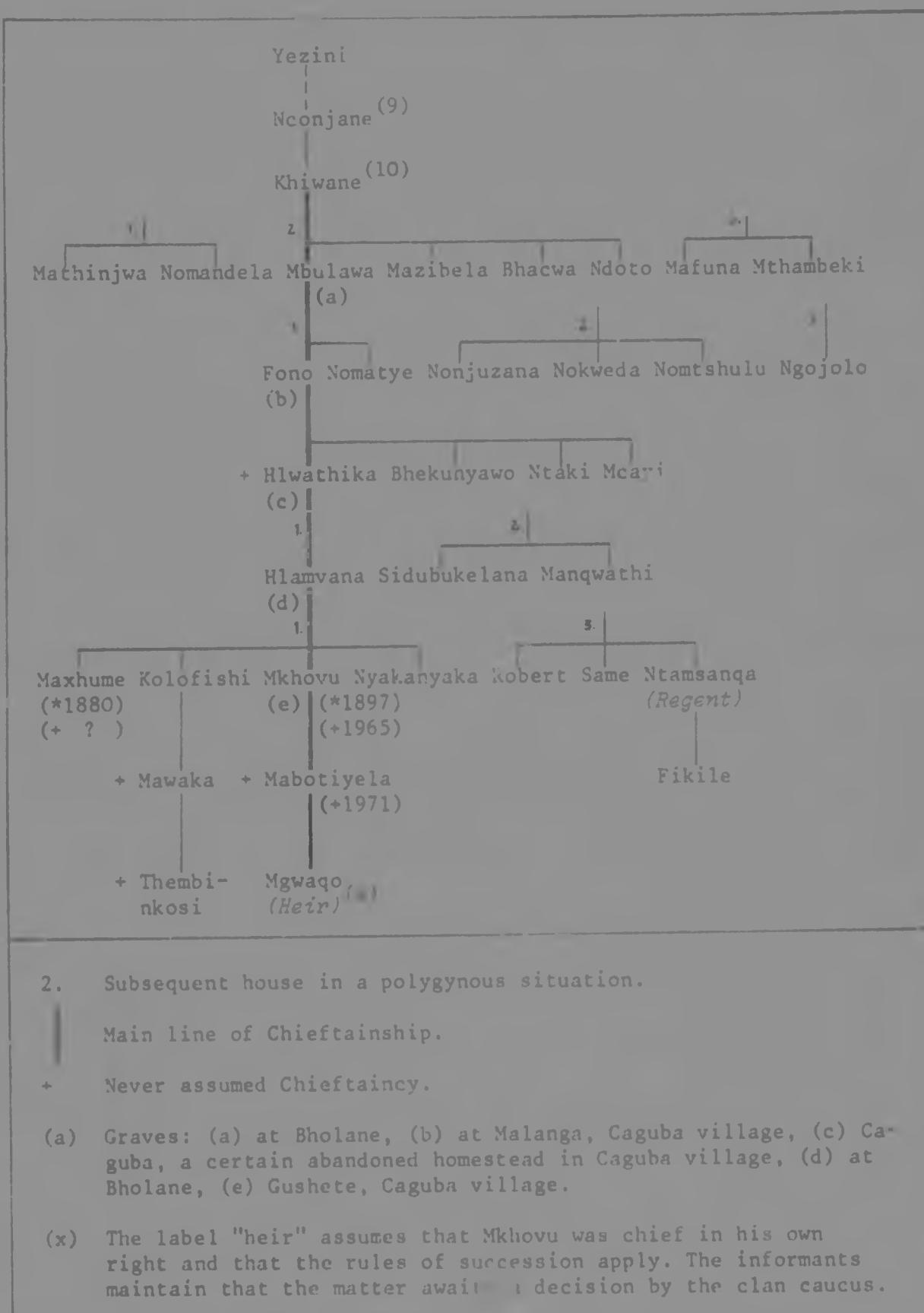


Figure 1. Royal lineage of Mthwa society, Ncamane.

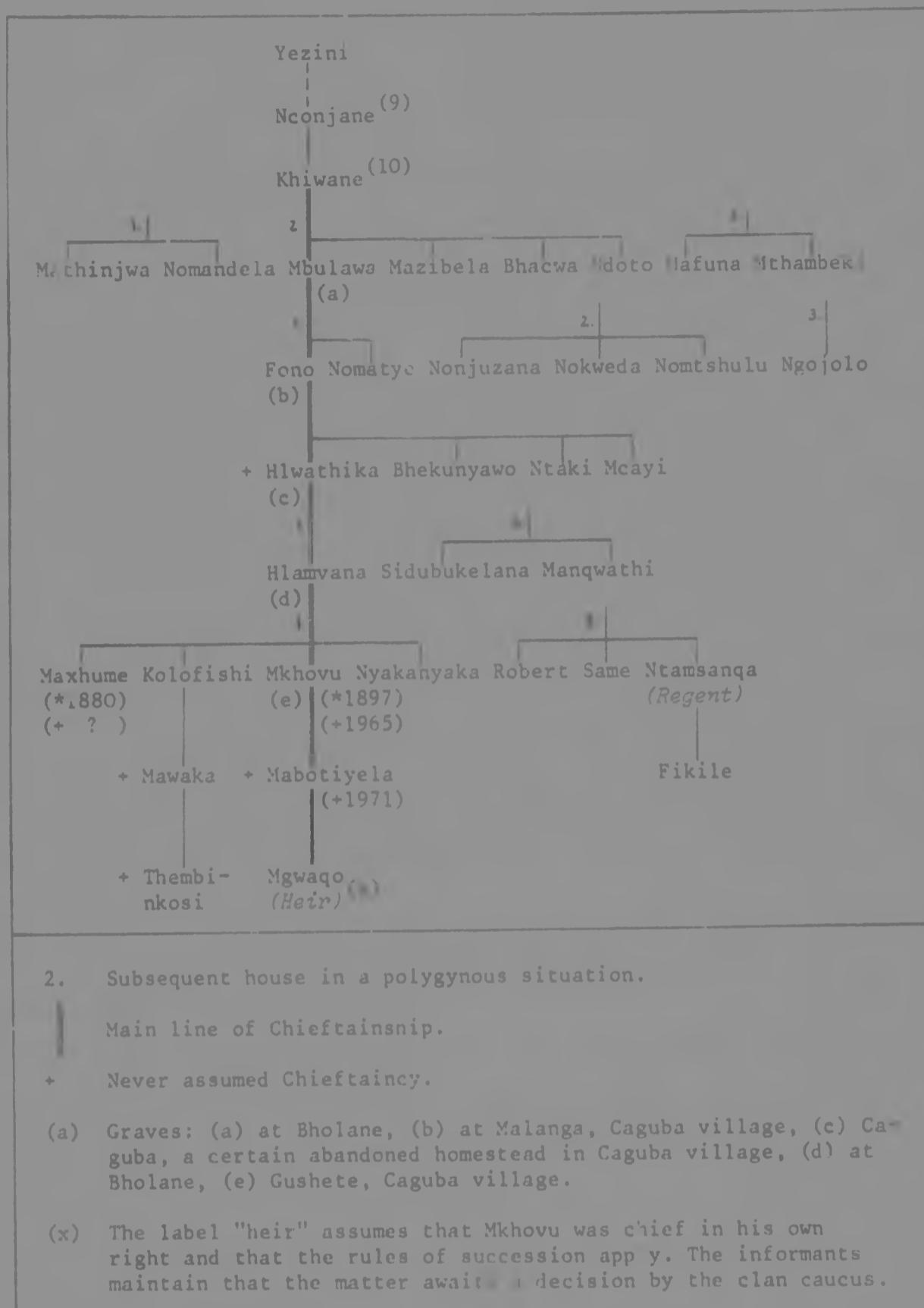


Figure 1. Royal lineage of Mthwa society, Ncamane.

wa's son⁽¹¹⁾, one wonders why Fono should have been living in the Luthengele area?

Luthengele is to the north-west of Bholane, and almost a day's walk away. Scanty as the evidence is, it is clear enough that a major crisis occurred⁽¹²⁾ which forced Fono to leave Mbulawa's homestead. In Caguba, tension is still observable today between the two main clan-sections of the Ncamane, the "Fono" and the "Mbulawa." Furthermore, I could not establish with certainty which of the two clan-sections is the senior one. Assuming that the present-day tensions between the two clan-sections have historical roots, this would account for the fact that Fono first of all moved away from Bholane and settled in Luthengele. When subsequently he came under the pressure of the Mpondo-Gingqi (see below), he did not return to his home territory, but went and settled in what is today the village of Caguba, at a place known as *eMalanga*, which means literally "in the suns," where the present "Fono" ritual elder has his homestead (see Map No 3, homestead No 61, p. 23). *eMalanga* is about ten kilometers west of Port St Johns as the crow flies.

Chief Ndawase's move to Western Mpondoland and Fono's settling in Caguba are two aspects of a wider re-organisation of several groups in the area in the first half of the 19th century. This development and the additional expansionism of British colonial rule in the second half of the 19th century contributed to reducing Fono's chiefdom considerably; in fact, it was this colonialism that liquidated the chiefdom altogether. The following is an outline of this development.

How Fono's chiefdom was liquidated.

Evidence suggests that while Fono was still living at Luthengele he came un-

der pressure from the ~~Foul~~^{Ngwane} Gingqi. Like Ndamase's Nyawuza, these people came from the east of the Mzimvubu River. There were at least three branches of Gingqi in the east, of which two came to Nyandeni. One group was led by a chief named Diko; a second group followed Gqaza; the third group which remained in the east belonged to Mthelekisi. It was Gqaza who became a threat to Fono, according to sources of oral history in Caguba⁽¹³⁾. Fono did not defend his territory, but simply vacated the area and went far enough away to allow for peaceful co-existence. The Gingqi occupied the area which is today known as Swazini, a stretch of land between the Mngazi and Mzimvubu Rivers. This development meant a severe restriction of Fono's chiefdom, sealing it off to the north (see Map 1, Appendix 1).

The other Gingqi group which, under Chief Diko, came to Mthwa, settled in today's administrative area of Gomolo where the Khonjwayo people were already living. Gomolo was claimed by the Paramount Chief of the Nyawuza in Libode, Capital of Western Mpundoland; but the Gingqi paid tribute

kanero, apha eCaguba.

Esele arhafu Ngqeleni,

arhafu namakhonjwayo kuba wayeweles namakhonjwayo.

(they paid tribute) on this side, here in Caguba.

Being obliged to pay at Ngqeleni,

they should have paid with the Khonjwayo, since

they came "with" them.

In other words, the Gingqi of Diko pledged allegiance to Fono in Caguba. Besides them, there were further allies in the corridor between the Khonjwayo and Gingqi in the south and Gqaza's Gingqi in the north. This corridor was Fono's territory as well; at least the Ngwane claim that it was their's. The people who lived there belonged to a clan-cluster (see p. 27) which included the Wotshe, the Gwangule and a third clan. They had come from the area of the Tsitsa River, moving via Mantusini into Fono's country⁽¹⁴⁾ (see below). Still further to the west of the Wotshe, there were Qhwane people

and were highly regarded as traditional herbalists (*ubushwele*). It was for this reason, the oral historians maintain, that Fono was interested in them and succeeded in settling them on the border of his chiefdom. The Qhwane settled in the administrative areas of Jandu and Lujecwani.

After the Ncamane, the ~~Ngwane~~ ^{Ngwane} Aguba, the second strongest group is made up of several sections of the Gwangule clan. For about a long 140 years, if not longer, the Gwangule must have been a powerful clan, if not a chiefdom in their own right, in the area of the Tsitsa River. Certain major sections of the Gwangule live today in the two administrative areas of Abankulu and Libode to the far north of Caguba. Two sections of Wangue, the Tita and Phelane, moved south and came to Mthwa, into Fono's chiefdom. The first section came via Mantusini, the administrative area west of the above mentioned Ntsimbini area, and settled in what are today the Lawotsheni and Thombi administrative areas⁽¹⁾. Some of their members went further south-east to Caguba and the neighbouring village of Sicambeni, where members of the Phelane section were already living. The Phelane section took a route different from the Tita. They had come from the Mount Frere district, followed the direction of the Mzimvubu River and settled at first at Mpembeni, about eight kilometer from the mouth of the River. They went further still to Ethumbane, known as Port St Johns' "Third Beach," until they finally came to live in Sicambeni, when the estuary of the Mzimvubu River was sold (in 1878) to the colonial authorities (see below). Some of their members came to live in Caguba.

Before Fono established himself in Caguba, the Ntsila had apparently controlled the area. The area belongs to the same clan-cluster as the Ncamane (see below, p. 17). There is a relationship of seniority between the two

clans which reflects the relationship between the founder ancestors of the clans. The Ncamane members address the Ntsila as "two-as [father]-elder brother"), acknowledging in this way the seniority of the Ntsila. During the rule of Chief Hlamvana, Fono's successor, the Ntsila broke away politically from their Ncamane brother-clan and allied themselves with the Gingqi. With this re-orientation of the Ntsila and the subsequent loss of territory to the colonial government (see below), the chiefdom of Athwane shrank to the size of the present-day "administrative area" (see below) Caguba. The area comprises six villages: Caguba, Ncambeni, Shululu, Dzama, Cwebeni and Tekwini. All these villages are situated between the municipal area of Port St Johns and the Mngazana River (see Map 1, Appendix 1).

The year of Fono's death cannot be determined with certainty. Evidence suggests that he died about 1875. In any case he outlived his son ilwiso and his grandson Hlamvana who succeeded as chief inherited his father's situation. The rising power of the Nyawuza-Mpondeni in Swazini and the Gingqi in Swazini definitely limited Fono's power. The reduction of the chiefdom of the Ncamane was effected by British intervention and proceeded in three stages. The first stage occurred in 1875 when the following deal was made between Fono, his son ilwiso, his son, and the Cape Government:

The Secretary for Native Affairs himself concluded the agreement by paying to Nqwiliso £ 1000 for a strip of land on the west of the river for about nine miles upwards (from the 1937:40).⁽¹⁶⁾

The river in question is the Mzimvubu River which the town of St Johns was to develop later. The deal affected Hlamvana's chiefdom greatly. The estuary, in the terms of the sale, included a portion of the Ntsila territory in Mkhanzini and a still larger portion of Fono's old chiefdom: as a result, Chief Hlamvana lost all his territory on the eastern side.

Mzimvubu and about 35 square kilometers of territory on the western side. The chiefdom was now cut off from the Mzimvubu. The second stage was the annexation, in 1894, which affected all of Mpondoland: its independence was lost. However, the reigning chief, Hlamvana, remained in office, probably until about 1918 when the third stage of the fall of the Ncamane's chiefdom occurred: the loss (at least temporarily) of their chieftaincy. Hlamvana was forced by the British to resign, and a commoner, Mahowiza, was appointed headman. Mahowiza soon resigned, feeling unable to fulfil his duties. Then, at least, headmanship was restored to the "Fono" Ncamane; Hlamvana, who was still living, saw his second eldest son, Kolofishi, installed as headman (and in traditional terms as chief). After only one year in office, Kolofishi was replaced by Mkhovu, his younger brother, who became Chief Regent (see Figure 1, Genealogy, p. 5)⁽¹⁷⁾. When he died, in November 1965, Kolofishi's son and heir, Mawaka, was considered by the Ncamane caucus to be "too young" to hold office. Therefore a Chief Regent was again appointed, Ntamsanqa Calvin Fono, who is at present also state-appointed headman. In the meantime all Hlamvana's direct heirs in the main line have died, therefore it is an open question as to which of the young men will finally succeed to Hlamvana's position.

After the annexation of Mpondoland, the British colonial system of "direct rule" (Hammontree-Tooke 1975:81) was eventually extended over the territory. Western Mpondoland was and today still is divided into three districts (*ibidem* p. 78): Libode, Ngqeleni, and Port St Johns. Each district is subdivided into smaller sections called "locations" or administrative areas (see p. 16). A district is governed by a magistrate, and an administrative area by a state-appointed "headman." Under this dispensation, what remained of Fono's old chiefdom came under the magistrate of Port St Johns; the skeleton chiefdom itself became "Location 5" or the "Administrative Area of Caguba." This

has continued since Transkeian independence. The said "area" includes six villages, referred to administratively as wards ~~iziphaluka~~ (for a discussion of these terms, see below p.16).

There is a sense in which Mthwa's history and political past continues today. In the mid-1950s, the Bantu Authorities system was adopted (Hammond-Tooke 1975:204), "under which local government was to be based as far as possible on the traditional chiefdoms" (*ibidem* p. 202). Today there are administrative units called "Tribal Authorities." A Tribal Authority may comprise one or several traditional chiefdoms. As regards daily life in the village of Caguba (as elsewhere in Transkei), the main function of this Tribal Authority is to act as an appeal court from the headman's (i.e. the chief's) court. At first, Caguba came under the Ndluzula Tribal Authority, with its seat in the administrative area of Gomolo. But this was changed after independence, for reasons unknown to me. Caguba then became subject to the Mvumelwano Tribal Authority. The latter Tribal Authority is stationed in Swazini and is controlled by Chief Msolina, a fifth generation descendant of Chief Gqaza who sparked off Fono's move to Caguba and who became the intermediary (district) authority between Fono and the Paramount in Libode. This present-day court system (see below p.145) thus reflects in some way the political situation of more than 100 years ago.

There is a further aspect of Neamane's past which continues to shine through today: according to statistics (census 1970), the population of the administrative area of Caguba number 4300 inhabitants (Jackson 1975:69); this is the highest single figure in the district of Port St Johns. This detail gives some hint of the strength of Fono and his Neamane in days gone by.

Footnotes to Chapter I.

(1) Interviews: Calvin 11-6-78, Tape 121; Bhabhalaza 21-7-79, Tapes 160-1. The present account is based entirely on Caguba material and has not been cross-checked by other independent oral traditions of the geographical area concerned. All tape recordings, which are quoted here, have been made by the present writer in the vernacular. The tapes are in his possession.

(2) Chief Regent Calvin Fono relates the incident in the following words:

UNdamase noMqikela oonyana bakaFaku bobabini
baza baxabana ngebhubesi elalibulwe.
Waza wabaleka k'uNdamase lo 'ba ngowendlu yokunene,
wabalekel' aph' kwaFono.
Wahlal' aph' eLuthengele, nguFono, aph' eLuthengele.
Mandithi lonk' el' cal' --- (sentence not completed).
Waza wayalez' uyise wakhe, uFaku,
wath' uFaku: "Gcina loc mntwana, Fono."
Wamthatha, uFono, wathi.
Hayi ebaleka yera, ehamba nomJali.

Ndamase and Mqikela, the two sons of Fak happened to quarrel about a lion which had been killed (i.e. about claims to chieftainship). Subsequently, Ndamase, son of the right-hand house, fled and looked for refuge at Fono's place. He stayed there in Luthengele, it is Fono (*scil.* 's land), there in Luthengele. Let me put it this way: the whole stretch of land --- . Then came his father Faku and ordered, speaking (to Fono): "Take care of the 'child', Fono." Fono took the responsibility and so it happened. He (Ndamase) escaped together with Mjali (chief of the Jola).

See also Calvin 11-6-78, Tape 121, transcript p. 17.

(3) The problem is twofold: first , who or what is "Mthwa", and secondly, what is the ethnic origin of the people of Mthwa. These are independent questions. Jackson (1975) concludes that there is a Mpondo branch of "Mthwa tribes." This conclusion is doubtful. Weighing the evidence at my disposal, my conclusion is that "Mthwa" designates a territory which in the course of time became a genealogical mytheme. In this connection it is interesting that the people of Caguba claim that at one stage their territory stretched into Eastern Mpondoland into an area which Jackson (1975, Map V) specifically marks as "Mtweni." It is to this name that the Cagubans refer when they claim certain old boundaries of the chiefdom.

(4) Bhabhalaza 21-7-79, Tapes 160-1, transcript p. 77-8.

(5) These are genealogical mythemes rather than reflections of historical persons, with respect to the territory of Mthwa and to the Mpondo paramountcy. "Sukude" should not mislead us into constructing a genealogy as Jackson (1975:22) does. Such constructing does not serve any purpose other than that which the members of the society have in tracing it, namely to have a just claim to the area in which they live.

(6) The chief informant for this genealogy is Matukuva, a Ncamane elder who

died in 1980. The interview took place 3-2-78, in home village Tekwini, in the presence of four other elders.

- (7) See Calvin 11-6-78, Tape 121, transcript p. 7.
- (8) More specifically, the present-day village of Cwebeni is referred to as *kwaKhiwane* ("at Khiwane's place").
- (9) Alternative spelling: *Nconjana*. It seems very difficult to accept a genealogically direct link (if there is any at all) between Nconjana and Sukude (Jackson 1975:22).
- (10) Alternative spelling: *Kewane*.
- (11) Certain evidence suggests that Mbulawa was Fono's older brother. See Sionti, Tapes 9, 10, 114. A situationally applied method of re-drawing genealogies may account for the finally "fixed" form in which Mbulawa is identified as Fono's father. The method is derived from the principle of primogeniture according to which the eldest son takes his father's position after the latter's death. In this position the brother will be honoured as the "father." See also Jackson (1975:22, n.1) and the caution which he expresses with respect to the genealogy which he presents.
- (12) See Bhabhalaza 13-5-78, Tape 87. According to the informant, Fono did go to Bholan first and only later to Caguba. Hlwathika, his son, had already died when Fono came to live at Malanga, in Caguba.
- (13) Bhabhalaza 21-7-79, Tape 160-1, transcript p. 58). The interview took place at the very place where Fono had his court in Caguba. It is homestead No 61, as indicated in Map No 3, p. 23. The elder said verbatim:

*Nxa kuwele uFono eza numpha,
eza ngapha
ushiya uGqaza ngaphaya,
uMthelekisi ngaphayaa --- (uncompleted sentence).
Nxa kuwela uFono eza ngapha
ushiya' uMthelekisi ngaphayaa e6 wakeni.*

When Fono came over to this place here (at Malanga),
when he came here,
he left Gqaza yonder,
and Mthelekisi was on the other side --- .
When Fono came over to this place here,
he left Mthelekisi behind, yonder in Qawukeni (Eastern Mpundoland).

The quotation is specifically given as an example of a typical style of asserting a "truth": the speaker speaks in parallelisms or pairs. This stylistic form occurs also in the previous quoted sentences of Chief Calvin's (see n. 2). The technique of uncompleted sentences also has stylistic significance.

- (14) Bhabhalaza, the elder, said:

*amaWotshe ayephethwe nguHlamvana,
ngakwahlamvana.*

the Wotshe had been under the authority of Hlamvana
being in his area.

(See Poto 1927:21). Here, Chief Poto mentions Gcwangule, but not Wotshe; however, in a subsequent section of his book, he does mention Wotshe (ibid.).

died in 1980. The interview took place 3-2-78, in home village Tekwini, in the presence of four other elders.

- (7) See Calvin 11-6-78, Tape 121, transcript p. 7.
- (8) More specifically, the present-day village of Cwebeni is referred to as *kwaKhiwane* ("at Khiwane's place").
- (9) Alternative spelling: *Nconjana*. It seems very difficult to accept a genealogically direct link (if there is any at all) between *Nconjana* and Sukude (Jackson 1975:22).
- (10) Alternative spelling: *Kewane*.
- (11) Certain evidence suggests that Mbulawa was Fono's older brother. See Sisoni, Tapes 9, 10, 114. A situationally applied method of re-drawing genealogies may account for the finally "fixed" form in which Mbulawa is identified as Fono's father. The method is derived from the principle of primogeniture according to which the eldest son takes his father's position after the latter's death. In this position the brother will be honoured as the "father." See also Jackson (1975:22, n.1) and the caution which he expresses with respect to the genealogy which he presents.
- (12) See Bhabhalaza 13-5-78, Tape 87. According to the informant, Fono did go to Bholane first and only later to Caguba. Hlwathika, his son, had already died when Fono came to live at Malanga, in Caguba.
- (13) Bhabhalaza 21-7-79, Tape 160-1, transcript p. 58). The interview took place at the very place where Fono had his court in Caguba. It is homestead No 61, as indicated in Map No 3, p. 23. The elder said verbatim:

*Nxa kuwele uFono eza naipha,
eza ngapha
ushiya uGqaza ngaphaya,
uMthelekisi ngaphayaa --- (uncompleted sentence).
Yxa kuwela uFono eza ngapha
ushiy' uMthelekisi ngaphayaa*

When Fono came over to this place here (at Malanga),
when he came here,
he left Gqaza yonder,
and Mthelekisi was on the other side --- .
When Fono came over to this place here,
he left Mthelekisi behind, yonder in Qawukeni (Eastern Mpondoland).

The quotation is specifically given as an example of a typical style of asserting a "truth": the speaker speaks in parallelisms or pairs. This stylistic form occurs also in the previous quoted sentences of Chief Calvin's (see n. 2). The technique of uncompleted sentences also has stylistic significance.

- (14) Bhabhalaza, the elder, *ibid*:

*amaWotshe ayephe hwi nquHlamvana,
ngakwaiHlamvana.*

the Wotshe had been under the authority of Hlamvana
being in his area.

(See Poto 1927:21). Here, Chief Poto mentions Gwangule, but not Wotshe; however, in a subsequent section of his book, he does mention Wotshe (*ibid*).

dem p. 37). It should be pointed out that while the elder speaks about Hlamvana, it is *Fono* who is the person he wants to refer to. Here we find another convention that occurs often when making historical references, particularly if genealogical contexts are involved. A telescoping of historical depth takes place. The person who is mentioned represents the entire genealogy.

Although there is more than sufficient evidence that the Wotshe and the Gwangule belong to the same clan-cluster (the present-day Gwangule being the senior branch), Chief Calvin insisted that the two clans did not originate in the same place (area). See discussion 28-3-81.

(15) Polishi 10-2-78, Tape 27.

(16) For a comprehensive discussion - from a British colonial point of view - of the historical developments which led to the purchase of the estuary, see Cragg (1959:273-291).

(17) Bhabhalaza 10-5-78, Tape 83.

CHAPTER II

THE CAPITAL VILLAGE, CAGUBA,
AND THE SOCIO-GEOGRAPHICAL SETTING

(1) A village-type settlement.

THE NGUNI-SPEAKING peoples of south-east Africa live between the escarpment of the Drakensberg range and the Indian Ocean. One of their characteristic features, to which anthropological literature of the past has often referred, used to be their dwelling in relatively isolated scattered homesteads. When Professor Wilson (Hunter 1936) conducted her research in the late 1920's in Ntibane, Western Mpondoland, which is about forty kilometers south-west of Caguba, this settlement pattern was still clearly observable. Her description of Mpondo social life includes a detailed study of the homestead (*umzi*) which was and still is the nucleus of that life. Beyond these scattered homesteads, she discerns a wider "system" which she refers to as a "territorial alignment of kin" (ibidem p. 61). Such an alignment comprised a number of homesteads under the authority of a petty chief. There were no villages in the sense in which I shall be using the term *village*. A map (ibidem p. 60) which accompanies Wilson's description shows how sparsely the Ntibane area was then populated.

Today, the homestead as a relatively isolated (social) unit is disappearing, not only in Mpondoland but in the whole of the Nguni-speaking area⁽¹⁾, and most definitely so in the administrative area and village of Caguba. Certainly, people here live in close proximity, forming compact settlements (see Map 2, Appendix 2). Settlement in the village is largely regulated, but some margin of free movement is still possible. In this dissertation, the term *village* has the following meaning: from the wider administrative perspective, there are well-defined areas of which certain parts have been set aside for residential purposes, while the rest of such areas is used as arable land or as pasturage only. In addition, a given area may include bush which is still quite plentiful in the vicinity of the coast. These administrative areas, which are subdivided according to dwelling, agricultural and pastoral purposes, are termed "locations" officially, but rendered as *iilali*⁽²⁾ in Xhosa. A single location (*iilali*) may include two or more residential zones for which the term *isiphaluka* was adopted in administrative language, a term which is hardly known in Caguba. There is indeed some difficulty regarding official language and the designations of a number of terms which differ from common speech. In common speech, the administrative area of Caguba - Fono's skeleton chiefdom - is still referred to as *umnlaba* ("territory, land, world"). Any one of its zones of co-dwelling may be called in the vernacular *isireko* ("hamlet"), or more commonly *imizi* ("a number of homesteads"). Yet more often than not it is the term *i'ali* which Cagubans use to denote their residential zone, the co-dwelling irrespective of further subdivisions. What is officially called *isiphaluka*, and colloquially *iilali*, is the type of settlement to which I shall be referring in this dissertation when I use the term "village"⁽³⁾. Thus, the remainder of the chiefdom consists today of six villages (see p. 9); one of these is Caguba.

A typical village is surrounded by arable land and pasturage. The closeness of co-dwelling soon multiplies face-to-face relationships and personal acquaintances. In this sense, Caguba is a typical village. It is rural in character, and the people of Caguba constitute a "part-society" (Fallers 1961: 108) which is within the orbit of the nearby coastal town of Port St Johns and to some extent of the national life and economy of Transkei and the whole Southern Africa⁽⁴⁾.

The profound change in the settlement pattern from scattered homesteads to villages appears immediately when we compare the population density of present-day Caguba with that suggested by the map in Professor Wilson's account. The residential area of Caguba covers about two square kilometers and is occupied by approximately three hundred households (for a discussion of the distinction between homestead and household, see Chapter V). In contrast, the plan of the "alinement" as documented for Ntibane area shows twenty two households in an area of three square kilometers. This means that while in Caguba a single household has less than one hectare at its disposal (irrespective of land allocated to the household), at Ntibane a single household was situated in an area of about fourteen hectares. At that time, the individual Ntibane households were well separated from one another, but in Caguba most households are as close to each other as a hundred meters and less. Since the late 1950's, when a governmental rehabilitation scheme came into effect (see below), the residential zone has been subdivided into plots so that eventually a single homestead with its garden will share boundaries with a neighbour or neighbours. Between the plots there is no space of open land or bush. This policy continues today notwithstanding Transkeian Independence.

This new settlement pattern of living in villages is, to a certain extent, due to a rehabilitation or "betterment" scheme, as it is called (see Board 1964).

The scheme is based on the Agricultural Betterment Act of 1939 (see Mayer 1980:19) and was implemented in 1959. Before the implementation of the scheme, the people lived in an area wider than the boundaries of the present residential zone. ... the density of the population was not as great as it is today. Even if the governmental scheme had not intervened, the scattered-homestead type of settlement would have given way to the village-type. It is very probable, however, that a village which developed "naturally" would have presented a very different picture from the Caguba village of today: the dwelling would be further apart, for the people do not like to live in such close proximity: one is "no longer alone," they say.

Besides a great deal of literature that describes the typical Nguni pattern of scattered homesteads, occasionally we find hints that there has been some other form of dwelling in communities larger than the isolated homestead. So, for example, Beinart (1979b:331) mentions old records according to which in May 1830 7-8000 people lived "within two or three miles of Faku's Great Place on the Mngazi River," and another witness is quoted who "counted 'from one hill near the great place' more than 10,000." This could be considered to be due to historical circumstances. Hunter (1936:14, n. 1) mentions another early source as recording "a hundred kraals each of which contained 20 to 40 houses." Most important in this context is the study made by Professor Hammond-Tooke (1968b) where he shows how a non-rehabilitated village-type pattern of dwelling emerged among the Mpondomise, the twin-tribe of the Mpondo, and how homesteads were located in close proximity. Even if this study refers to relatively recent times, its result coincides with what I found in Caguba. A hypothetical reconstruction of the settlement of Caguba, based on oral information, revealed that Caguba embraced two settlement patterns at the turn of the century, showing the well-known "scattered homestead" type co-existing with a second pattern of "hamlets" which comprised between 6 and fifteen

Umtata, the Transkeian Capital, and Port St Johns. Several decades ago, a road was planned which would have connected the centre of the village with Port St Johns. Missing such a road within the village, village traffic is mainly pedestrian, and to some extent horses and donkeys are used. The main means of transport for large quantities is the sledge, drawn by a team of oxen. If one travels from the main road in the north to the farthest homesteads of Caguba in the south, one covers a distance of almost five kilometers on a winding track and foot-path, and goes through open grassland, bush, and several built-up areas. In this study, such sub-areas will be called "wards." As recently as two decades ago these wards were topographically distinguishable, but they are rapidly losing this character, due to the continuous increase of the population and the building of new homesteads. Each of these wards is known by a place name, but there is no generally used name for this particular area of settlement. The village is the smallest administrative unit which is territorially defined (see Chapter III). Within the village, we find a unit still smaller than what I have called a ward, referring here to a grouping known as a mat-association which gives the impression of a Ward-section (5). These groups are particularly significant and will be discussed in the following section.

Caguba has four wards. The one next to the main road is called Mapolotini (from the English "plot"). Mapolotini is the smallest of the wards and is still clearly separated from the other wards. A few hundred metres of bush and grassland lie between this ward and the adjoining wards, Sijungqwin and Sihlanjeni. Today only a brook in a shallow valley separates these two wards. On either side of the little river there are gardens belonging to the respective households. Typically, the homes are built along the side of a ridge and the gardens are made on its slope. The only shop in the village lies in the Sihlanjeni ward.

Umtata, the Transkeian Capital, and Port St Johns. Several decades ago, a road was planned which would have connected the centre of the village with Port St Johns. Missing such a road within the village, village traffic is pedestrian, and to some extent horses and donkeys are used. The main means of transport for large quantities is the sledge, drawn by a span of oxen. If one travels from the main road in the north to the farthest homesteads of Caguba in the south, one covers a distance of almost five kilometers on a winding track and foot-path, and goes through open grassland, bush, and several built-up areas. In this study, such sub-areas will be called "wards." As recently as two decades ago these wards were topographically distinguishable, but they are rapidly losing this character, due to the continuing increase of the population and the building of new homesteads. Each of the wards is known by a place name, but there is no generally used ~~technical~~ term for this particular area of settlement. The village is the smallest administrative unit which is territorially defined (see Chapter III). Within a village, we find a unit still smaller than what I have called a ward. I am referring here to a grouping known as a mat-association which gives the impression of a ward-section⁽⁵⁾. These groups are particularly significant and will be discussed in the following section.

Caguba has four wards. The one next to the main road is called Mapolotini (from the English "plot"). Mapolotini is the smallest of the wards and is still clearly separated from the other wards. A few hundred metres of bush and grassland lie between this ward and the adjoining wards, Sijungqweni and Sihlanjeni. Today only a brook in a shallow valley separates these last two wards. On either side of the little river there are gardens belonging to the respective households. Typically, the homes are built along the line of a ridge and the gardens are made on its slope. The only shop within the village lies in the Sihlanjeni ward.

Finally, in the south-east of the village, there is the fourth and largest ward, called Ludume, which is more than one kilometer in length. At present Ludume is still divided from Sihlanjeni by intersecting bush, but it requires the building of only a couple more homesteads for the two wards to be connected. Thus the wards are tending more and more to develop into a unitary built-up residential area, which looks increasing like a village.

The highest part of Ludume is historically the most important one: on this hill was Chief Fono's court and his grave here is still revered. It is the "home territory" of the Fono section of the Ncamane royal clan in Mthwa society. Ludume is virtually built around this historical centre, which today is marked by nothing more than a dead tree trunk. Today, the most senior member and ritual elder of the clan-section in the village has his household, called *eMalanga* ("in the suns") here. To the west, on the slope of the neighbouring ridge, lies the grave of Fono's son, Hlwathika, who built his homestead, *eCaguba* ("at Caguba") there. It is now covered by bush. To the north of Fono's court was his grandson Hlamvana's great place, known as ~~eBh~~*-folo* ("at Bhofolo"), and a little below *eMalanga* to the east is *eGushete* ("at Gushete", a derivative from English "at the goods' shed"), great place and grave of Chief Mkhovu.

Not only is Ludume important for its size and its historical and political associations, but it is also the centre of the community in another respect: the local primary school which began with the building of the Methodist Church is here. People recall that this building, the oldest in the village, was erected in 1905.

In the following table, the four wards are compared. The figures are a rough estimate (obtained in 1979):

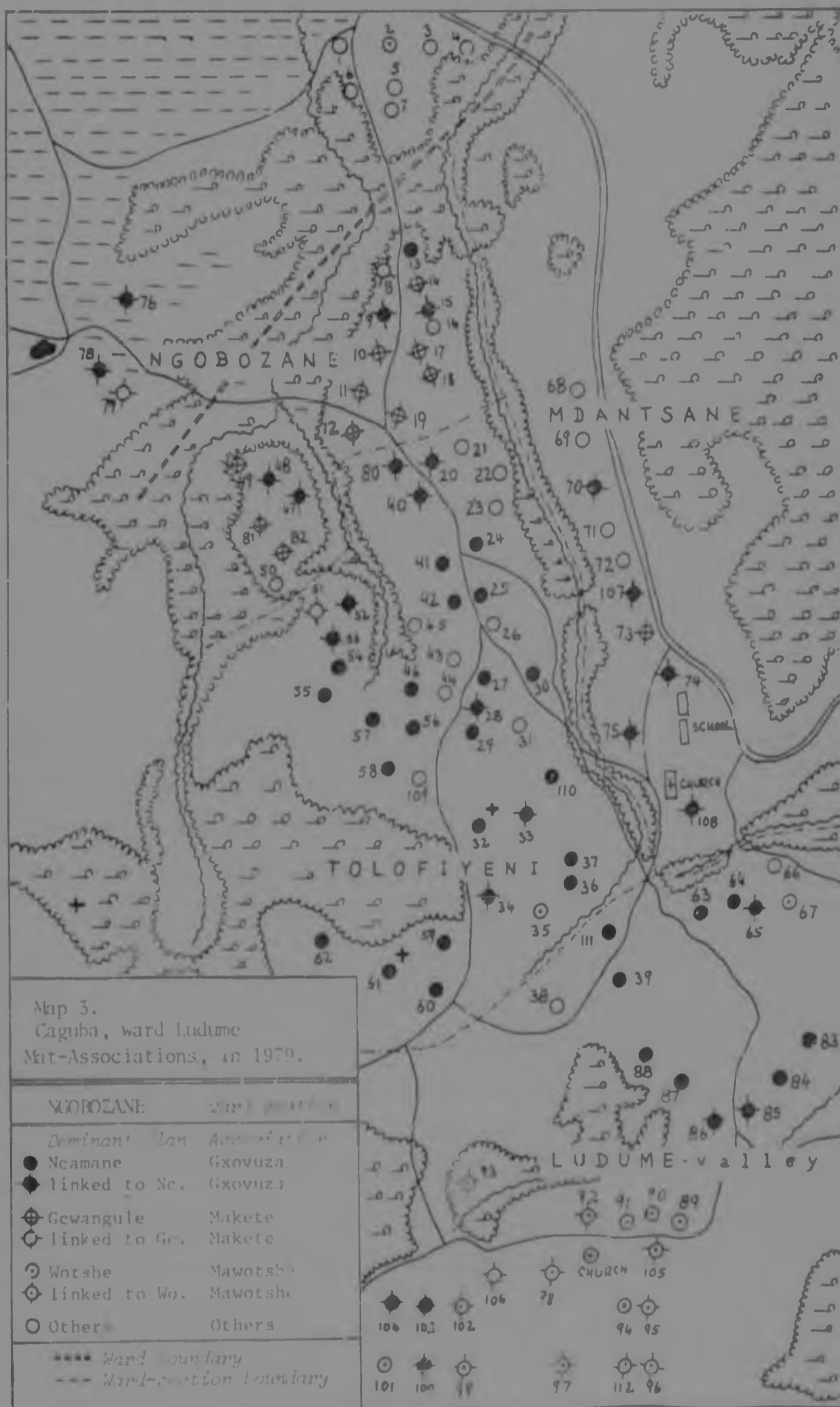
Mapolotini	0,31 sq kilometer	50 households.
Sijungqwini	0,34 sq kilometer	70 households.
Sihlanjeni	0,33 sq kilometer	80 households.
Ludume	1,10 sq kilometer	99 households.

For Ludume ward, the figures are based on a census conducted by the writer and his assistant in 1978. It is clear that the village area as a whole is fairly densely populated. The research was conducted almost entirely in Ludume. The following more exact figures for Ludume (comprising four ward-sections) (see below, Table 1) indicate how dense the population of the whole Caguba village is:

Ward-section	Sq Metres	Number of Households	1 Household per hectare
Ngobozane	130.000	21	less than 1 ha
Tolofiyeni	285.000	43	less than 1 ha
Mdantsane	255.000	10	2.5 ha
Ludume-Valley	330.000	25	1.3 ha
Total	approx. 1 sq km	99	

Table 1. Population density in Ludume ward-sections.

The territorial measurements have been calculated approximately, since they have never been given officially. The judgement is based on the way in which new building sites were selected during the period of the research between 1977 and 1981. Given that by right one household comprises a building-site and a garden (see Chapter V), it appears how over-population is rapidly increasing. From the names of the ward-sections (theoretically, sub-divisions of a ward) mentioned in the preceding Table, it also appears that the name "Ludume" has two meanings. First, it can mean the whole ward in which I conducted the research, secondly - and in the village more commonly - the name denotes one of its ward-sections only (see Map 3, p. 23). In order to avoid difficulties in the discussions to follow I shall speak about "Caguba" when



referring to the ward of Ludume or to the village as a whole; I shall speak about "Ludume" when referring to the ward-section.

(3) *Spatial distribution of kinsmen and clan-sections-associations.*

I turn now to the question of the relationship between the settlement of Caguba and the typical Nguni pattern of reckoning kinship through the male line. Persons of the same patriline recognise one another by means of a common name. People of this common name together constitute a clan (*isiduko*). The vernacular noun is derived from the verbal root /-duk-/ which means literally "to wander among strangers, to be lost to view" (Kropf 1915:86). In other words, people of the same clan recognise one another in contrast to the "rest of the world." The unity of the clan is based on an assumed common ancestry which is expressed in the clan-name. Nowhere in Mthwa - and this applies to the whole Nguni-speaking area - do persons of the same clan-name constitute a single territorial discernible group which includes all members of the clan. Only certain male members (and their respective families) may live together at relatively short distances from one another (see p. 173f). Such local agnatic kingroups have been called "lineage remnants" (see Wilson 1952:47); in this dissertation I shall call them "clan-sections."¹¹ The members of a clan-section are usually relatively close kinsmen, going back not more than four to five generations. Even if a clan never functions as a group of socially interacting people, the clan provides its members with the clan-name which is inherited patrilineally, as mentioned above. More important, people of the same clan-name constitute the limit of incest rules: a clan is exogamous. Furthermore, the clan ancestors are invoked at ancestral feasts (see p. 289). But even then, at the ancestral feasts, the clan as a whole does not become a group of interacting kinsmen. Only the local clan-section (or local clan-group) is socially active.

As small as the village of Caguba is, a great number of clans are represented there. Even if clan-sections live within a certain range of proximity, no section occupies a portion of the village exclusively. In other words, the various clan-sections of Caguba live more or less interspersed with one another, as shown in the following Table (Table 2, p. 26). The Table accounts for all the households of the Ludume ward in Caguba and a few of the neighbouring Sihlanjeni ward. The term "household" will be defined in a following chapter (see p. 156f). At this stage it is sufficient to say that a household is, theoretically speaking, the smallest economically self-sufficient unit in Caguba.

Table 2 (see p. 26) shows that, in Caguba, there are clan-sections which differ regarding the number of their respective member households. Roughly speaking, it is possible to discern three different sizes of clan-sections; correspondingly each "size" represents a particular type of occurrence in the village. There are clan-sections which are

- (1) relatively strong concentrations of members of a particular clan, in a given ward-section.
- (2) far weaker clan-sections with only three or four member-houses at times, which, in addition, are dispersed over the area of the village; they do not form a "local" agnatic group.
- (3) single homesteads "scattered" in various ward-sections.

First I shall discuss the relatively strong clan-sections. Three of the four ward-sections and a section of the neighbouring ward included in the sample, each show a clear preponderance of a particular clan-section. In the Ngobozane ward-section, it is the Gwangule clan which preponderates; in Tolofiyeni, it is the Ncamane clan; in the Sihlanjeni ward-section the Cwalushe clan is prominently represented. In the ward-section of Ludume-valley, the situation is not so obvious, in order to determine clan-preponderance here, we have to extend the concept of agnatic kingroups and include people who

CLAN	Number of households in the Ward-sections of Ludume ward				From Sihianjeni ward	Total
	Ngobo-zane	Tolo-fiyeni	Mda-ntsane	Ludume-Valley		
	1.	2.	3.	4.		
1. Cwalushe					5	5
2. Sukude	1		2	1		4
3. Gwangule	11		1	4		16
4. Duna	3				1	4
5. Gcothe	1					1
6. Tshangisa		1				1
7. Ncamane	1	20		9	1	31
8. Jola		4	2		1	7
9. Gadi	1	2	1	1	1	6
10. Tshezi		2	1	1		4
11. Khasibe		1				1
12. Nqukwe		1				1
13. Dlamini		1				1
14. Khwetshube		2	1			3
15. Ngitshana		2				2
16. Mpinga		1				1
17. Ndlovu		1				1
18. Khwalo			1			1
19. Sukwini			1			1
20. Thahle		1				1
21. Mbukwana				2		2
22. Wotshe				3	1	4
23. Khanandana				3		3
24. Gingqi				2		2
25. Mganu				3		3
26. Qango				2		2
27. Cirha				1		1
28. Nyawuza				1		1
Total	18	39	10	32	10	109

Table 2. Distribution of clans in Ludume ward, Caguba.

belong to what I called a "clan-cluster" (I adopted the term from Wilson 1969:117). The cluster, which concerns us here, includes the Wotshe, the Khanandana, and the Gwangule clans, but only the first two.

A clan-cluster is the wider social phenomenon to which I referred when discussing the history of the Ncamane chiefdom (see pp 6 f). It was also men-

tioned that clanship is recognised on the basis of an assumed common ancestry between the persons who bear the same clan-name. Although the emergence of clans belongs to time immemorial, in some cases it is still remembered that certain clans belong to one another and that they can trace a common origin. As a matter of fact, the emergence of new clans is an ongoing social process. In other words, ancestors are remembered who exist beyond what is called, in anthropological literature, the "apical" ancestor of the related clans. Member clans relate to one another in order of seniority, such as exists between living brothers. Earlier (p. 9) I mentioned that the Ncamane call the members of the Ntsila clan *bawokati* ("father's older brother"). Apart from this implicit remembrance of a common origin, the clan-cluster relationship becomes an observable reality when the ancestors are implored during an ancestral feast (see p. 289). Then the ancestors beyond-apex of the given celebrating agnatic group, i.e. the clan-cluster ancestors, will be invoked. Beside this, people of member clans do not share a common name and they intermarry, restricted only by the usual incest rules.

I came to know of two such clan-clusters in Caguba. One is the cluster of the Ncamane, Ntsila and Cwalushe (see p. 7); the second is that of the Wotshe, Khanandana, and Gwangule. I could not find out under what circumstances the Wotshe separated from the Gwangule; but the Wotshe elder in Caguba relates that the Khanandana clan came into existence in the middle of the last century, at the time of the Wotshe Chief Mtshubandana, who apparently was a contemporary of Chief Faku⁽⁷⁾. The reason for the break was the Mpondo rule of levirate which the Wotshe find unacceptable. The Khanandana clan resulted from the expulsion of certain Wotshe members who had accepted the Mpondo tradition. The elder relates also that the Wotshe ancestor Tita was a "brother" of the Gwangule ancestor Phelane⁽⁸⁾. It is on the basis of a clan-cluster that we find in the ward-section of Ludume-val'ey a strongly represented

group of agnatically-related households whose heads belong to the Wotshe, Khanandana, and the Gwangule clans. Ten of the thirty-two households there belong to this cluster.

To sum up, there is an apparent correlation between certain relatively strong agnatic groups, i.e. clan-sections, and particular ward-sections in Caguba. These clan-sections determine the local agnatic "climate" as it were⁽⁹⁾, a fact which will emerge even more clearly when I discuss (what I am going to call) "mat-associations." There is then, in Caguba, a modern version of what Prof. Wilson called a "territorial alinement of kin."

Secondly, there are the clan-sections in Caguba which live dispersed in the village, for example, the clan members of the Gadi, the Sukide, and the Khwetshube. They do not tend to live as local agnatic groups. Although it is not possible to decide clearly in each case why these clan members do not live together, in Chapter [I shall discuss certain processes which contribute to this living apart from one another. But there is one more point which should be taken into account with respect to clan-sections which live apart from other clan members. This is seen in the above Table (p. 26).

In the sample (of Table 2, p. 26) there are households which belong to one of the strong local agnatic groups, but which do not live in their respective ward-section, for example, certain Ncamane people live in Ngobozane and in the Ludume-valley, a Wotshe homestead is in Sihlanjeni, and so on. At the end of the present chapter (p. 36f) and later more explicitly in Chapter V, there will be an opportunity of observing that this living apart of kinsmen is "patterned", that is to say, it is a "function" of a certain "recurrent activity" (Radcliffe-Brown 1952:180) for the maintenance of the "life process" as well as the living together of kinsmen; we shall, then, discuss the

ambiguity of social situations. In other words, if on the one hand we find clan members who "cluster" in a given area, there are on the other hand certain members who decide to dissociate from one another spatially; there are scattered homesteads and territorial alinements in Caguba. These are by no means mutually exclusive spatial concepts. Both are "patterned" forms of the recurrent Caguban social reality; and both contribute to the overall situation of the village settlement.

Thirdly, there are the clan-sections which occur in Caguba as single homesteads; there are twelve such homesteads (which coincide with the local clan-sections). This is a remarkable figure if seen against the background of the total number of clans which are represented in the village, namely 12 out of 28, or 43 %. This figure is higher than what is deducible from findings among the Mpondonise (see Hammond-Tooke 1968b:87); there, about 36 % of clan-sections were represented by a single homestead. This extremely "scattered", diaspora-like situation requires a special study which is beyond the scope of this dissertation. Here I can deal with the single homestead clan-sections only within the context of the wider social groupings of "mat-associations" (see below).

The result of this brief survey of the relation between the settlement of Caguba and the distribution of clan-sections confirms earlier studies of the Nguni-speaking peoples: patrilineally-related groups of kinsmen "tend" to live as local communities. However, certain other facts related to small clan-sections which occur as dissociated or dispersed single homesteads must be taken into consideration and these will modify this conclusion. Apparently, the various names of the ward-sections of Caguba indicate more than mere incidental portions of the settlement, more or less topographically identifiable. These names seem to indicate a social structuring based on agnatic kin-

ship principles. Kinship... gnat... ship in particular - in a sense - is a major factor in the settlement of Caguba. In addition, it appears at first sight to be a major factor in the formation of one of Mthwa's major non-kinship social groupings, the mat-associations (~~isithebe~~). However, as in the case of the settlement, the observer encounters a certain ambiguity.

Her famous account of Mpondo (ir., Wilson (Hunter 1936:14) mentions such associations in passing when she wrote that the members of the homesteads lived together on a ridge or in a small area, "recognize one of their number as petty headman, fight together, and sit together at feasts." In a subsequent publication (Wilson 1949:12) she links these groups of people directly to the 'political organization' of the Mpondo and mentions that in "some districts such a single group is indeed called *isithebe* after the grass mat on which food for a group is served." More explicitly, Hammond-Tooke (1963) describes and analyses similar groups for the Mpondomise. The vernacular term ~~sithi~~ also occurs, which Hammond-Tooke renders as "hospitality groups". These hospitality groups of the Mpondomise apparently serve the purpose of giving hospitality to people who voluntarily join these groups; they pledge themselves to share food (meat) and beer with the members of their group. On occasion such sharing arises. Among the Mpondomise, such groups have a strong clan-section at its centre (ibidem p. 30):

members of a lineage segment in a (village) section form the core of the *isithebe*, under the leadership of the senior lineage member. But membership is not confined to kinsmen ... Members of the core, on the other hand, refer to themselves as *abuninisi:thebe* (literally 'owners of the *isithebe*').

Such non-kinsmen being present in the Mpondomise hospitality groups indicate that the groups are "essentially associational groups" (ibidem p. 16). Present in 1963), hospitality groups have a largely "domestic function" (ibidem, p. 17); the distribution of beer and meat; however, in

ship principles. Kinship, and agnatic kinship in particular - in a sense - is a major factor in the settlement of Caguba. In addition, it appears at first sight to be a major factor in the formation of one of Mthwa's major non-kinship social groupings, the mat-associations (*isithebe*). However, as in the case of the settlement, the observer encounters a certain ambiguity.

In her famous account of Mpondo life, Wilson (Hunter 1936:14) mentions such associations in passing when she wrote that the members of the homesteads lived together on a ridge or in a small area, "recognize one of their number as a petty headman, fight together, and sit together at feasts." In a subsequent publication (Wilson 1949:12) she links these groups of people directly with the "political organization" of the Mpondo and mentions that in "some districts (such a single) group is indeed called *isithebe* after the grass mat on which food for a group is served." More explicitly, Hammond-Tooke (1963) describes and analyses similar groups for the Mpondomise. The vernacular term *isithebe* also occurs, which Hammond-Tooke renders as "hospitality groups." These hospitality groups of the Mpondomise apparently serve the purpose of giving hospitality to people who voluntarily join these groups; they pledge themselves to share food (meat) and beer with the members of their group as the occasion for such sharing arises. Among the Mpondomise, any such group has a strong clan-section at its centre (ibidem p. 307):

Members of a lineage segment in a (village) section form the core of the *isithebe* under the leadership of the senior lineage member. But membership is not confined to kinsmen ... Members of the core, on the other hand, refer to themselves as *ab minu thebe* (literally "owners of the *isithebe*").

The fact of non-kinsmen being present in the Mpondomise hospitality groups indicates that these groups are "essentially associational groups" (ibidem p. 316). At present (in 1963), hospitality groups have a largely "domestic function" (ibidem p. 317): the distribution of beer and meat; however, in

former times hospitality groups were linked to the military organization and the political system of the Mpondomise.

In several respects the mat-associations of Mthwa resemble the Mpondomise hospitality groups: there is the "domestic function" of the allocation of beer and meat at certain feasts (see p. 340!); there is a connection between the organisation of a mat-association and that of an agnatic kin-group. (As my rendering of the vernacular term ~~lifetha~~ as "mat-association" indicates, these groups are indeed "essentially associational" - in which case the term "essential" will require some comment in due course)⁽¹⁰⁾. But besides these points of similarity between Mthwa and Mpondomise, it seems, at least to this writer, that there are essential differences: in Mthwa, the leadership in a mat-association is, in principle, consensual; the mat-association forms an integral part of the court system of Mthwa; within the political arena, the mat-associations play their part in the chiefdom; they are part of the hierarchical administrative structure of Mthwa. Yet, in the economic life of the village of Caguba they have little or no importance. Each of these various aspects of the mat-associations of Mthwa will be discussed later. At this stage, I am interested in one aspect only: the relation between the mat-associations and clan-sections in the village. This relation is characterised by the "dominance" of one particular clan-section in a given mat-association. The "dominance" is numerical as well as structural; thus I am going to speak about a "dominant clan-section," or simply a "dominant clan."

Mainly for juridical, but also for certain administrative, reasons (see Chapter III), each homestead head (and therefore every household as a whole) is required to be a member of one of the existing mat-associations. In Caguba there are nine different mat-associations at present, of which seven are represented in the Ludume ward. The sample, as shown below (in Table 3, p.

33) shows that a homestead head can apply for membership in any mat-association, irrespective of his own clan-membership and of the "territorial referent" (see below) of the particular mat-association. As the people in Cagubba put it: a mat-association "has no boundary" (*asinaanda*) with respect to clanship and the situation of one's homestead. The aspect of voluntariness is strongly underscored. The leadership of a mat-association rests in a single person who has been elected by the members (but see p. 75). He is *unondlu*, i.e. literally "owner of the house". I shall render the term as "mat-leader." Even if membership is voluntary, this does not mean that the respective individual choice cannot be studied sociologically. On the contrary, it will be shown that it is precisely the choices that exhibit certain consistencies. These consistencies result from social factors which are, in a sense, external to the individual member. It has been said that mat-associations are "linked" with clanship. How is this possible in the light of the voluntariness which was repeatedly stressed by the informants⁽¹¹⁾? The enrolment in the various associations is shown in the following Table 3 (p. 33).

The same sample of 109 households is used in Tables 2 (see p. 26) and 3. Again, I need to refer the reader to Chapter V for the distinction between "household" and "homestead", because it is the homestead head who determines the membership of all the people under his control, whether they may live in the same household or not, in a mat-association. The smallest of the mat-associations in Ludume is Dlova, the association with the Jola as its dominant clan. I have only very limited information about this particular mat-association since both the mat-leader and the assistant leader are absent from the village; the members are catered for by the Gxovuza mat-association. Limited though the information is, there is a clear correspondence between the Jola clan-section and the Dlova mat-association. This correspondence becomes

CLANS	MAT-ASSOCIATIONS IN LUDUME								x.
	1.	2.	3.	4.	5.	6.	7.	8.	
1. Cwalushe					5				
2. Sukude	1	1		1			1		
3. Gcwangule	12			4					
4. Duna	2					1			
5. Gcothe									
6. Tshangase	1								
7. Ncamane	2	28		6				1	
8. Jola			5						1
9. Gad ⁱ			3						1
10. Tshei ⁱ			1						1
11. Khasibe									1
12. Nqukwé									1
13. Dlamini									1
14. Khwetshube									1
15. Ngcitshane									1
16. Mpinga									1
17. Ndlovu									1
18. Kwalo	1								
19. Sukwini			1						
20. Thahle			1						
21. Mbukwana		2							
22. Wotshe					5				
23. Khanandana					3				
24. Gongqi					2				
25. Mniganu					3				
26. Qango		2							
27. Cirha					1				
28. Nyawuza					1				
Total	17	53	6	20	5	2	1	1	4
Mat-Associations:									
1. Makete	5. Sijungqu						x. No Information.		
2. Gxovuza	6. Nkwane								
3. Dlova	7. Vela								
4. Wotshe	8. Gingezobi								

Table 3. Mat-Association membership in relation to clan membership.

even clearer when we look at the three major mat-associations of Ludume; namely:

the Gwangule clan-section	corresponds to Makete mat-association,
the Ncamane clan-section	corresponds to Gxovuza mat-association,
the Wotshe clan cluster-section	corresponds to Wotshe mat-association.

Again, if we compare Tables 2 and 3 it will be seen that numerically the respective clan-sections dominate the corresponding mat-associations. Hence, the validity of speaking about "dominant clans" in (voluntary) mat-associations. This dominance appears even stronger if we examine the correspondence between clan-sections and mat-associations. The members of the three major associations concentrate in the ward-sections in which the respective dominant clans have their "home" portions of the village territory. In other words, there is a tri-partite correspondence between a clan-section, a mat-association and a ward-section. This is what I would like to call the "territorial referent" of a mat-association. This correspondence can be followed up and the territorial referent (in the sense of the descriptive paradigm above) confirmed: quite frequently the homestead of the mat-leader of a given mat-association is located in the ward section which is the territorial basis of the association which he leads. Therefore, when a homestead head chooses to apply for membership in a certain association, the application is a package deal: he chooses an association, a specific leader, a dominant clan, and a territorial referent. In short: before a head starts building his homestead, he will go to the chief and ask for a building site so that he can be among his own "freely chosen" kind. Since, now, the whole affair is settled within the framework of the ward-section itself (i.e. the chief will refer the matter to the mat-leader of the area in which the applicant wishes to settle), the mat-association becomes a matter of the dominant clan: kinship appears to be the formative power in the background. In general social anthropological

even clearer when we look at the three major mat-associations of Ludume; namely:

the Gwangule clan-section	corresponds to Makete mat-association,
the Ncamane clan-section	corresponds to Gxovuza mat-association,
the Wotshe clan cluster-section	corresponds to Wotshe mat-association.

Again, if we compare Tables 2 and 3 it will be seen that numerically the respective clan-sections dominate the corresponding mat-associations. Hence, the validity of speaking about "dominant clans" in (voluntary) mat-associations. This dominance appears even stronger if we examine the correspondence between clan-sections and mat-associations. The members of the three major associations concentrate in the ward-sections in which the respective dominant clans have their "home" portions of the village territory. In other words, there is a tri-partite correspondence between a clan-section, a mat-association and a ward-section. This is what I would like to call the "territorial referent" of a mat-association. This correspondence can be followed up and the territorial referent (in the sense of the descriptive paradigm above) confirmed: quite frequently the homestead of the mat-leader of a given mat-association is located in the ward section which is the territorial basis of the association which he leads. Therefore, when a homestead head chooses to apply for membership in a certain association, the application is a package deal: he chooses an association, a specific leader, a dominant clan, and a territorial referent. In short: before a head starts building his homestead, he will go to the chief and ask for a building site so that he can be among his own "freely chosen" kind. Since, now, the whole affair is settled within the framework of the ward-section itself (i.e. the chief will refer the matter to the mat-leader of the area in which the applicant wishes to settle), the mat-association becomes a matter of the dominant clan: kinship appears to be the formative power in the background. In general social anthropological

terms: kinship appears (on the surface) as the organisational form of mat-associations. The dominant clans and the territorial referents are summed up in the following Table (Table 4):

MAT-ASSOCIATION	DOMINANT CLAN	MEMBER HOMESTEADS		RESIDENT LEADER IN LUDUME	TERRITORIAL BASIS, see Map 3, p. 23
		Dom.cl.	Total in Ludume		
Gxovuza	Ncamane *)	28	53	no (1978) yes (1981)	Tolofiyeni
Wotshe	Wo.-Cluster	5	20	yes	Ludume-Valley
Makete	Gwangule	12	17	yes	Ngebozane
Dlova	Jola	6	6	absent	
Sijungqu	Ntsila	5	5	no	Sihlanjeni
Vela	Njilo	1	1	no	Sihlanjeni
Nkwane	Ngxube	2	2	no	Sijungqwini
Gingizobi	?	-	1	no	dif. village
No Inform.	4				
Total	4		105		109

*) A change of leadership took place. The old mat-leader resigned because of old age.

Table 4. Territorial basis of mat-associations.

The conclusion this suggests is that in the past mat-associations were identified with certain stretches of land which in turn belonged to certain agnatic groups, i.e. clan-sections. Though recent developments have blurred this tradition, kinship as the formative actor is still observable. This is borne out by the spatial distribution of clan-sections in Caguba where the boundaries of ward-sections coincide almost exactly with the boundaries of mat-associations. Thus to the observer it seems that the village is subdivided into wards, and the wards subdivided into ward sections; and that

mat-associations and their spatial occurrence in Mthwa are a minor subdivision of the chiefdom (see Map 3, p. 23).

The question therefore arises: is the voluntary membership in a mat-association no more than a social myth, the rationalization of a social structure built on kinship? In the following chapter (Chapter III), I shall indicate the problem arising from the above conclusion and show that the key to the question of kinship as the organisational form of mat-associations is to be found in the way in which a clan becomes "dominant".¹⁰

At one stage of my stay in Caguba (during the first stretch of field research, in 1978), I put the conclusion given above to some men of the village and I argued that they were victims of their own thinking in holding that mat-association membership could be voluntary. Their reactions were immediate, and they at once listed several of the "irregularities" which I had been deliberately ignoring (see pp 28-9 regarding my first conclusion). The men became almost vociferous in their insistence that I recognise what I was stubbornly refusing to accept, namely that a mat-association has no authentic membership boundary, and that one could apply for membership in "Swazini" (i.e. in the neighbouring Gingqi chiefdom, see p. 7) mat-associations if one wished to do so. "Did the Gxovuza mat leader belong to the Ncamane clan (in 1978)?" I was asked. No, he belonged to the Gadi clan-section, which was not even of Mthwa stock; and so on. The ease with which my friends rattled off the "inconsistencies" showed that these were not inconsistencies at all in terms of the organisation of mat-associations in Mthwa. It showed that my friends, when applying for membership in a mat-association or for a building site, were aware of the package deal and its implications. Put differently: before a man builds his homestead, he has a clear picture of what "home" mat-arsociation he is about to associate himself with. In a sense, choosing

one's place of dwelling is the expression of a political alliance (that it is a political choice, remains to be shown; see below p. 72). In this regard, clanship in general and the dominant clan in particular have only a contributory function. Although drawn from a different angle, this alternative conclusion confirms Hammond-Tooke's Mpondonise material (1963:312) that hospitality groups have "political relevance." As far as Mthwa is concerned, this will be shown in some detail in the following two chapters. In this context it will become clear that, irrespective of the link between agnatic kinship and mat-associations, these latter are associations in the technical sense of voluntariess of membership and consensuality of leadership, and that mat-associations belong to the political sphere of decision-making. Mat-associations represent, among other things, group interests.

(4) Conclusion and a methodological consideration.

In concluding this discussion of the settlement and kinship situation in Caguba I must add that, besides these factors mentioned before (p. 19) that have contributed to shaping the village settlement, there are other, less obvious aspects. Of these, I have isolated two: kinship and choice of membership in mat-associations. The pattern visible in the membership of mat-associations shows this influence clearly. But this pattern should not mislead one nor encourage the conclusion that there is a "social structure" operative which leads *mechanically* (Durkheim) to some kind of solidarity among the people of Mthwa. The personal note with which I closed my description showed that whatever "social structure", whatever "traditions" (*izit.etc.*) there are, result from *choices*, not only regarding members, p in mat-associations, but also whether to live in "residence" with a kinsman or to live at a distance from him (see p. 173); whether to organize a work-party or to do things by oneself (see p. 216f); whether to accept a lower court's verdict or "to go further" (see p. 120); whether to accept agnatic ancestral authori-

ty or to become an "apostate" (see p. 378).

These options bring to mind again the article by Hammond-Tooke in which he discusses "hospitality groups" (1963), the Mpondomise equivalent of Mthwa mat-associations. Hammond-Tooke is faced with a dilemma: two opposing concepts of the hospitality group. He writes (*ibidem* p. 315-6) that hospitality groups are

conceptualized as being 'like' lineages

but adds that they

can also be regarded as associations, especially on the part of the (non-agnatic members); (membership) is subject to choice.

(The italics are mine and indicate the basic difference between the two concepts.)

The first concept is that of the person who belongs to the "agnatic core" (see above, my short review, p. 30); for him the hospitality group is "like" his agnatic group.

The second concept is that of the person who is not a member of the agnatic core. Here are, then, two people who are *both* members of the same hospitality group, yet who have opposing conceptualizations of this same group, the same social reality in which they share. Thus the dilemma: it is the dilemma of *social ambiguity*. From the point of view of analysis, hospitality groups are problematic; they are problematic because they do not readily fit analytical concepts, which ought to be non-ambiguous. But the Mpondomise conceptualise these particular groups ambiguously either as kin-groups or as associations. Thus the analytical concept "hospitality group" fits both Mpondomise conceptualization only partly⁽¹²⁾. This is, of course, a problem which not only Hammond-Tooke has encountered with respect to Mpondomise *izitthebe*; it is a problem which all ethnographers who use analytical concepts encounter. But since there can be no accounts without analytical concepts, the above dilemma is ethnography's own dilemma.

In this dissertation, I have tried to solve this problem, not by developing a new analytical concept, but rather by shifting the perspective from that of the observer to that of the participant in the ever-day life of Caguba.

The latter simply does not perceive such "ambiguities," but lives within an acceptable reality. In short, the ideal of conceptual, analytical clarity is the scientist's ideal, but not necessarily that of the participants.

This shift of perspective accounts for the difference between the method of description applied in this dissertation and that applied in other ethnographies such as Hammond-Tooke's stimulating paper on "hospitality groups."

I had been in the field more than two weeks (December 1977), when I received an invitation from the Chief to accompany him to a neighbouring village so that I could learn "something about Mthwa tradition." I accepted, and as a result came to know about mat-associations (*izithuse*). I became increasingly aware of what Hammond-Tooke's paper had already triggered off in my mind: the "problem" which is the basis of the present dissertation, *viz.* the problem of social ambiguity. I have solved this problem by the shift of perspective mentioned above. It is the *participant's perspective* which conceptualises "social reality" so that, to the observer, this reality appears sometimes as an integrated Mthwa society (Chapter IV, the court system) but, at other times, as ego-centred particularism (Chapter VI, the economic life). It is the *perspective* of description which generates a "field" of political forces (Chapter I:II) and a shared conceptualisation of authority in the ancestral religion (Chapter VII). It is the *perspective* which sees the homestead as an integrating symbol as well as a separating social "unit" (Chapter VIII and V). In all of the remaining chapters of the present dissertation, the homestead and its head, from the highest ranks of Mthwa chiefdom to the lowest of its domestic components, will be considered, from both perspectives. The description will start with the chiefdom as a whole and end with the home-

Finally, the present situation ... may no longer be typical 'Nguni, but it is certain that ... which various types of authority can make themselves felt and which the chief shares with the homestead head. These types of authority are the topic of the Chapter to follow.

Footnotes to Chapter

- (1) Social anthropologists have become increasingly aware of the ongoing change in the settlement pattern within the Nguni-speaking area; see Wilson et al. (1952:3), Hammond-Tooke (1968b), Preston-Whyte and Silensi (1975).
- (2) The Xhosa word *izal-* is an adoptive from Afrikaans *aager*. See Kropf (1915:211).
- (3) ... The main reason for what looks like semantic quibbles is to find (a) an easier way of directly accounting for the terminology as used in present-day Caguba; (b) a means of distinguishing my own description of village life from earlier descriptions (particularly Hammond-Tooke's 1975) which are above the village-level. In contrast, my own description remains on the level of the village and wants to reflect daily speech in Caguba.
4. The centre of the village is about fifteen kilometers west of the coastal town of Port St Johns which has been renamed Mzimvulu. The name is taken from the name of the river which flows into the Indian Ocean there. The village centre of Caguba is approximately 29° 28' West and 31° 38' South.
- 5) My use of these subdivisions of the chiefdom requires an explanation (see also p. 35f). For *descriptive* purposes it is necessary to state boundaries, to define the unit of description. In a very specific sense: the analytical necessity for stating boundaries is a "structuring of chaos." Even if, on the basis of the data, it makes sense for me to speak about subdivisions of the village - ward, ward-section, homestead - the Cagubans do not perceive their eco-social environment in this way. For the Cagubans there is the village, and within the village there are
 - (1) placenames with a certain range of applicability,
 - (2) mat-associations and
 - (3) homesteads.The mere listing of these "social units" is important: it refers to different organisational forms (see Chapter III), confounding my neat territorial subdividing of the village. Yet, in order to depict the reality of Caguban village life, I am obliged to use labels (such as the territorial subdivisions of ward, ward-section, homestead) which do not in fact convey the full meaning, but are the only verbal instruments available to me. In doing so I am superimposing on village life a view of it which the villagers themselves would not recognise as adequate. Thus my description

creates an analytical reality which must distinguished from the participant's awareness of the reality.

- (6) I am aware that I am redefining the phrase "apical ancestor."¹⁰ In anthropological literature the phrase "apical ancestor" is used to refer to the last "remembered" ancestor of a lineage or of a clan. The problem centres on the alleged "memory." While in the field, I came to realise that the "apical" ancestor who was "remembered" last by the respective informants more often than not was a point of reference which set a kin-group in question apart from any other like group - whether genealogically near or distant. If, in a given case, one were to remember any ancestor further back, immediately the informant would raise complicated issues regarding the relationship between like kin-groups and the related questions of seniority (see for example the discussion on clan-clusters, p. 26f). Therefore it is advisable rather for the informant to "forget" any other ancestor further back. The "apical" ancestor is, for a given purpose, the unquestionable identifier of a group of kinsmen. In the following chapter (see p. 83) there will be a longer exposition of the question of the apical ancestor and local "clan-sections."
- (7) Interview, Polishi 21-7-79, Tape 162.
- (8) Same interview with Polishi. See also Jackson (1975:23).
- (9) See here also p. 3-1, Appendix 2, n. 2. Certainly from Hlamvana's time forward, there will have been one homestead or another of the Gcwangule to the north and of the Wotshe to the south of the Chief's Great Place. Subsequent increases in these clan-sections resulted in a kind of agnatically-based subdivision of the "crown land."
- (10) See Hammond (1972:1) who defines associations in terms of "membership (that) results from an act of joining."
- (11) Here, of course, the reader will be struck by the vagueness of the description and ask, "Is membership ascribed by descent, or achieved voluntarily?" The answer could be that "membership is, in principle, or essentially, voluntarily achieved." But this descriptive short-cut evades the principal problem of the present dissertation: the ambiguity of the social "facts" (see above at 5, and the methodological consideration p. 38).
- (12) Hammond-Tooke makes up his mind, cuts the knot and defines what the *izithebe* (hospitality groups) "essentially" are, namely "associational groups" (1963:316), and evades the problem of social ambiguity.

SECOND PART

POLITICAL NETWORK AND THE
SOCIAL PROCESS OF INTERACTION

SECOND PART

POLITICAL NETWORK AND THE
SOCIAL PROCESS OF INTERACTION

CHAPTER III

THE INSTITUTIONAL FIELD OF AUTHORITY
AND ITS POLITICAL IMPLICATIONS

THE CHIEFDOM of Mthwa, one of the smaller allied chiefdoms of the Mpondo, is located in the lower region of the Mngazi River, Western Mpondoland. The chiefdom has been through three stages from the middle of last century to the present time. In the period of which we can speak with some historical certainty, the early 1840's, Mthwa was a semi-independent chiefdom directly allied to the paramount chief of all Mpondoland, Paramount Chief Faku. In 1845, the situation in Mpondoland changed: the country was divided politically between two of Faku's sons, Mqikela and Ndamase. The latter became the first chief of the new paramountcy of Western Mpondoland; accordingly, Mthwa Chief Fono changed his allegiance and became an ally of Paramount Chief Ndamase, at Libode.

The second stage of Mthwa's changing political condition was reached in the 1850's when the Gingqi rose to power in the Mngazi valley. Mthwa became subject to their authority. Chief Fono had ~~come~~ come a "petty c. subordinate to Gqaza, the Gingqi chief, who became the "district chief" and intermediary between the paramount and the petty chiefs of his district⁽¹⁾. The third and present stage was reached several years after the annexation (1894) by the

Cape Colony: the petty chiefdom of Mthwa was changed into the administrative area of Caguba, and the then petty Chief Hlamvana became a state-appointed headman.

In spite of these fundamental changes experienced by Mthwa within the wider political scene of Mpondoland and Transkei between 1840 and 1910, chieftaincy as the central political authority did not change completely, since present-day headmanship of Caguba is ~~de jure~~ the equivalent of the traditional Mthwa chieftainship. Even if it has been modified, in a certain sense there is an unbroken line of authority in the political centre of the chiefdom (even if it is only a "skeleton" chiefdom as compared with that of 140 years ago). If chieftainship, then, is still in the centre of Mthwa, we ask, who are the authorities at the periphery? How do the various authorities which are concerned with public goals and common interests relate to one another today? What do we know about this relationship with respect to the past? Do these authorities constitute what the title of this dissertation and of its Part II envisage: a structure? These questions cannot be answered exhaustively, because of limited space and limited research material so far available. But at least one line of investigation should be pursued here: what is the condition of authority in Mthwa chiefdom today, what is its structure?

(1) Authority in Mthwa.

(a) Distinguishing political and juridical authority.

In classical ethnographies the theoretical concept of authority is demonstrated in the actual powers of the chief. The concept of chieftainship is therefore the key to identifying all assets of authority. Traditionally, the chief is the central political and highest juridical authority in Mthwa. But authority in Mthwa is more than the chief's authority. In order to describe

the structure of authority in Mthwa, we need first to clarify what the term "political" implies and how political authority can be distinguished empirically from juridical authority. I shall then indicate the steps by which the chieftaincy has changed in relation to the other political authorities within the chiefdom.

There are basically two traditions of anthropological thought regarding the understanding of the political life of society. The first tradition is interested in political communities in their entirety and their internal structuring with respect to political roles and institutions: it is interested in the "government" of a polity. The second tradition is interested in the processes by which people go about pursuing a specific goal which they consider advantageous or expedient: it is interested in "politics." In Mthwa society, we find a government which is centred in the chief; but we find politics as well, courses of action initiated or implemented by groups of people under the guidance of a leader of their own. Therefore both concepts are needed for an understanding of the political authority structure of Mthwa society.

As will be outlined in the following section, there is a certain justification for viewing Mthwa society as a "pyramidically" (Southall 1965:126) structured polity: the paramountcy is subdivided into districts controlled by a district chief; each district is subdivided into petty chiefdoms (of which Mthwa is one) controlled by a petty chief; the chiefdom is subdivided into villages (see p. 16) controlled by a headman. In a sense, we can apply what Lucy Mair writes regarding the Baganda: "Every minor chief is a replica in miniature of his superiors" (Mair 1962:174). That the minor Mpando chief is a replica of the superior chief is visible in the chief's authority to allocate land; similarly the petty chief of Mthwa has his headmen and gives each one a portion of land that he can allocate to homestead heads. This simple example shows that

there is a political order in Mthwa which implies government and the administration of legislation designed to maintain that order. Within this context, there will be competition as to who receives which part of the land or who will be headman next when a particular senior headman retires. In the context of the polity, the political action is "strategic, tactical and legislative" (Southall 1965:119). It is that "aspect of social relationships ... which is concerned with power, ultimately sanctioned by the use of physical force" so that political "authority is the legitimate exercise of imperative control" (*ibidem* p. 120).

Although this understanding of the term "political" is necessary in describing the chiefdom of Mthwa, it leaves two things unclarified: first, the structuralist interpretation assumes that all competition occurs within the pyramidal allocation of authority; secondly, this interpretation does not leave room for distinguishing between political and juridical authority. M.G. Smith (1956) has shown the necessity of distinguishing between the "segmental" or political decision-making aspect, and the "hierarchical" or governmental-administrative aspect of the polity, but he fails to distinguish between what has been legislated, and belongs to the administration of the political authorities, and what is juridical. The assumption is that a distinction is not necessary since no such distinction is made in the tribal situation itself: non-legal institutions fulfil juridical functions, as is most obviously the case with the supreme judge, the chief himself. But I found that the Mthwa people make a distinction quite explicitly and they do so not only today, but have been doing so for quite some time. Hence the problem: how to give an account of authority in Mthwa if such an account requires that the political be distinguished from the juridical sphere? I found the answer in the second tradition of anthropological thought about the term "political;" this tradition focuses on processes rather than on structure. Here I am drawing particularly on Swartz *et al.*

(1968) and Swartz (1968:1). In in this second tradition of thought, the interest shifts from polity to politics. Swartz writes:

Politics ... refers to the events which are involved in the determination and implementation of public goals and/or the differential distribution and use of power within the group or groups concerned with the goals being considered.

Within this second frame of thought, a society's political "segments" are not created by an overall social structure, rather they are groups which appear because of some specific goal or interest. Furthermore, the political activities of such groups need not necessarily "promote the welfare and continued existence of a group, as constituted and organised at any particular time" (Swartz et al. 1968:415). According to this view, there is no longer an integrated political structure in the sense of a pyramid; the notion of "structure" has changed altogether. Within the society there are focuses of tension, and the whole society appears as a "field of tension" (*ibidem* p. 417). The authors speak about a "political field" (Swartz 1968:15) which encompasses

the individuals and groups, together with their repertoires of resources, values and rules directly involved in the process or processes centering on these values.

At various stages of my stay in Caguba, I became aware of such processes and the repertoires which the people draw on to "make their point." In the preceding chapter I mentioned (see p. 39) that the chief invited me to accompany him to a neighbouring village where a new mat-association was about to be sanctioned through the installation of its new leader. Certain people had become increasingly dissatisfied with the way in which school affairs were being handled in this particular village. On another occasion I witnessed a clash between two relatively young men. At the root of the conflict were serious differences about the role of the chief in today's Mthwa; what sparked off the argument was an alleged irregularity during a certain beer ceremony (see p. 341f) held in a particular homestead. The clash resulted in the emergence of factions associated with two clans. Another example is that of an occasion which divided all-

most the whole village: it was a matter of supporting or rejecting the juridical authority of the chief; what set it off was a particular court case in which an abductor was tried and sentenced (in accordance with the South African law of that time).

These and other processes in Caguba made it advisable for me to view Mthwa as a political field before deciding what its authority structure might be. The change of perspective from a political structure to a political field has also caused a change in the meaning of the term "authority". It is no longer the authority belonging solely to a particular role, but the authority of the "leader" or "spokesman" who knows how to organise support for a course of action and to whom authority is given within the action group.

Regarding the Mthwa chiefdom, the village is the first and most obvious field of tension, because it is in the village that a decision either supports or interferes with ongoing social relations. The village of Caguba is the field of tension which I am going to describe: the political field in which the various authorities who determine the individual's life at different times function. More specifically, tensions are the result of two factors. First, various kinds of political authority are based on different forms of organisation of the respective groups for which the authorities speak; these forms are territorial- or associational- or kinship-based. These varied organisational forms and the way they relate to one another form a major part of the exposition to follow. The second source of tension is the large number of face-to-face relationships cultivated for a variety of social purposes, whether political, domestic, economic, religious or any other. This is what Max Gluckman (1965:256) calls "multi-purposive" relations. Political decision-making which occurs in the context of such multi-purposive relations has been called "local-level politics" (see Swartz 1968:1). It is on this local level that tensions are most obvious and the political field an almost tangible reality. For Caguba and for Mthwa as

a whole, it is the homestead which is in the centre of tension and of the political field, probably more than the chief himself who lives within a village (namely Caguba), but who does not rule any village directly. On the local level, he is not the central authority, rather he is one element of the political field. The homestead is of prime importance on the local level because here multi-purposive relations are most complex and intense: the homestead-head is indeed in control of his homestead, but he is in addition the chief's ally, member of the court jury, and the man responsible for economic planning.

This leads one back to the polity of Mthwa. After all, the homestead "is" an institution, and the homestead-head "is" its authority in the structuralist sense as expressed by Southall (1965) and Smith (1956). Yet we arrived at this concept after considering the processes of politics as they occur in the village and as they are expressed analytically by Swartz (1968). In short, the authority structure of Mthwa cannot be confined within a single set of terms, whether relating to structure or to process. We need both. Thus Mthwa provides an interesting case for social anthropology. The ambiguous condition of authority, marked by structure as well as process, is also reflected in the language: "legislative" authority is called *igunya* ("office", plural *amagunya*); any other form of political authority is called *uhukhokeli* ("leadership"). The position of the most outspoken "leader" in Caguba is that of the consensually chosen mat-leader (see below, p. 75); yet, within the administrative system of the chiefdom and within the court system he has a clear of ice that belongs to the "structure."

The authority structure of Mthwa society does not include only political authority, but also juridical authority. How can we distinguish between the two forms without applying pre-conceived concepts of what "political" and "juridical" mean? Should we make any distinction at all in the face of multi-functional

nal institutions like chiefship and the mat-leader? The purposes make multi-purpose relations "divisible", says Gluckman⁽²⁾, and the type of process constitutes the ongoing activity, writes Swartz (1968:18). Purpose and process made it possible to distinguish between two types of political authority, namely those of office and of "leadership". Precisely by focusing on procedures, Pospisil (1971) was enabled to discern the criteria or "attributes" of law⁽³⁾. Among these attributes is the "attribute of authority." "Legal authority," Pospisil writes (1971:44), pertains to

individuals who possess the power to induce or force the majority of the members of their social group to conform to their decisions.
... Whereas this authority is formalized and specialized on the state level in our own and in other civilizations, in tribal societies and in some of the state's subgroups it often coincides with the leadership of various groups that exercises several functions besides the legal one.

This definition, as it stands, does nothing more than emphasise that there are, in tribal societies, multi-functional institutions which among other things have legal authority. It is the purpose and the procedure of a given situation (an "event") which marks its authority as legal. This will be shown in detail in a subsequent chapter (Chapter IV). Within the context of court-procedure and of the court system as a whole, the people of Mthwa are quite explicit in separating legal-juridical authority from any other form of authority, political or otherwise. In short, describing authority from the angle of processes, we are enabled to distinguish types of authority in Mthwa society which cannot be reduced to a simple scheme of segmentally subdivided authorities, one with a political and another with a juridical function. The fact is that the various political authorities rely on different organisational forms of groups of people. Juridical authority, however, does not rely on any group of people, save the society of Mthwa as a whole; rather, it relies on the constitution of the court itself: the constitution which is a process to be enacted when a law-suit has been lodged by a certain homestead head. Purpose and process "constitute" autho-

Mthwa, neither the political or decision-making, the governmental or administration, nor the juridical of the administration or law. These are three different processes in which, however, the agencies and several institutions overlap. Since they are different processes, their potential for integrating Mthwa society need not be equal. As will be shown, only one of the three processes namely the juridical process, integrates Mthwa as a whole, since Mthwa law shows unmistakably the attribute of the 'intention of universal applicability' (Pospisil 1971:43); it is an "intention" which all the people of Caguba accept as being "inherent" in the authority of the men when they have gathered as a court; here any kind of politics is presumed to be excluded.

The disappearance of the central authority of the chief.

The complexity of political and juridical authority in Mthwa society suggests the existence of a political field rather than a political structure. This inclusion is underlined if we view the chiefdom from the local level of a village into the multi-purpose relations, of which the political processes are an integral part. But there is a second reason for speaking about a political field, namely the changed authority of the chief.

In the beginning, the present-day administrative area of Caguba and its central authority, administratively-called "headman" (see p. 60), are the successors of the former chiefdom and its central authority, the chief. But this is a very formalistic approach viewing the present socio-political reality of Mthwa. I have followed this formalistic reasoning thus far. In Chapter I, I showed how the territorial boundaries of Chief 'ono's chiefdom shrank gradually over a period of more than half a century, and how the central authority of the chief was curtailed severely when the administrative system was introduced at the beginning of this century. All the same, somehow, the link was kept between the past and the present, I argued. I mentioned (see p. 45) that there

is a "pyramidal" segmentation of the paramountcy today which reflects traditional conditions. Formerly there was a clear hierarchy of chiefs with the Paramount Chief at the top. Under him, we found District Chiefs who had their Chiefs under them; these in turn had headmen within their relatively small territories. Within this scheme of subordinate chiefdoms, there was the Paramount Chief Ndamase at the top of Western Mpondoland in the middle of the last century, and among the District Chiefs we find Fono, Chief of Mthwa. Fono accommodated several Chiefs in his area, namely those of the Wotshe, the Qhwane and the Ntsila; in addition there were headmen who controlled their respective local clan-sections (see p. 24), for example, we find the Gwangule at that time already in Caguba. In a formal sense and with certain alterations, this scheme of pyramidal segmentation continues today under the system of what came to be known administratively as "tribal authorities" (see p. 11).

The similarities in form which we can see existing between the territory of the Mthwa chiefdom of old and the present-day administrative area of Caguba, between the traditional chieftainship and present-day headmanship, should not obscure the changes which in fact chieftainship as a locus of authority has undergone, not only since the bureaucratic system was introduced. The history of this change is far longer and more profound than a mere curtailment of the chief's political power and his incorporation into a national system of administration. Here I wish only to outline the main characteristics of this change.

The range of Chief Fono's power shrank when the Gingqi rose to power in the Mngazi valley (see p. 7); their rising reduced Fono to the status of a mere petty chief. But this change was only an exchange of a lower for a higher position within a political pyramid basically the same, with its single focus of political authority vested in the Paramount Chief. But the change from this single-focused political orientation originated in the early 1860's when the

colonial authorities showed increased interest in the natural harbour of Port St Johns. In 1866, Alfred White came to Mpondoland and negotiated the case of a ceding of the Port by the Mpondo (Cragg 1959:283):

On 2 July he saw Faku, Mqikela and one of Ndamase's councillors but did not get very far with them.

According to oral tradition in Caguba, the Ndamase's "councillor" was Chief Fono. That the colonial negotiator did not get "very far" is understandable, because the negotiations concerned Fono's territory for the most part (see p. 9). Fono was not merely negotiating as Paramount Chief Ndamase's Councillor, but in his very own interests. Ndamase's son and successor finally sold the estuary. Fono was most probably dead by then, but, following the oral historians, Fono knew that his chiefdom would eventually be sandwiched between the Nyawuza of Libode and the colonial government. Doubtless, Fono as well as his successors always remained loyal to the Paramount Chief of Nyandeni (Western Mpondoland); however, making the best of his middle position, Fono kept up good relations with the British as well. Evidence suggests that Fono used this goodwill to strengthen his own position against claims made by members of his brother-clan-section, the "Mbulawa" (see p. 13, n. 11). But from a certain point of view, the result of these "good relations" with the British was that the scheme of the political pyramid changed: there was no longer the single focus of political authority vested in the Paramount Chief. There was an alternative source of political support. The chieftainship itself began to change in Mthwa from a segmental position in the politically "pyramidal" structure of Western Mpondoland to a leader who recognised a certain advantage for the people under his leadership and made the advantage the goal of his course of action. . .

The second factor causing change has a still deeper root in time. This change is no longer observable as such in Mthwa, therefore I have ignored this parti-

cular aspect to a large extent in the present dissertation; it would have required extensive historical reconstruction which is not my present intention. I am referring to the chief's former position with regard to his economic power. This power was based on the control of cattle and in a certain sense on the control of land. The control of land is still in the hands of the chief, but it is not an economic power, since withholding land from a man in the chiefdom is not to the chief's economic advantage (see p.193). But the change in the economic position of the chief must be mentioned, since it effects the present authority of the chief in Mthwa.

The change began with the Shakan raids into Mpondoland which deprived the Mpondo of their livestock. The Mpondo, including the people of Mthwa, since Faku camped in their area of the Mngazi valley, became agriculturalists (see Beinart 1980:125-6). With the loss of the cattle, the chief's means of control was also diminished. Restocking took place, but the old firm control of the people by the chief was lost; the various groups within the chiefdom, led by their headmen and elders, gained a wider margin of personal decision on matters economic. This weakening of the chief's authority continued particularly as a result of migrancy which had commenced in Mpondoland by the turn of the century (see Beinart 1979). Economic power was exercised by a tribute system which included a "death duty" to be paid on the death of the principal wife of a polygamously married man. Other special fines were levied against persons sentenced for witchcraft, slander and murder, in which cases the fines went to the chief (see Hunter 1936:385). This tribute system was the fiscal power which the chief exercised. With the decrease of the number of livestock, this fiscal power dwindled until the tribute system and with it the fiscal power as such were taken from the chief when the administrative system and with it a system of revenue (taxation) were introduced. With the loss of fiscal power went the loss of the economic power of the chief who had been the wealthiest man in the tribe.

Today, the chief, Chief Regent Calvin Fono, is a state-paid headman. From an economic point of view, he controls no more than his own household, like any homestead head in Caguba. But by the same process of depriving the chief of economic power over his people, the position of the homestead heads was enhanced: in economic control, a homestead head is equal to the present-day headman, the modern successor of Chief Fono. Chieftainship in the sense of central authority is no longer what it was in the more distant past; today it is part of a political field rather than a position in a political structure.

The third factor which changed the political condition of Mthwa considerably and with it the authority of the chief was apparently brought about by Chief Hlamvana, Fono's grandson and successor, who took office by the mid-1870's, before Paramount Chief Nqwiliso sold the estuary of the Mzimvubu mouth, to the great disadvantage of Mthwa (see pp 9 and 53). Whether in reaction to the external developments, which affected the chiefdom strongly, or because of factors from within the chiefdom, I am unable to determine, but Hlamvana consolidated his position in two ways: first, he placed certain of his eleven wives in four different villages, thus virtually multiplying his own presence throughout the Mthwa chiefdom. (In strong contrast, Chief Fono had only one wife.) Secondly, and more important here, Hlamvana began to form mat-associa-tions for political purposes, creating a power-base. It appears that these mat-associations served two purposes, first to make decisions having a wider popular support; secondly, to carry out decisions affecting the people, for example, to mobilize detachments when called to war by the paramount chief, as in the case of the "Khonjwayo wars" (see Ndamase 1927:37,43). The first of these associations, "the mother of all mat-associations," as the Cagubans say, was "Gxovuza" whose organisational roots go back to the time when mat-associations were fighting units assembled on a territorial basis⁽⁴⁾. The territorial referent (see p. 34) of this old association is Bhofolo, i.e. Hlamvana's Great Place in Caguba (see p. 21). From then on other mat-associations

were either allowed to emerge (with the chief's approval) or were formed on the chief's initiative, as for example Mahowiza's, the commoner headman who succeeded the deposed Hlamvana, and Mkhovu's after Mahowiza had resigned. Hlamvana had created a political institution that was^a decision-making body with lasting vitality.

Apparently Tamvana intended strengthening his own position by constituting mat-associations as political instruments, but with the proviso that any group of people could politically formulate its interest in this manner. Thus the political overall condition of the chiefdom had altered greatly: the former pyramid of segmental political powers had become a field of competitors for power. The chieftainship itself had changed.

The change in the essential character of the chieftainship reached the next stage when the administrative system was introduced; a chief became basically a bureaucrat, even if in many cases, like that of chief/headman Hlamvana of Mthwa/Caguba, the hereditary basis of chieftainship was used for the appointment by the state. This final stage was reached in the early 1960's with the constitution of political parties in the Transkei (see Carter et al. 1967). With the introduction of mat-associations, politically competing forces were already in existence in pre-annexation Mthwa chiefdom. But these forces remained nevertheless within the boundaries of the chiefdom. Even if a mat-association existed in its own right, independent of any other like association, it could exist only by right of the chief, as is still the case today (see below p. 72). But with the system of democratic nationwide political parties, this limitation of the chiefdom's boundary has been removed: party-membership transcends the boundary of Mthwa; a party-member can by-pass the chief's authority in pursuing his goal. Caguba has become a "political field" as defined by Bailey (1960:243), according to which people can "opt out of one system and

into another." Cagubans can "opt out" of the Mthwa chieftdom if they find this advantageous to their goals; it is the choice of the people "which allows the more 'efficient' system to drive out the others" (*ibidem* p. 250). Unlike the mat-associations, the political parties are no longer "linked" to clans. They stand as alternatives to the "traditional" political system of which the chieftainship was the pivot of authority and political power.

Thus, when speaking about chieftainship among the Mpondo in general, and in Mthwa in particular, one must qualify the term. Nevertheless it would be wrong to abandon the concept of chieftainship altogether with respect to the situation in Caguba; the chief's authority is still observable. To begin with, the present chief of Mthwa *qua* headman of the administrative area of Caguba also has the right to decide who is going to settle in his area; this right has been delegated by the chief to the various village headmen. The old Mthwa allies of the Wotshe and Ntsila still come together on ceremonial occasions, as I observed at the installation of a new mat-leader. Even before I started my research, when I was still finding my way into a specific research area in the Port St Johns magisterial district, I had already learned about the one-time pivotal position which the Mthwa had held: when it was decided that I would undertake the research in Mpondoland, I went to Chief Msolina, the Head of the Tribal Authority of Mvumelwano in Swazini (see p. 11), not far from Port St Johns. I discussed my request with him. He gave me a letter and advised me to go to one of his "headmen", as he put it, Calvin Fono. At the latter's "place" (*ilali*, "administrative area"), Chief Msolina instructed me, I would be able to learn old Mpondo tradition. His instruction was an implicit recognition of the "old" chieftainship of Mthwa which was to take me a long time to understand.

In concluding this short review of the changes in Mthwa chieftainship it must

be pointed out that the "traditional" understanding of chieftainship and of chiefly authority always requires a definition of the period to which one is referring. In what follows I shall not attempt to reconstruct any period of the past; I want rather to describe the chieftainship and the other related political authorities as they appear in Caguba today.

(2) *The political authorities and the corresponding organisational forms.*

In this second part of my present chapter, I shall demonstrate the specific forms of authority among the people of Mthwa, concentrating on two main lines of enquiry: first, how are these forms of authority linked to the concrete reality of the chief's actions; do they form an integrated whole? Secondly, how do they fit into the context of empirically specific social interactions?

(a) *The Chief.*

The chief's power is confined to a delineated territory. The people who live within its boundary belong by birth to one of the many agnatic groups, i.e. clans, whose membership may or may not go beyond the chiefdom's boundary. One of these clans traditionally provides the highest political, administrative and legal authority: the chief (*inkosi*). Within this "royal" clan, succession to office is defined by primogeniture, that is to say: the eldest son of a reigning chief succeeds to his father's office after the latter's death. If the rightful heir is a minor at the time of his father's death, a chief regent (*ibamba*) will take office for the time being. The mature male members of the royal clan choose the person they consider fit for this office of regent, and it is their concern also to decide whether the regent's authority should terminate and the heir take his rightful position. As simple as this principle of succession to the highest office is in theory, it creates several problems which may arise from the polygyny of the outgoing chief: uncertainty with re-

spect to who the great wife is (although usually the first wife is also the great wife and thus mother of the heir); difficulty arising from the premature death of the heir, or from the chief's dying without a son; still further difficulties may result from the chief's function as headman (see below) within the bureaucratic system, because rules of agnatic descent do not apply to a state-appointed headman.

Theoretically, the chief's office is defined by two factors, first by the territory which the chiefdom embraces, and secondly by his right of birth. The one determines sovereignty, the other determines authority. Beyond providing the chief, members of the royal clan have only a right to participate in the chief's council (see below, p. 63); otherwise they have no claim to any other office in the chiefdom. For example, I was told by one of the senior members of the royal clan that there is no explicit rule which states that a village headman may not be a member of the royal clan of the Ncamane. But if the chief were to appoint such a person, the people would not "like" (*ukuthanda*, here in the sense of "disapprove") it (as I had an opportunity of testing and confirming in 1981). Village headmanship "belongs to the people," it is said; it is not an office that "belongs" to the royal clan. By the same token, the chief himself does not control any of the sections of the chiefdom directly. Even in the village where he resides (Caguba) there is a headman. Thus the chief controls the country (*umhlaba*) and its people (*isizwe*) indirectly. The chiefdom as a whole is the chief's territory, not any specific part of it; there he has an ultimate position: he is the universal sovereign and as such he is the judge in all matters that concern his people (apart from limitations engendered today by the administrative system). Formerly, the office of the chief guaranteed the unity of the chiefdom as a territory as well as a body of rules and laws; today, the chief still provides the point of reference by which the people identify themselves as living *eMthweni*, "in the country of Mthwa;" more than that, his

homestead is still spoken of as *komkhulu* ("at the great place"), where the criminal is sentenced and the victim finds justice. Thus the perception of authority, among the people of Mthwa, is still bound up with the concrete reality of the chief's actions.

(b) *The Headman.*

In contrast to the power of the chief, who embodies all forms of authority in Mthwa, the headman's power embraces two distinct dimensions of authority: the administrative dimension and the dimension of the chief's council. I shall concentrate on the administrative function of the headman first. In Caguba and in the whole of Mthwa chiefdom village headmen are called *izibonda*. This corresponds to the official Transkeian terminology of *iibhodi* ("sub-headman," see Hammond-Tooke 1975:139-40). A village headman is in charge of a residential area which is officially called *isiphaluka*. This is referred to in Caguba as *ilali* (see p. 16). From the point of view of the Transkeian administration, the "sub-headman" is subordinate to the formally designated administrative authorities, despite the fact that from the point of view of the people of Caguba (and Mthwa) the village headman is an integral part of the working of the official system. In the following I shall ignore official terminology and restrict myself to the common Caguban terms. Consequently when speaking about the "administrative function" of the headman (village-headman), I shall be expressing the point of view of the villagers of Caguba.

In the past, the chief of Mthwa had his assistants and representatives who apparently were always called *izibonda*, i.e. by a noun which in the singular means "a pole or stake in a fence or hut" (Kropf 1915:42). The office of the headman has existed in Mthwa at least since the time of Hlamvana who assumed chieftainship about two decades before the annexation. At that time there were at least four centres in the chiefdom (i.e. in the area of the chiefdom which

remains today). Each of these centres were under a headman (*isibonda*). The function of the headman was described to me as *ilihlo lenkoci* ("the eye of the chief")⁽⁵⁾. The headman is (as was most probably the case in the past) appointed by the chief and is directly responsible to him. The headman is usually a commoner and his office is not hereditary. There is no specified term of office, but a headman will resign from office if he feels unable to fulfil his obligations, or he may be removed by the chief's decision. In all these decisions by the chief regarding the appointment or dismissal of a village headman, the chief is expected to consult the village concerned. The chief must ask the villagers to nominate suitable candidates and he must inquire into the efficiency of the appointee. But ultimately the village headman is a man of the chief's choice and, as a matter of fact, he may choose members of the royal clan if he so wishes⁽⁶⁾. The headman administers a village subject to and in the name of the chief. Since a village is a specified residential area (with its respective land for ploughing and grazing), the headman's authority is territorially defined, like that of the chief himself; but, the headman has received his appointment from the chief.

A headman has no formally-constituted council. Instead, all the homestead heads (*xmadoda akhileyo*, "the men who have built, scil. their own homestead") are expected to attend any meeting that may be called by the headman. The condition is (though not specifically laid down) that those who attend be men of the village. But if a man from another village comes to the meeting he will be permitted to speak. As for the headman himself, he has jurisdiction only over the people of his own village. The duties of the headman are, according to Headman Nothutha⁽⁷⁾, the allotment of building sites (*iziza*, singular *isi-za*) and the allotment of fields. These matters are first referred to him by the chief. The headman will then consult the men of the ward-section in which the applicant would like to settle. Regarding the fields, field-neighbourhood

does not usually play a part in the choice of the plot. The headman is the liaison officer between the chief and the school committee, if the village has its own school. If, for example, the school committee sees the necessity of organising work for the maintenance of the school buildings, it will refer the matter to the chief, who in turn will instruct the headman of the village concerned. Then the village headman will call or inform the mat-association leaders so that the work can be organised. From the point of view of time consumption, the most burdensome duty is the attending to complainants who may arrive at any time of the day (or night) requesting an investigation on the spot if a person has been harmed. The headman is an arbitrator of a lower court (see Chapter IV). Finally, it is his duty to attend meetings of the councillors at the chief's homestead; alternatively, the chief may call him individually, depending on the nature of the matter in hand if it concerns this particular headman's village only. The chief's council will be described in more detail later.

Clearly, then, the headman's authority is village oriented. In a sense, the headman represents the identity of his village as distinct from the other sub-areas of the chiefdom as a whole. The identity of the village is underlined in another way, namely the degree of social intercourse between the villagers of a given village as compared with social interaction between members of different villages. Although a considerable degree of communication exists between the villages of Mthwa (and even beyond the boundary of the chiefdom), particularly through sharing field-boundaries in the Mngazi River valley, the distances between the various villages make social intercourse less frequent. (This can be seen from the frequency with which people from the same village participate in work-parties of the *amalima-tile* (see p. 113) and by the frequency with which the same villagers participate in public feasts (see p. 200f).) In fact, the most intense social interaction takes place not in the larger community of the village, but in the individual ward (see p. 20). However, a ward is not formally recognis-

Caguba," runs. nor does it have its own authorised spokesman. The village is the only clearly delineated territorial sub-unit of the chiefdom, and the village as a whole is represented by the headman. In other words, the headman's authority is territorially defined. In terms of sub-territories, there is no lesser authority below the headman. The authority of the headman in regard to the village is administrative; only when he meets the other council members does he participate in the decision-making process of the chiefdom.

The Chief's Council.

In contrast to the powers of the chief and of the headman which relate clearly to specific modes of exerting authority in specific social situations, the powers of the chief's council are rather vaguely defined in present-day Caguba. They refer to the extensions of the *chief's* power rather than to a specific field of authority, in the sense of concretely defined social situations. Prof. Wilson (Hunter 1936:393-395) describes the "authority" of the chief's council aptly as a check on the chief's power, preventing it from becoming authoritarian and arbitrary. Her description need not be repeated here in detail. Suffice it to say that the chief's council refers only to the decision-making aspect of the *chief's* office. In this function as a decision-making body, the chief's council depends on the chief's authority as its validating *sine qua non*. However the council is indispensable for "good government," as has been shown in detail by Hammond-Tooke (1975:65-70). Both of the authors mentioned draw attention to the fact that the people never confuse the major functions of the chief-in-council⁽⁹⁾, his capacity as prime policy-maker and administrator on the one hand and his role as judge on the other. At least, to understand the position in present-day Caguba, one needs to go a step further: people do not only not confuse the two types of authority, but in fact they are quite explicit about regarding the chief's council and the chief's court (in its capacity of administering law) as two different bodies, not merely de-

facto in the given circumstances of present-day Caguba, but *de jure*. While the chief's court is referred to in daily speech as *inkundla*, the chief's council is referred to descriptively as *abaphethe komkhulu* ("those who carry authority at the chief's place")⁽⁹⁾. Furthermore, the chief's council is not to be confused with the "assembly of the people" (*imbuzo*) (see below).

"Those who carry authority at (Mthwa's) Great Place" during the period of my research, numbered about ten men whom I never saw actively working together as this decision-making body. I learned from some of the members about the council's existence and composition. Besides the chief, there were four village headmen, two senior royal kinsmen, and two individuals one of whom functioned as the secretary and "state prosecutor" (see p.142) during our sessions while the other lived at the chief's place. It is possible that there are more persons in the council than those listed here. A careful study of the very diverse composition of the chief's council will show that it is distinct from the court on one hand and from the assembly on the other. This important also indicates one of the limitations of the chief's council.

The chief's council *ex officio* is made up of the headman, royal members and the court secretary.

First, there are the village headmen. Mthwa comprises six villages of which four have a village headman at present. A certain headman administers three villages together. Appointed by the chief as administrators of the various villages, the headmen are also the chief's confidants. They are the "eyes of the chief" (see p. 61), and as commoners they know the interests of the people. Therefore the headmen *qua* councillors are well suited to advise the chief on matters of daily concern, for example, the allocation of fields to applicants who lag behind in paying revenue, or the popular support needed for a governmental scheme in the Mngazi valley, or the upkeep of school buildings and the like.

Secondly, there are senior members of the royal clan. This is not council membership in the strict sense of *ex officio*, because, as mentioned above (see p.59), royal clan membership does not imply any claim to a particular office within the chiefdom save the chieftainship itself. Senior royal clan members have a right to participate by virtue of their being *oonyana bakaHlamvana* ("sons of Hlamvana"), i.e. the Ncamane clan-section which provides the main line of succession to the chieftainship. Although I have no further records on the matter, my own interpretation is that the right of royal clan members to participate in the chief's council springs from the clan's concern for the chieftainship as such. It is the responsibility of the agnatic group of the Ncamane to see that the central office-bearer of the chiefdom fulfils his duties in accordance with the people's just expectations. Thus the senior Ncamane men are to be found particularly also in court as interrogators and as members of the jury (of course without excluding other mature men of the chiefdom, as will be shown); for the same reason, we find the Ncamane men in the chief's council as well. They are the men, after all, who had the decisive voice in approving or rejecting the claim of an heir, and in settling when a chief regent should vacate his position.

Thirdly, we find the court secretary in the chief's council. I am not sure whether he is a member of the council *ex officio* or by special appointment by the chief. The composition of the Chief's Council is summed up in the following Figure (Figure 2, p. 66).

The chief's council is, then, merely a consultative body of people at the chief's disposal; they assist him in "good government", as said above (see p. 63), in the sense of making decisions which fulfil the people's aspirations. As a consultative body, the chief's council does not meet in public (this is why I never saw the council in action as a decision-making body)⁽¹⁰⁾.

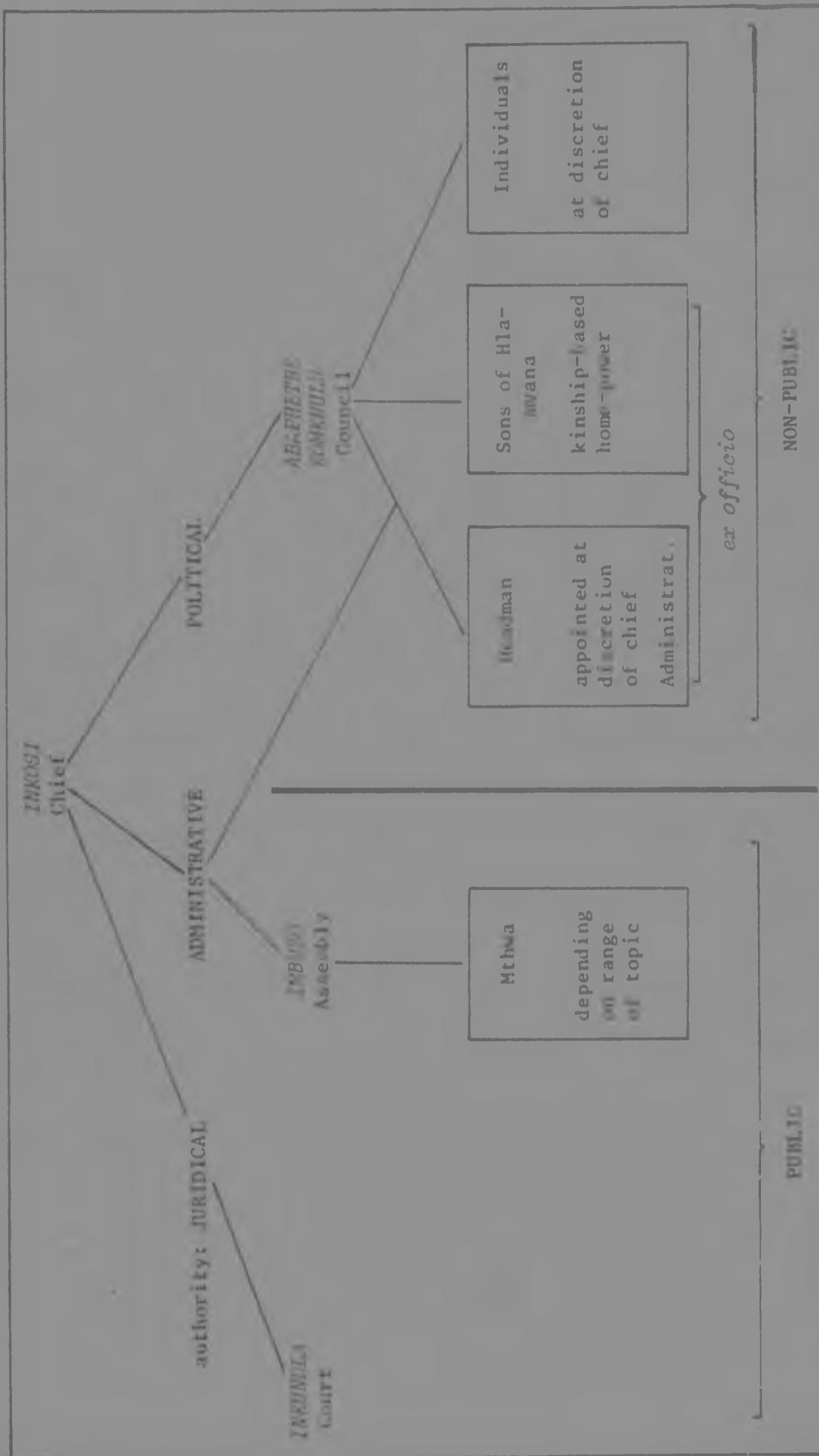


Figure 2. The chief's council and the kinds of authority of the chief.

This basically non-public nature of the chief's council is the first of this council's limitations. The various limitations to be mentioned now make it clear that the extent of the power of the chief's council is essentially the extent of the chief's own power and authority. This essential identity of the power of the chief and the power of the chief's council is what I mean by the council's limitations. But there are limitations in yet another sense: the chief's council includes members who, in fact, do not have a mandate for speaking on behalf of the people or in the people's interests, namely the members of the royal clan (it is of course possible for them to speak merely in their own group interests). In other words, the chief's council is not an all-embracing authority which includes the royal clan members, the representatives of the villages' internal administration, the headmen, the chief's court and the court secretary. This particular limitation appears most clearly with respect to the mat-associations which are not represented at all in the chief's council. On the one hand, the Cagubans indicated to me clearly that their mat-leaders (see below) belong to the decision-making mechanisms in the chiefdom and thus are important at the chief's place. On the other hand, they do not belong to "those who carry authority at the chief's place" (*abaphethe komkhulu*). This indicates then that there are two streams of decision-making in Mthwa society: one stream is that of the chief and his councillors; the other stream is that of the mat-leader. The mutual exclusiveness of the two streams can be traced to the distinct organisational forms of the groups to which the two streams of decision-making refer. As regards the chief (his councillors) and the headman, the organisational form is territorial; as regards the mat-leaders it is associational. Thus the limitation of the chief's council is in a sense the "limitation" of the chief and the headmen as territorially defined authorities.

The chief's council is further limited in that it is neither a forum, like the

This basically non-public nature of the chief's council is the first of this council's limitations. The various limitations to be mentioned now make it clear that the extent of the power of the chief's council is essentially the extent of the chief's own power and authority. This essential identity of the power of the chief and the power of the chief's council is what I mean by the council's limitations. But there are limitations in yet another sense: the chief's council includes members who, in fact, do not have a mandate for speaking on behalf of the people or in the people's interests, namely the members of the royal clan (it is of course possible for them to speak merely in their own group interests). In other words, the chief's council is not an all-embracing authority which includes the royal clan members, the representatives of the villages' internal administration, the headmen, the chief's court and the court secretary. This particular limitation appears most clearly with respect to the mat-associations which are not represented at all in the chief's council. On the one hand, the Cagubans indicated to me clearly that their mat-leaders (see below) belong to the decision-making mechanisms in the chiefdom and thus are important at the chief's place. On the other hand, they do not belong to "those who carry authority at the chief's place" (*abaphethe komkhulu*). This indicates then that there are two streams of decision-making in Mthwa society: one stream is that of the chief and his councillors; the other stream is that of the mat-leader. The mutual exclusiveness of the two streams can be traced to the distinct organisational forms of the groups to which the two streams of decision-making refer. As regards the chief (his councillors) and the headman, the organisational form is territorial; as regards the mat-leaders it is associational. Thus the limitation of the chief's council is in a sense the "limitation" of the chief and the headmen as territorially defined authorities.

The chief's council is further limited in that it is neither a forum, like the

people's assembly (*imbuzo*), nor a decision-making body like the court jury (*inkundla*); it is merely the chief's advisory body.

The very restricted function of the chief's council in Caguba is, indirectly, observable when all the people meet at the chief's place. Such a meeting is called *imbuzo* which means literally "a question"⁽¹¹⁾. I have rendered the term "assembly." The range of people who meet for an assembly depends on the nature of the "question" concerned: if the matter concerns only one village, then only its population is invited. One such meeting which I recall most vividly concerned a problem which had arisen regarding one of the school teachers at the time. The behaviour of the person concerned had become embarrassing and the public were asked how they felt about a certain decision of the chief's. If the question concerned the whole chiefdom, then the invitation would be extended to all the villages. Such a meeting took place when a new levy was introduced to finance new school buildings. As the vernacular title of the "assembly" indicates, such a meeting - whether on village or on chiefdom level - is a form of "question-time" rather than a decision-making session. A discussion is expected to ensue between the participants, men and women, but it is the chief alone who faces the comment or the criticism, and he will answer any query in person. During the meeting, the councillors of the chief's council have no particular role that would distinguish them from other participants. Like all the others present they may or may not express their views on the issue under discussion. They do not appear together with the chief as a corporate body.

Therefore the participation of the councillors during an "assembly" is not a matter of their position in the hierarchy of Mthwa society; it is merely a consequence of the nature of the meeting: the chief has invited his people to come and question (*ukubusa*) him on a vital issue which requires explanation (*ukuxelelwa*) by him, because he is the only person in the chiefdom who has the authority to give such an explanation. In fact by giving such explanations, the

chief fulfills one of his major duties in the chiefdom as the "owner of the country" (*umini'whla* or *umini'sizwe*). But by the same token, the "assembly" and the chief's council are clearly seen to be different institutions with different functions and different participants. The actual overlap of personnel is a matter of the nature of the assembly as including the "whole chiefdom" (*umhla* *a wonke*). During the assembly every participant has equal status, with the exception of the chief himself who is the only one who can "speak with authority" (*ukuthetha*)⁽¹²⁾.

Similarly, the council must be distinguished from the court and the court jury (*inkundla*). In the following chapter (see p.132 f) I shall discuss the court of the chief; here it suffices to say that I was told repeatedly that the village headmen - "explicitly, all of them" (*kakuhle, bonkre*) - belong to the court-jury, but they hardly ever appear *in toto* during any given trial; however, nobody, not even the chief himself, seems to be surprised by this "absenteeism." If the headmen belong to the chief's council by virtue of their office as headmen, then this does not constitute them jury of the chief's court. The jury as an institution belongs to all of the mature men of the chiefdom, not to a particular group from among them. Therefore, if council members appear in the panel of the court jury, it is because they are mature men, not because they are members of the chief's council. (More will be said in the following chapter about the jury.) This council has no juridical function.

In conclusion it can safely be said that in present-day Caguba the chief's council does not constitute a specific field of authority in concretely defined social situations. The power of the chief's council is the chief's own decision-making power. The people's assembly is a mechanism for clarifying matters rather than for making decisions. The court jury involves a different process of

decision-making and procedure altogether (see p. 50).

(d) *The Mat-Leader.*

Mat-associations are voluntary groups led by a man who is known in Caguba as *unondlu* which I have rendered as "mat-leader." Membership is, in principle, open to whomever applies. This section of the dissertation will describe the authority of the mat-leader and how this authority is related to the authority of the chief and of the village headman. Certain aspects of how mat-associations conceptualized, and how what I have called the "dominant clan" within a given association of the kind emerges, will be considered. Since the position of the mat-leader is the main concern at present, it is important to remember that the village headman's office is defined territorially and in dependence on the chief's appointment. It is my contention that the mat-leader's authority is defined differently: his dominion is that of the association's members, not of a specific area. Village headman and mat-leader represent different types of authority which cannot be related to one another, because in the context of political decision-making the mat-leader is not subordinate in authority to the village headman. The two authorities differ in type and in the organisation of the respective groups under their control.

The mat-leader's office is modelled on that of a lineage elder. The term for this office, *unondlu*, indicates this: it means literally "owner of the house." The term "house" is borrowed from the kinship context where it has a technical meaning. It indicates a group of agnatically-related persons, i.e. members of the same clan who have gathered at the house of one of their members. When referred to as a group, these members are called "the house" (*indlu*) in contradistinction to visitors who are present on an occasion when kinsmen and non-kinsmen meet (see below p. 342). Like such a group of agnatically-related persons, the mat-associations are determined by membership:membership creates

the "house," not a specific territory. The point of reference for such a group is a particular person. For the agnatic group it is an ancestor, the clan-section elder, the homestead head at whose place the kinsmen have met; for the mat-association, it is the "owner" of the association, i.e. the *mat-leader*. The analogy between the agnatic group and the mat-association, the elder and the mat-leader does not mean that a mat-association is, ideally speaking, a clan-section (see p. 24). The mat-leader is as different from the village headman as he is different from a lineage elder. The implication of the kinship idiom (or analogy) will be shown below. The mat-leader is "leader" and spokesman (see p. 48) of a voluntary association and he represents its interests in public. This becomes clear if we look at how a mat-association originates.

If a person has a complaint about somebody else who is not a member of his household or of the local clan-section to which he belongs, the first place where he can voice his grievance is at the mat-leader's. Should he not find the expected response from his mat-leader, he will try and gain support from other members of the mat-association in order to persuade their leader. A further representation will be made to the leader, this time by the little group of dissatisfied members. Still dissatisfied after a period of negotiation, the particular group of members will consider the possibility of establishing themselves as an independent mat-association. Such deliberations have nothing to do with the size of the on-going mat-association, nor (at this stage) with the number of dissatisfied members. It is a matter of the nature of the dissatisfaction; the word "nature" means here that the dissatisfaction refers to an interest which the group of people share, for example the location of the fields which each year are threatened by floods of water which pour down the hillside in heavy rain. Finally the people concerned will choose from among themselves a spokesman and take the matter to the chief with the

request that they may be allowed their own mat-association since they are no longer satisfied with their present leader. In other words, in such a case an existing leader is not deposed but deserted⁽¹³⁾. It will be up to the chief to decide whether this group of people may or may not "hive-off" from the existing mat-association. The spokesman for the new mat-association will announce *in public* the dissatisfaction and consequent hiving-off of his group using the following speech convention: "We are no longer satisfied with the meat, we are too many"⁽¹⁴⁾. Since this is an expression of the serious differences of opinion regarding the life of a group of members of the on-going mat-association, the phrase "too many" cannot be taken literally. Thus, for example, as was discussed in Chapter II, the Gxovuza mat-association of Caguba has 53 members (i.e. homestead heads), while the Dlova mat-association has only six. At one feast the various mat-associations were called up to receive their share of meat of the animal which had been slaughtered, one mat-association was represented by just two men. Thus the phrase "too many" is the public indication that there is no longer a consensus among the members regarding their mat-leader. The above analogy of "hiving-off" must therefore be understood with great reservation: people do not separate from an on-going mat-association because they have become "too many", but because they cannot find a minimum consensus within that association. In other words, a mat-association is a group of associates; it is associational⁽¹⁵⁾. In contrast to the authority of the village headman, the authority of the mat-leader is derived from the consensus of the members of his association, and not from a specific territory. But as such an "association," a mat-association and its leadership is recognised by the chief as a "constitutional" part of Mthwa polity. As the chief must be approached for permission to establish a new mat-association, so the chief will be present when the mat-leader and his association are formally (ceremonially) installed.

The chief's presence as the representative of Mthwa polity writ large expresses

the fact that a mat-association is part of the overall political, decision-making life in Caguba. At the ceremony of the new mat-leader's installation, the old mat-leader will formally relinquish to the new one authority over the separating section of the old association. Thus, the old mat-association splits, authority too is split. The terminology of this formal process of handing over is interesting: it is again (see p. 70) taken from the kinship framework: the old mat-leader will exhort the new one to become the "father" who "cares for" (*ukuphatha*) his "children" of the now independent "homestead." This kinship analogy expresses two things: first, the unity of the new group; this is expressed in the concept of the homestead which is the smallest politically recognised and juridically protected social unit of Mthwa (for my restricted technical usage of the term "homestead", see p. 156). Secondly, the analogy expresses the authority structure of the new group in the role-definitions of "father" and "children" (in the vernacular, *umnumzana* and *usapho*): as the homestead head has authority over his "family", so the mat-leader has authority over his association; as the homestead head represents his family to the outside world and will be taken to task for the misbehaviour of members of the household, so the mat-leader represents his association to the outside world, and he will be taken to task if things go wrong. In other words, the mat-association as a whole and its leader are expressions of interests for which the respective association stands: the members have a right to formulate their interests and to express them in public: a mat-association is a political unit, and its leader is a political leader.

Unlike the village headman, the mat-leader does not rule over a territory: he leads people; or in the words of common speech in Caguba, he "carries people" (*uphethe abantu*); and as such he is very much like the chief. But unlike the chief, the mat-leader is not defined by his position in an agnatic group of kinsmen; rather he has been chosen by the people of the ma'-association to

lead *ukukhoknezi* (see p. 49) them. The organisational form of the members of a mat *isithebe* is associational, and the form of their leadership is consensual. Thus, the type of authority exercised by the mat-leader cannot be deduced from the type of authority exercised by the chief and the village headman. Yet, although the mat-leader represents people, he is *ex officio* not a member of the chief's council, the chief's policy-making mechanism. There is an obvious hiatus in the political system of Mthwa society.

The first function of the mat-leader is to lead a particular section⁽¹⁶⁾ of Mthwa society, a section self-constituted to attain a specific goal. But the mat-leader has a second function within the administrative "hierarchy" of the chiefdom as a whole. This hierarchy represents the mechanism by which decisions pass from the highest "level" of authority (of the chief) to the lowest one (of the homestead). The mat-leader is a particular step on the hierarchical ladder of Mthwa, and this in two ways. First, in his administration of day-to-day affairs, e.g. matters concerning the village school, or the restoration of a path washed-away, or matters which come from the central government via the chief's office, such as paying a maintenance fee for a state-owned tractor for ploughing purposes⁽¹⁷⁾. Secondly in the sense of administering law; this will be developed in the next chapter.

In the administration of daily affairs, the mat-leader is subordinate to the village-headman of the respective village. But although the headman is a member of the chief's council, he does not represent the people for whom he is spokesman in the way the mat-leader does. The headman's authority is territorially defined. Thus, in one sphere, — in the political sphere of decision-making, the mat-leader is *independent* of the village-headman; he is in direct contact with the chief. In the other sphere, i.e. the hierarchical sphere of carrying out the chief's decisions, the mat-leader is *dependent* on

(18)

the village headman who is the intermediary between him and the chief

The last point to be made about mat-leadership is the question of succession. There are two general rules. First, there is no term of office; a mat-leader functions until he is recalled by the members or resigns because of ill-health or any other personal reason. In principle, the office is challengeable. Secondly, should a mat-leader die, the members are in principle free to choose whomever they think suitable for the position. The restriction "in principle" is important, because in fact matters take a different course. First, with respect to the challengeability of the office: unless this is a unanimous decision by the whole mat-association, it will result in a splitting of the group into two separate mat-associations. In consequence, a mat-leader is chosen once and for all. Secondly, in the case of a mat-leader dying, his eldest son will most likely be "chosen" for the office. This brings me to what I have called the "dominant clan" (see p. 31).

In a mat-association a particular agnatic group often holds the majority. As far as my evidence goes, this appears to be linked with the history of the emergence of a new mat-association. There are two major lines along which a given mat-association may separate into two groups; one is neighbourhood in the sense of spatial proximity, the other is kinship. Two of the following mat-associations broke away from the same parent association (Gxovuza): one (Makete) on a basis of kinship, the other (Mawotshe) on a basis of neighbourhood; the figures of the respective "dominant clan" reflect these facts:

Mat-Association	Dom. Clan	Members of Dom. Clan		Not Members of Dom. Clan	
Makete	Gwangule	12	70 %	3	30 %
Gxovuza	Ncamane	28	53 %	25	47 %
Mawotshe	Wotshe	5	25 %	15	75 %

Evidence suggests that a particular clan-section's numerical dominance stems from certain circumstances in the history of the breakaway of the emerging group⁽¹⁹⁾. But there are two further reasons why mat-associations are conceptualised as kingroups. The first reason is matter of recruitment. The homestead head determines the mat-association membership of all the members of his household (see p. 31). A daughter will change her mat-associational membership after marriage should her husband belong to a different association from that of her father. Sons may change membership after they have established their own independent homesteads, but usually they do not. A married son continues to belong to his father's mat-association. Thus association membership is self-perpetuating - like membership of an agnatic group of kinsmen. Yet my informants never wavered in their insistence on membership's being voluntary. The reason is a matter of the "ordinary" succession to mat-leadership after a leader has died. As stated above, the members are, in principle, free to elect any member of the association as the next incumbent. But they are most likely to choose the dead man's eldest son. In Caguban parlance: the members "confirm" or "make strong" (*ukuqinisa*) the late leader's position. The consensuality of the mat-leadership is deliberately preserved, and the "dominance" of a particular clan-section has taken root; it has become the "dominant clan." A mat-association's leader and that association's dominant clan-section's elder merge in a single person, but kinship remains the only idiom through which the mat-association understands itself. In spite of the merging of the two roles, the mat-leader does not owe his position to his birth as the clan-section elder does; even though a particular mat-leader may have succeeded his father and grandfather in office, his association will still regard his appointment as being the result of their consensus, not merely hereditary.

(e) The Local Clan-Section Elder.

I mentioned earlier the great number of clans which are represented by one or

more homesteads in Caguba. It is obvious that the representatives of two or three homesteads do not constitute full clans. But neither do those homesteads in Caguba with a great number of members. Not even the royal clan, the Ncamane, constitutes a local corporate group.

In a given

area, there is only what I have termed a local clan-section (see p. 24).

(It is not my purpose in this section to discuss the Mthwa kinship system in ^{detailed}, I shall merely attempt to clarify the role of the agnatically defined authority).

It has been pointed out (see p. 24) that a clan is a group of people whose unity is based on the assumption of the patrilineal descent of its sections and members. One may not necessarily be able to demonstrate this unity. For example, in Caguba the Gwangule clan is represented; here it comprises several sections of which the largest are Nogwina, Nodaza and Ngaphu, named after their respective apical ancestors, i.e. those ancestors who lived several generations back and who are the identifying points of the respective clan-sections. All these sections can trace their descent beyond these apical ancestors, but nowhere does the assumed genealogical ancestry of each meet in a common ancestor of the Gwangule. In other words, the Gwangule maintain their unity, but their common origin remains putative. Putative as it is, it is expressed in the patrilineally inherited clan-name. Since such patronymy is quite consistent in Mthwa (as in other Nguni-speaking societies), the clan-name provides the members of a clan with "certainty" about their common origin. Thus the clan can assume certain functions in Mthwa society. First, it defines the rules of exogamy: it is considered incestuous for a person to have a sexual relationship with any other member of one of the four grandparental clans. Secondly, clan ancestors are invoked on the occasion of an ancestral feast; they are praised and implored.

The unity of the clan is not expressed by recognition of a clan-head. A group-wide control based on agnatic kinship exists only with respect to a given local clan-section. By clan-section, I mean a type of social grouping which, depending on the anthropologist's approach, can either be formulated as an idealized type of such grouping or described as an empirical social reality. As empirically observed, a clan-section refers to a group of people who share a clan-name and live within a distance of one another which allows relatively easy communication and social interaction. The actual clan relationship between the members of the group may or may not be demonstrated genealogically. Closer inspection of these local clan-sections leads to a formal definition of them. An inspection of the genealogical relationships between the members shows that more often than not these relationships are demonstrable within a range of four to five generations. This means that within this range, the common ancestry of the members can be demonstrated. It does not mean that all the descendants of the ancestor concerned belong to the local clan-section; in fact there may be only two or three member-homesteads in Caguba. However, in order to state the agnatic relationship, the full range of four to ^{five} generations may be necessary. This consistency in demonstrating genealogical relationships has led some to conclude, regarding other Nguni-speaking peoples, that there are formal or idealized clan-sections defined by this demonstrable common ancestry. The demonstrability of the relations between such sections is very limited, sometimes non-existent. In any case, common ancestry (it may be putative or demonstrable) is an important aspect of the whole kinship system and it will concern us again when speaking about the "apical ancestor" (see below).

The idealised clan-sections have been called *lineages* (see Hunter 1936, edition 1961:XI; Hammond-Tooke 1968b:83). In the following, when I want to emphasise this idealised form, I shall use the term "lineage", otherwise I shall retain the term for the empirical social reality, the "clan-section".

The unity of the clan is not expressed by recognition of a clan-head. A group-wide control based on agnatic kinship exists only with respect to a given local clan-section. By clan-section, I mean a type of social grouping which, depending on the anthropologist's approach, can either be formulated as an idealized type of such grouping or described as an empirical social reality. As empirically observed, a clan-section refers to a group of people who share a clan-name and live within a distance of one another which allows relatively easy communication and social interaction. The actual clan relationship between the members of the group may or may not be demonstrated genealogically. Closer inspection of these local clan-sections leads to a formal definition of them. An inspection of the genealogical relationships between the members shows that more often than not these relationships are demonstrable within a range of four to five generations. This means that within this range, the common ancestry of the members can be demonstrated. It does not mean that all the descendants of the ancestor concerned belong to the local clan-section; in fact there may be only two or three member-homesteads in Caguba. However, in order to state the agnatic relationship, the full range of four to ^{five} generations may be necessary. This consistency in demonstrating genealogical relationships has led some to conclude, regarding other Nguni-speaking peoples, that there are formal or idealized clan-sections defined by this demonstrable common ancestry. The demonstrability of the relations between such sections is very limited, sometimes non-existent. In any case, common ancestry (it may be putative or demonstrable) is an important aspect of the whole kinship system and it will concern us again when speaking about the "apical ancestor" (see below).

The idealised clan-sections have been called *lineages* (see Hunter 1936, edition 1961:XI; Hammond-Tooke 1968b:83). In the following, when I want to emphasise this idealised form, I shall use the term "lineage", otherwise I shall retain the term for the empirical social reality, the "clan-section".

In Caguba, clan-sections exhibit certain patterns, structurally and with regard to the behaviour-patterns of the members of the clan-section. These patterns are of interest here in order to understand a particular senior position within a clan-section, i.e. the position and authority of the clan-section elder. For our purposes, among the most important elements of these patterns is the fact that the members of a clan-section are ranked according to the generation to which they belong and according to the respective generational sequence of their birth. This becomes very significant when they invite one another to ancestral rituals: the highest-ranking man among them is approached with respect and his opinion carries weight in their discussions. This man, the "elder", functions as officiant at a certain stage of the ancestral ritual, and he acquires the property of a member's homestead when there is no other heir to it (see p.246f).

The role of the clan-section elder is designated in Caguba by two terms, *inkulu* and *intloko*. In Mthwa society, the term *inkulu* (a noun derived from the adjectival stem /-khulu/, "big") is a relational expression and denotes in its simplest social application the highest-ranking man among brothers, i.e. sons of the same father. Primogeniture (*ubuzibulo*) determines ranking, thus the "elder" is the first born (*izibulo*) among brothers. In other words, the term *inkulu* expresses the agnatically-defined seniority of a man over his brothers. The senior or elder brother is called *umkhuluwa* (or *umkhuluwe*; the base of this noun is derived from the aforementioned adjectival stem meaning "big"); the junior brother is called *umminawa* (or *umminawe*). This irreversible relationship between brothers is passed down to their respective children so that the groups of descendants of the brothers are related to one another in the same way as the brothers themselves. This relationship of extended seniority (of agnatically related groups of descendants) is the basis of the role-definition of the clan-section elder in the

sense of *inkulu*. This position is, in anthropological literature, often referred to as "lineage elder." In the idealized situation, the lineage elder ranks first among all the descendants of a demonstrable common agnatic ancestor. In this idealized sense, he is the first-born son of the first-born son, etc., until the common ancestor, the "apex", is reached. On account of this particular position, he has a certain authority which includes all the descendants of the apical ancestor; the elder's authority is "inclusive."

In contrast, there is the second term for an "elder," namely *intloko*. This term means literally "head" (of a person or an animal), and figuratively "the top" of something, the "apex." So, for example, *intloko* may be used for the father in a nuclear family; he is "head" of the family. Or it may designate a person who has been put in charge over a group of people, or the common grandfather of two men. In other words, *intloko* always expresses some kind of (final) authority over a given group of people, as opposed to or to the exclusion of any other like group of people. Depending on the situation to be described, I shall render *intloko* as "ancestor," "father," "head," "apex." In each case, the "head" defines the group which is united by him to the exclusion of any other like authority; he has authority over all his descendants, to the exclusion of any other person; his authority is "exclusive." The following diagram (Figure 3, p. 81) depicts the application of the two terms *inkulu* and *intloko* ("elder" and "head" respectively) and their corresponding types of inclusive and exclusive authority.⁽²⁰⁾

Inkulu(elder) defines a relationship of seniority between sub-~~an~~ical ancestors and their respective groups of descendants, while ~~intloko~~ defines the axis as the authority within a "total" section or one of its sub-sections. As the diagram (Figure 3, p. 81) indicates, an individual may be rightly called "elder" or "head; but the two terms are clearly not synonymous. All depends on

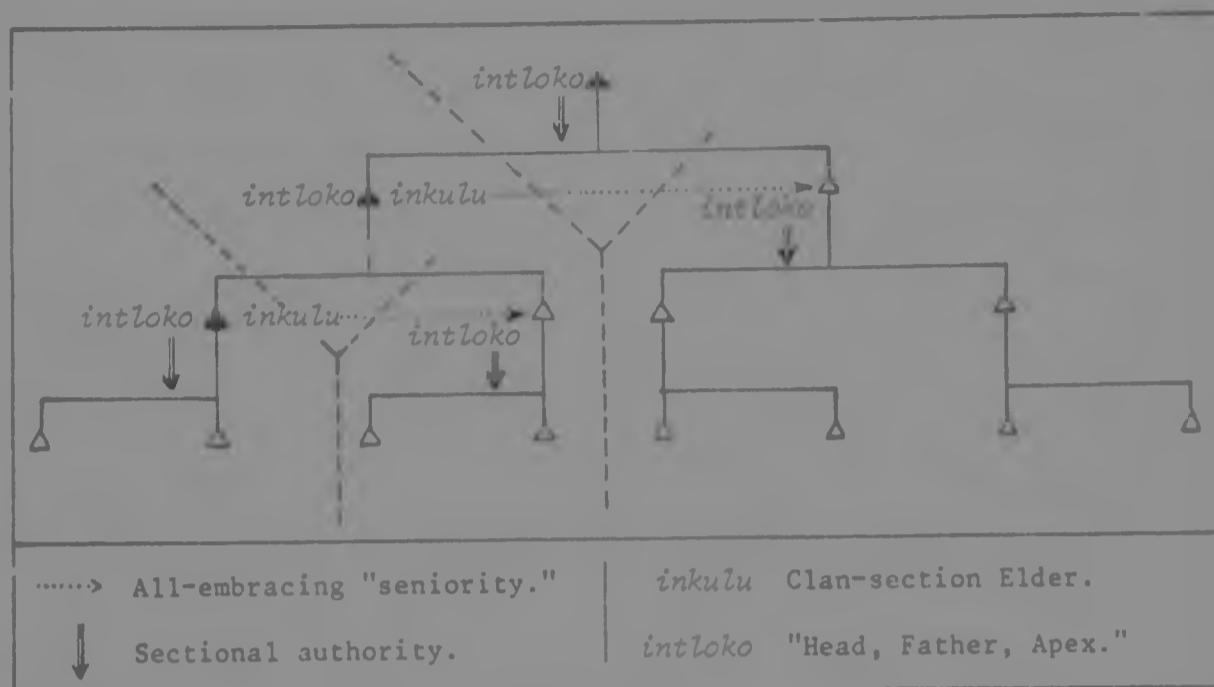


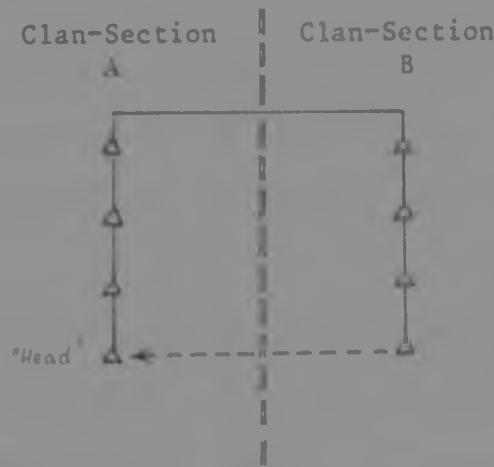
Figure 3. Agnatically defined authority in Mthwa.

how one sees the person: if in relation to other, younger brothers, then he is called "elder;" but if in relation to descendants, then he is called "head," and in such a case he is the personification of authority; but in this latter case, he is not an "elder."

Since the word for "head" denotes authority, and since such authority is group specific, the term is used in common speech to denote the head of any local clan-section, replacing the term *inkulu* which from a formal point one would expect. Thus, for example, I heard a widow speaking about the son of her late husband's brother as the "head" (*intloko*) who was negotiating her daughter's bridewealth. In this example, the genealogical context is very narrow, comprising only three generations:



On another occasion, an ancestor ritual which requires the clan-section elder (i.e. the most inclusive authority) for the performance of part of it, the particular elder was referred to as "head", i.e. the "exclusive" definition of agnatic authority. In addition, the particular elder belonged to a different lineage"



In short, the term "head" (*intloko*) indicates the person who is "in charge", who carries authority (*ukuphatia*) in the context of a particular situation. It is important, however, that in the clan-section the actual genealogical relationship should be able to be demonstrated and thus the kind of authority defined.

The second point of interest is the group themselves to which the two terms of agnatically-defined authority refer. Related to this pair of terms is another pair that defines the actual agnatic groups involved. These terms are *umnombo* and *umlibo*. *Umnombo* means literally the principal root of a tree, and *umlibo* denotes the branching-off of shoots of a pumpkin plant. Often, when used in the figurative sense of kinship relationships, these two nouns are used in the plural, *imnombo* and *imlibo* respectively. The aim of the following (as of the whole of the present section) is to show that the clan-section elder as *inkulu* (in the formal sense of lineage elder) cannot have decision-making authority in Mthwa society, since agnatically-defined auth-

rity can speak only for descendants, not for brothers once they are owners of separate homesteads; the brothers may be "real" or classificatory. This is actually a consequence of the foregoing discussion, and the inability to make political decisions regarding the lineage (clan-section) is clearly reflected in the actual agnatic groups to which the two terms of agnatically defined authority refer. There is one exception, however: the chief's position, which is in part also agnatically defined (see p. 58), yet his authority extends over all the people of Mthwa. Thus kinship-defined and politically-defined authority are distinct.

The term "head" (*intloko*) is group-specific, it segregates the people who are "united" under their specific head. These people are referred to collectively as *umlibo*, a "branching-off shoot," i.e. a group comprising an apical ancestor and his descendants. But the term *umlibo* does not define an agnatic group of any particular depth; it may, in actual fact, comprise three generations or six (as in the cases quoted above, pp 81-2). Thus a Mthwa *umlibo* defines neither a lineage nor a lineage section as understood in classical anthropological literature⁽²¹⁾; it could define an agnatic group of any generational depth including a "lineage"⁽²²⁾ or a "lineage section"⁽²²⁾ (in the idealized sense), but what it does define is an agnatic group united under a common head who has full authority over the people descended from him⁽²²⁾. Ideally speaking, the "head" (*intloko*) and his "descendants" (*umlibo*) are directly correlated terms for agnatic authority and a group of agnates.

In contrast, there is no direct correlation between an "elder" (*inkulu*) and the group of agnates which he represents. He represents agnates who (besides his own descendants) are related to him through someone senior to himself, i.e. an ancestor of at least one generation earlier. Although in the privileged position of being the "elder," he is still a branch of the "principal root"

(*ummombo*). This is the term for any ancestor who is a point of "common origin," who may be the father of "real" or classificatory brothers. It must be stressed that *ummombo* does not define any particular generational depth; a given case may comprise three or six generations, or a whole clan or, in fact, a clan-cluster. The essential thing is that, ideally speaking, a lineage elder always points beyond himself to a source of common origin (a person who "once upon a time" controlled exclusively authority, but whose authority eventually split). In short, *inkulu* (the elder) and *ummombo* (the members) are not directly correlated terms for agnatic authority and a group of agnates.

It appears then that in Mthwa society *umlibo* and *ummombo* denote segments of a given clan in relation to a demonstrable ancestor. But the situational basis of the "apical ancestor" indicates that the terms are two modes of defining (and validating) authority. Both authorities are positionally ascribed, are roles within the agnatic kinship system. But while *umlibo* ("the agnatic branch") defines the authority of the "head" (*intloko*) as the power controlling a certain group of descendants; *ummombo* ("the agnatic unity") defines the authority of the "elder" (*inkulu*) as seniority among real or classificatory brothers. Seniority has moral weight and ritual significance, but it is not a mode of control over people in Mthwa. The royal clan of Mthwa (the Ncamane) provides a clear example of agnatically defined authority (see p. 88f). This clan shows even more clearly why it is correct to say that "segmental" (M.G. Smith) kinship and Mthwa political authority are distinct.

The two main clan-sections (*imilibo*) of the Ncamane in Caguba (there are further sections in neighbouring villages) are known by the names of Mbulawa (an ancestor, six generations removed from the present heir to the chiefdom) and Fono, Mbulawa's son. This father-son relationship between the apical ancestors (23) of the two sections immediately rules out the possibility of a segment's being

81

known by the last remembered ancestor. That the "Fono" and the "Mbulawa" are in fact two distinct clan-sections became clear to me on certain ritual occasions where only "Fono" or only "Mbulawa" members were present, apart from the fact that the members persistently referred to one another in terms of the respective apical ancestor. The common ancestry of "Fono" and "Mbulawa" is the latter's father Khiwane (see Figure 1, p. 5). In daily life - as far as I could observe - reference was seldom made to Khiwane. Indeed, in indicating the unity of the two sections, Khiwane is no more important than the far distant ancestors Mkhondwana and his son Sukude⁽²⁴⁾. Khiwane defines the *umombo*, the agnatic unity; he is the source of that feeling of togetherness associated with the English word "clan." But the name of Khiwane carries no authority, neither in the sense of control over a certain group, nor in the moral and ritual sense. However, this is not the case for Khiwane's two grandsons, Fono and Nonjuzana (see Figure 1, p. 5). They are remembered and must be remembered in the proper sequence of birth, because (a) it defines the control or each one over the "Fono" and the "Mbulawa" sections respectively, and (b) it defines the political authority of one of the two clan-sections, i.e., of the "Fono", over the chiefdom of Mthwa. Both segments still belong to each other, because they both belong to the *umombo* of the Ncamane clan. Thus, for example, members of both sections are in the chief's council. But as soon as it comes to the question of controlling power, the two sections emerge as distinct, they are "branching off" (*imililo*). The following diagram (Figure 1, p. 86) shows this.

Thus in a certain sense the conclusions of scholars concerning the distinction between clans and lineages are confirmed by the data from Mthwa society, though the Mthwa people seem to be more flexible in defining the actual operating range of agnatically-determined clan-sections. In terms of this flexibility we understand why such operating sections have the relatively shallow

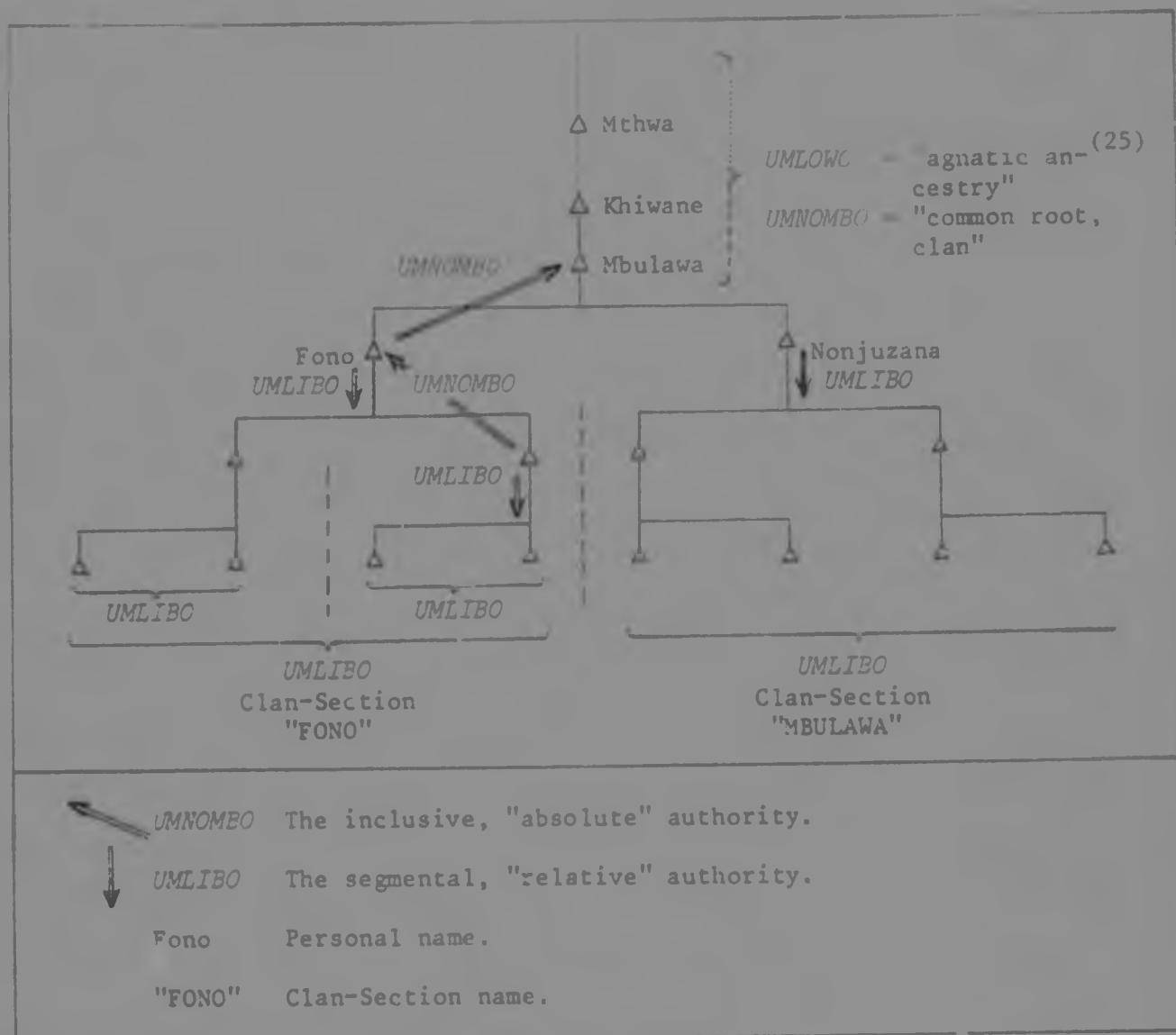


Figure 4. The inclusive and segmental agnatic groups of Mthwa clans.

depth of four to six generations which is so characteristic of the whole Nguni-speaking area (see Hammond-Tooke 1968b). As the preceding diagram (Figure 4 shows, the reason is not that the people cannot remember any ancestor further back. They can, and moreover are able to demonstrate this. It is rather that they consider the range of the *inku*- relationship to be what matters; and this not merely for the sake of determining seniority, but for the more important determination of authority as control over people (and as will be shown over property where the range of authority is very narrow, comprising not more than three generations; see Chapter VI) within each of the related sections. In other words, the politically relevant generation of the agnati-

cally ancestral line defines the depth of an operative segment (section) of a given clan. Whatever goes back further than this generation is of a ritual-ceremonial nature and belongs to *ummombo*, the "main root" and sign of unity which, in the last analysis, combines the living and the dead in an agnatic ancestry (*imilovo*) (see p. 321).

In summing up, an important incongruence between the two pairs of terms appears. A particular man, a "lineage 'elder'", is at the same time "head" (*intloko*) of his descendants and "elder (senior)" in relation to his brothers and their descendants. But while there is a term that defines the group of people under his authority, i.e. the *umlibo* (or more commonly *imilibo*), there is no word for the group over which he presides as the senior. If he wants to express his seniority, he must refer to the "main root" (*ummombo*) of which he himself, like the others, is merely a descendant and thus a "junior." But the point of reference of all those who belong to the "main root", the ancestor (*imilovo*) who is the source of the senior's inclusive authority (see p. 80), is already dead. The death of the ancestor was the cause of the elder son's rising to the position of "elder," but through the same death of the common ancestor of the two older and younger brothers, the various "sections" descending from the dead man began a life of relative independence of each other. Each sectional "apex" (the older and the younger brother) became *intloko* in his own right, and thus authority was split. How can we understand this particular feature of Mthwa society where agnatically-defined authority does not simply rest with a "lineage 'elder'"? The answer to this question takes me to the third point of interest in discussing the role and authority of a local clan-section elder.

From the evidence it emerges that the people of Mthwa see a man's authority as accumulating (*ukuqweba*) over the years of his life rather than as a pack-

age which he inherits from his father. He may accumulate at least three different types of authority: economic, ritual, and political. This is, in principle, no different whether the man be a first-born or a second, a member of the royal clan or of a commoner clan, except that, in the latter cases of commoner clans, the word "political" has different meanings. Only the heir to the chiefdom accumulates political authority which is Mthwa-wide; all other men acquire the authority of a homestead head. Regarding the first pair of terms (of the first and second-born sons) there would be a difference, if the older and the younger brothers grew up together, lived in the same place all their life and died on the same day. Of course, this is not likely to occur. The reality is that a man dies and leaves his sons who are at different stages of their own lives. What happens then? The answer to this "procedural" question is the answer to the question of the authority of a clan-section elder in the overall context of Mthwa. My example is that of the royal clan in its present situation⁽²⁶⁾

Chief Mkhovu, the late Chief of the Ncamane, had accumulated, over a lifetime, these three different kinds of authority. The first economic, the control over the property which he had inherited in his mother's household⁽²⁷⁾ after the deaths of his own father and mother (see Chapter VI, Section 3b). Later on, after several years of negotiation among the kinsmen of the Ncamane, he became "heir" (as chief regent) to his father's political power (see p. 10). Finally, when all the other elders of the "Fono" clan-section before him had died, he assumed ritual authority. When Chief Mkhovu died, all three types of authority were not passed on to his principal heir. Each of his seven houses (seven polygamous households) inherited property and with it economic authority over their respective belongings independently of each other; and thus each household advanced to the status of what I call a "homestead" (see Chapter V). Ritual authority went to his oldest living brother (in fact a

half-brother), a son of Hlamvana's sixth house. The heir to political authority was still a minor when Mkhovu died. A chief regent had to be chosen, who holds this position today (1982). The following diagram (Figure 5) sums up this development in the form of a genealogical charter.

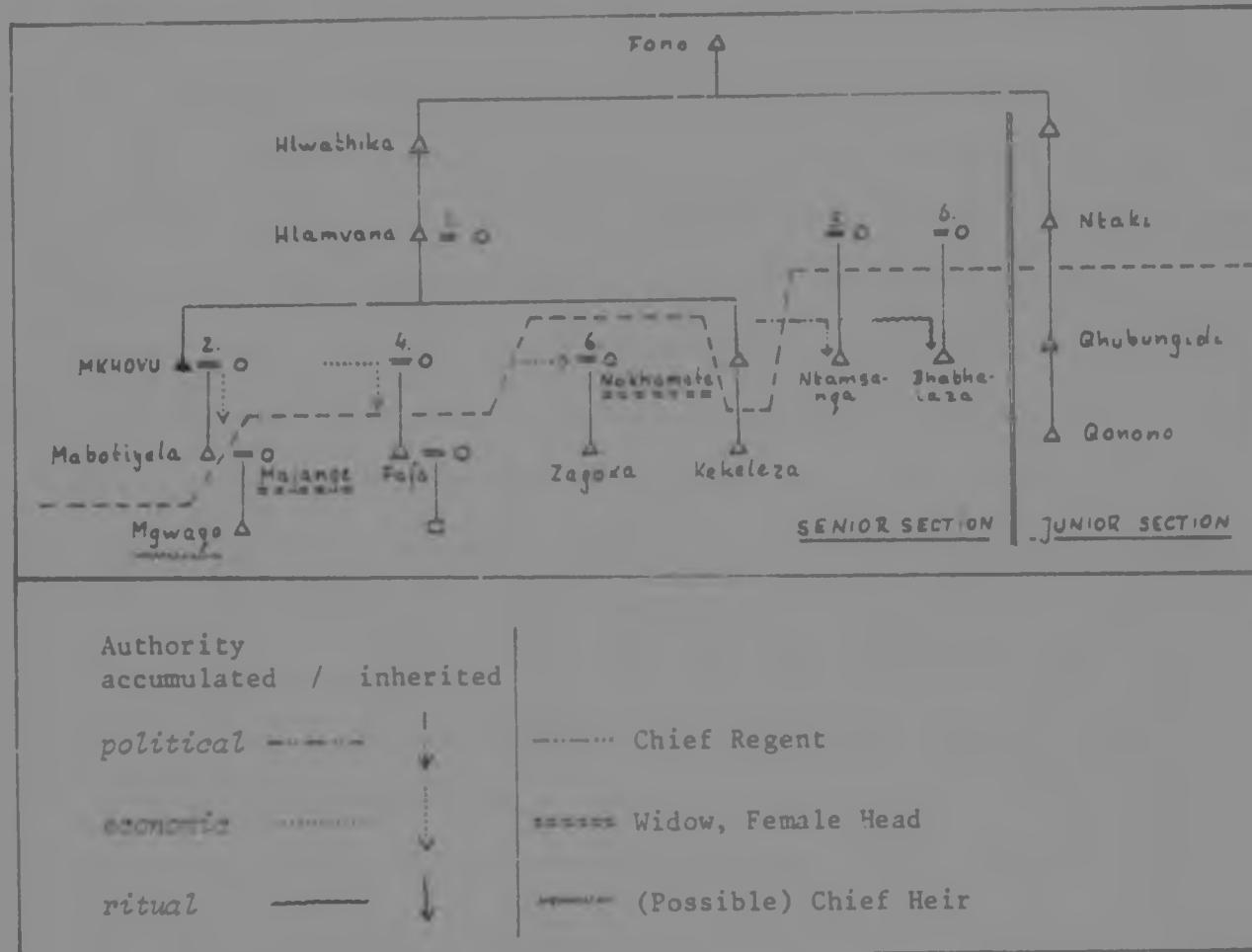


Figure 5. Accumulation and inheritance of agnatically-defined authority.

We see, then, that in Mthwa society it is almost impossible to define exactly the authority of a clan-section elder over an agnatically-defined group of people unless the total social context in which it is exercised is known. Even if we (as observers) can list the kinds of potential authority of such an elder, this does not mean much in view of the fact that this listing must always refer to a specific point in time, in order to make sense in Mthwa society. All that we can say on the level of abstract discussion is that the clan-section elder may carry weight in the process of decision-making. He is *inku'u*,

the senior "brother", the representative of "father" who must be respected. As such he should call on the ancestors when ritual killing takes place. Then, with regard to his economic authority, this is hardly more than nominal beyond the boundary of his own homestead. Economically speaking, Mthwa society is characterised by a strong homestead individualism; and a local clan-section does not hold property in common. The elder wields a certain juridical authority which I shall discuss in the following chapter. If a conflict arises between the members of the local clan-section or a dispute that involves one of them, then *funa kwaphay entloko* ("it calls the attention of the 'head'"). But the elder must be approached first, because he will not act on his own initiative, on his "authority" or as if the matter concerned him. Finally, the clan-section elder's word carries only moral weight and therefore cannot be enforced beyond the "word of mouth" (*ngomlomo*): the elder cannot levy a fine. But if a case proceeds to the mat-leader's court (see Chapter IV, Section 2), it is presumed to have been heard (inconclusively) at the "court" of the local clan-section (see p.108f). Thus we see that the authority of the clan-section elder becomes integrated into the wider context of Mthwa social life as we move to the juridical processes (just as the authority of the mat-leader does). Yet the authority of the clan-section elder is decidedly different from that of the mat-leader: the elder's authority is positional, defined by right of birth (*ubuzibulo*). The range of his authority is defined by a group of kinsmen united "by blood" (*ngegazi labo*), as the common phrase puts it. But the question of birth takes us to the place of birth, to the homestead which is controlled by its homestead head who "owns" a specific type of authority with a specific range of enforcement.

(f) *The homestead Head.*

"Homestead Head," as used in this dissertation, translates the vernacular expression *ummini'mzi* which means literally "owner of the homestead"⁽²⁸⁾. The "owner" is the person who has control over the members of the homestead. In case of a female head, the vernacular term used is *umminikazi'mzi* or simply *umnikazi* which means literally "female owner of the homestead." Here I shall ignore the possibility of female homestead heads, since this complicates the issue unnecessarily. But one point should be kept in mind always when the term "homestead" occurs in this dissertation: the vernacular word *umzi* ("homestead, household") has, like the English equivalent "homestead", a spatial meaning; but, unlike the English word, the Xhosa word has, in addition, a juridical implication, irrespective of the actual spatial situation of the homestead. It is this juridical aspect which the use of the English rendering is intended to express in this dissertation. The spatial aspect will be expressed as "household." In the sense as used here, *homestead* is the smallest unit which is controlled by an authority largely independent of all other political authorities except the chief. This authority is the homestead head. A household is subordinate to his authority (for the detailed discussion, see Chapter V).

The homestead involves authority at its smallest range, over a very specific group of people, namely those who belong to the homestead either by birth, by marriage, or by agreement with the homestead head. Thus his is an authority to be understood in terms of membership of the juridically-defined homestead. It is an all-embracing authority, like that of the chief. Like the chief, any mature man - i.e. a married man with children - may be addressed as "chief" (*inkosi'*). The difference between the "chief" of Mthwa polity and the "chief" of a homestead is a matter of rank, not of difference in maturity. Thus the Mthwa chief's homestead is *umzi omkhulu* ("great homestead" or "great place"),

while the homestead head is referred to as *umnumzana* ('head of the little homestead'). Finally, any homestead head, as "as a man who has built (his own homestead)" (*indoda eyakhileyo*), has the right to attend meetings at the village headman's place and may voice his opinion during hearings at the chief's court (*enkundleni*) (see p. 131).

The homestead head acquires his authority by virtue of his being a husband and the father of (his) children. In other words, the institutions of marriage and of (social) paternity are intimately linked with his authority. His authority literally grows with the growth of his family (*usapho*) which includes his wife (or very rarely, wives) and their children. Wife and children are expected to submit to his authority; he in turn is expected to "protect" them (*ukugcina* or *ukuphatha*). The homestead head has the right "to speak with authority" (*ukuthetha*) and to demand obedience (*ukuyala*). He speaks on behalf of his homestead to the outside world; he represents its members in court and he is responsible for the misdeeds of the homestead members under his charge. Thus the homestead head's authority is "responsible jurisdiction." For example, his wife is expected to submit to him (*ukuzithoba*), but if she does not do so he may correct her resorting to corporal punishment; however, blatant and continued maltreatment gives her the right to return home. The husband will then have to appeal in person to her father or her guardian to allow her to rejoin him in his homestead. If the father permits his daughter to return, this will not happen without a severe "instruction" (*umyalo*)⁽²⁹⁾. This happens at a special meeting at which not only the kinsmen of the maltreated wife will be present, but also senior kinsmen of the husband. The husband will receive a severe admonition about the rights and ~~privileges~~, freedom and limitations of his position as husband (*wmyeni*) and homestead head (*umnumzana*); these admonitions will come from his wife's and his own kinsmen. Such a procedure, so degrading for the husband who misuses his authority, is called *ukuphuthwina unfazi* ("to

search for the wife"). He will ~~not~~ ^{not} bring her back for a trial period, ~~after~~ ^{after} paying a head of cattle to her father as compensation for the suffering *mtlupheko!* which he has caused.

The homestead head's authority is supreme over the members of his homestead, but his authority is held in check by the kinsmen. As long as he remains within the limits set by his role he has a right to be respected. The rightful demand for respect has its most frequent expression in instant obedience whenever he calls and in unconditional participation in the activities of the household, such as herding cattle, collecting firewood, working on the field. This unconditional participation in household duties is the most frequent cause of tensions and even conflict between members and between the homestead head and his brothers if they live in the same homestead. The senior brother is also for the junior brother "father of the home" (*uyise waekhanya*). Where tensions arise and cannot be resolved, the "people of the house" (*abantu basendlini*), i.e. the members of the local clan-section will be called together to discuss the matter. If the junior should be in the wrong, he will be rebuked and may be "advised" to look for employment elsewhere. If, on the other hand, the junior party has reason for complaint, he may approach his maternal uncle and look for support there, or else, if married, he will settle at a distance as soon as possible and then remain unavailable should any request come from his father or senior brother.

The homestead head wields a clearly definable type of authority in the overall political life of Mthwa society. He is the only legal representative; he is the hinge, as it were, which connects the homestead and the outside world. Within the aforementioned limits, not even his senior kinsmen can interfere in the affairs of the homestead. In this sense, the homestead head is a "replica in miniature" (L.Mair) of the chief. This essential similarity between

chief and homestead head illustrates well the fact that a homestead's existence in the chiefdom is, in principle, the expression of an alliance between the homestead head and the chief. This is the case even in present-day Caguba in spite of a nationwide administrative system: a homestead head who intends to settle in the chiefdom can do so only with the permission of the chief. The chief will consult his councillors about the request; then he will call the mat-leader and discuss the matter with him as soon as the applicant has indicated the area of the village in which he wishes to settle. After consulting the prospective neighbours of the applicant, the mat-leader will report back to the chief, who then makes the final decision. The chief confirms the good relations between himself and the existing homesteads and their heads and then enters into a new alliance with the new settler. In this sense the homestead head is directly allied to the chief without intermediary structures. Every homestead head enjoys this direct access to the chief, except in one instance: formal legal cases have to pass through the whole hierarchy of courts before they can be heard in the chief's court. But, the fundamentally political nature of an alliance between the chief, *qua* "great place" head, and the homestead head, *qua* "little place" head, makes the chief's and the homestead head's authority similar. In a certain sense it is correct to say that both are "sovereigns" who exercise their respective authority over their subjects.

Yet, the organisational form of the people whom the chief and the homestead head each controls is different. For the chief, this is determined by territory; for the homestead head, it is a hybrid both territorial and positional: it is territorial in that the homestead is a clearly discernable unit in Caguba (even if it consists of separate households) and it is voluntary, since husband and wife choose to be together; it is positional, in that as husband and father the homestead head is "head" (*intloko*) of all his children, including

everybody who chooses to come under his care. As *umntwanc was uapha* ("junior or member of the homestead") even I, the researcher who lived in the homestead was invited to attend meetings involving home affairs. On the other hand, and in matters concerning the outside world, the homestead head is a chief who demands respect for himself and his "subjects." He controls the "little place", just as the chief controls the "great" one. Chief and homestead head thus resemble each other in authority.

(3) Conclusion.

Mthwa polity when seen from the observer's point of view does not present itself as a totally integrated system of authority. This does not mean that the authority structure is ambiguous; but it does mean that the participant experience various types of authority which are of immediate relevance only with regard to specific situations and their respective participants. Nevertheless, all these types of authority converge in the role of the chief; his role is the "key" to identifying all relationships regarding political authority (see p. 44). Therefore from the disinterested observer's point of view it is still possible to conceptualise the elements of the authority structure of Mthwa society as "levels" or "sectors"⁽²⁰⁾ of authority, although they do not form in the strict sense a hierarchy of decision-making mechanisms. In other words, politics as pursued by Mthwa people does not fully dissolve into the working of the political order of Mthwa society. The best we can say is that the various types of authority are interrelated and co-ordinated, however general and unspecific this may be in comparison with the reality which the participants experience.

The chief's authority is sovereign in Mthwa polity, in the sense that it is the highest position in the chiefdom and that his decisions apply to the whole chiefdom. Furthermore, he holds the highest administrative and juridical posi-

tion. The position itself is ascribed to him by rules of descent within the agnatic kinship system. Chieftainship is hereditary and territorial. In contrast, the village headman's authority is merely appointive; it is non-agnatic and non-hereditary. It is only political insofar as the headman participates in the chief's council. But it is clearly administrative. This is the headman's *raison d'être*: he is the "eye of the chief." As distinct from the headman, the mat-leader's authority is political in the sense of political decision-making; his position is consensual. This is so even irrespective of what happens when a mat-association continues over a prolonged period and requires that a new leader be chosen and installed. Even if the son of an out-going mat-leader should succeed as the new leader, in principle the incumbent is challengeable. Thus, on the basis of this principle, the mat-leader's authority cannot be compared with that of the village headman, nor with that of the clan-section elder (neither in his position as "senior" (*inkulu*) nor as "head" (*intloko*)). Yet, the mat-leader is a step in the administrative hierarchy. The clan-section elder's position and authority is clearly determined by rules of primogeniture among agnatically-related kinsmen. Finally, all these authorities do not cut off the homestead head from the chief. They are not intermediaries for him within the political field. In a very real sense, the Mthwa chiefdom can be understood as a political "system" of multi-stranded relationships between the chief and many homestead heads. This may be a peculiarity of Mthwa due to its relatively small size so that it may be atypical in the wider Nguni context, but this possible restriction, from a comparative point of view, underlines the point to be made here regarding the "coordination" of authorities which do not together form an integrated social structure.

In conclusion, it is better, from a descriptive point of view, to speak about a political field (rather than a political structure) which is characterised

by a chief who deals with four "sectional" authorities: the village headman, the mat-leader, clan-section elder, and the homestead head. In this order, these authorities increase in number and the political field gains in complexity. The following diagram (Figure 6 below) shows the open polity system of Mthwa as it exists today.

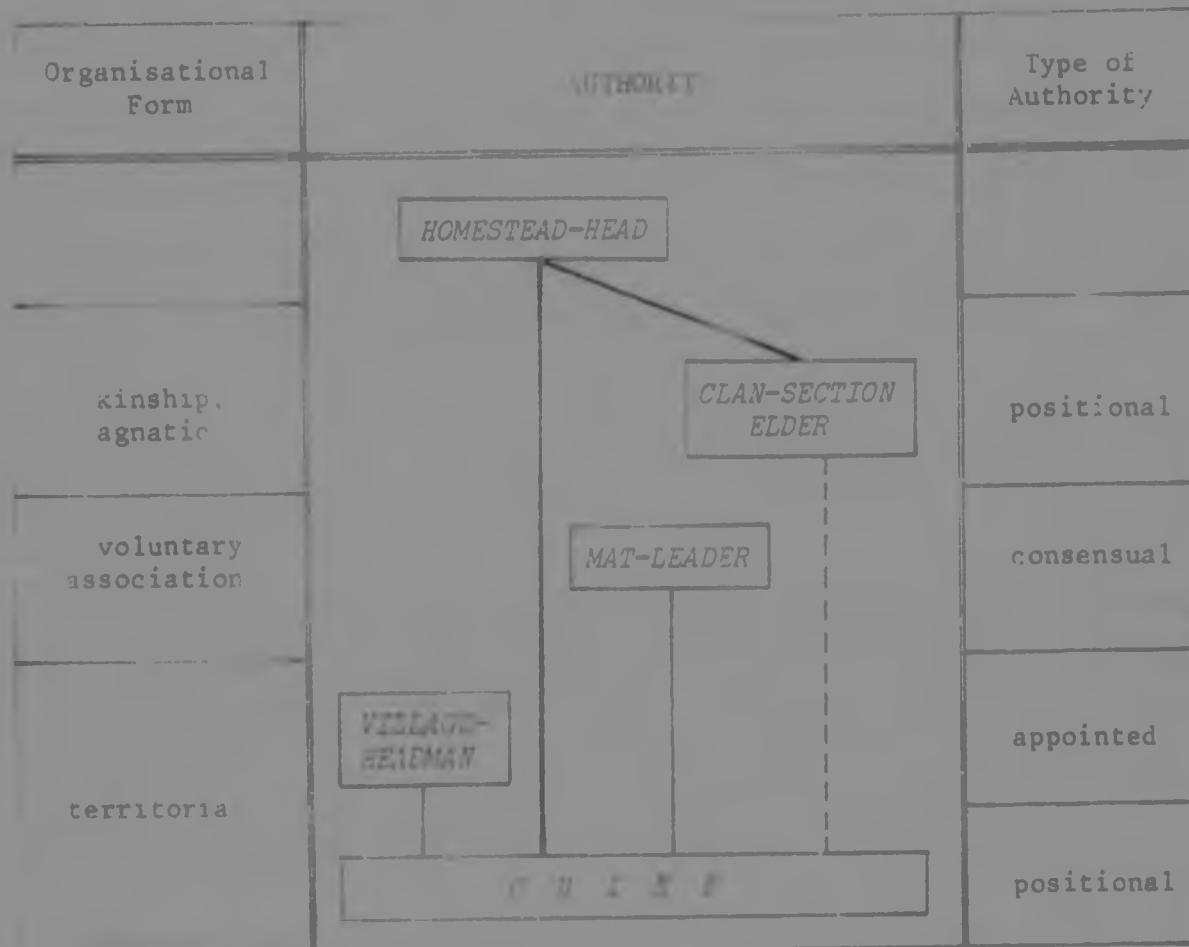


Figure 6 (Level = Sections) of authority in Mthwa.

Mthwa polity cannot be viewed as a sequence of concentric circles of authority of which the homestead head's authority is the narrowest and that of the chief the widest, with intermediary sub-territories in between. The territorial paradigm ends with the village (*lalii*), ⁽³⁰⁾ exactly at the level which is the perspective of the descriptive framework of this dissertation⁽³¹⁾. Even if the five types of authority do not integrate into a single system, this does not mean that political life in competition for power ends at the chief's level or that if the village headman, obviously, within a single village there is an

intense political life as, for example, the continued emergence of mat-associations shows. Nor does Mthwa society disintegrate into chaos. As I shall show in the following chapter, when I take the perspective of the participant, Mthwa appears as a well-integrated society.

It was the burden of this chapter to show the channels through which political life flows. For the theme of this dissertation it is important to realize the significance of the homestead which is the clearest link between the relatively isolated social unit and the present socio-economic centre of the Mthwa way of life. But before I turn to this we need to consider that part of the structure of authority which is the court system, i.e. the authority of law.

Footnotes to Chapter III.

- (1) The terminology used here has been taken from Hunter (1936:378) and refers as far as Mthwa chiefdom is concerned, to the pre-annexation period. As the history of Mthwa bears out, the Mpondo can be considered a nation consisting of a system of chiefdoms allied to a paramount chief. But some of these chiefdoms were in themselves smaller alliances as well, as for example Mthwa. Thus, abstractly speaking, it is necessary to infer an intermediary range of chiefs between the paramount and the chiefs which are allied to the paramount indirectly, thus: paramount chief, chief, petty chief, headman.
- (2) Gluckman (1965:256) writes: "The village's, the kinship group's, even the nation's, social system embodies several sub-systems. But the multi-purpose relations of tribal society are for the outside observer divisible in terms of these several purposes." My usage of the quotation is not fully in accordance with Gluckman's intention, because for him the multi-purpose relations are "divisible" by the "outside observer." This is the ethnographic stance of the present chapter, but in addition I wish to argue (and my discussion makes the implication) that the Mthwa people themselves "divide" multistranded relations exactly on the basis of the purpose of the activity in hand. If the Mthwa people did not make such a division there could hardly be a court-system which is decidedly removed from the other types of social interaction among the Cagubans.
- (3) The word "law", as used in this dissertation, refers to what Pospisil (1972:2) indicates with the Latin *ius*, i.e. the principles of what is right. These principles underlie formalised "laws" (Latin *leges*).
- (4) The name of the association is probably derived from the verb-root *-xhuvuza/* or */-xhovula/*, "walking on mud for preparing wall-plaster"

95

intense political life as, for example, the continued emergence of mat-associations shows. Nor does Mthwa society disintegrate into chaos. As I shall show in the following chapter, when I take the perspective of the participant, Mthwa appears as a well-integrated society.

It was the burden of this chapter to show the channels through which political life flows. For the theme of this dissertation it is important to realize the significance of the homestead which is the clearest link between the past relatively isolated social unit and the present socio-economic centre of the Mthwa way of life. But before I turn to this we need to consider that part of the structure of authority which is the court system, i.e. the authority of law.

Footnotes to Chapter III.

- (1) The terminology used here has been taken from Hunter (1955:378) and refers, as far as Mthwa chiefdom is concerned, to the pre-annexation period. As the history of Mthwa bears out, the Mpondo can be considered a nation consisting of a system of chiefdoms allied to a paramount chief. But some of these chiefdoms were in themselves smaller alliances as well, as for example Mthwa. Thus, abstractly speaking, it is necessary to infer an intermediary range of chiefs between the paramount and the chiefs which are allied to the paramount indirectly, thus: paramount chief, chief, petty chief, headman.
- (2) Gluckman (1965:256) writes: "The village's, the kinship group's, even the nation's, social system embodies several sub-systems. But the multi-purposive relations of tribal society are for the outside observer divisible in terms of these several purposes." My usage of the quotation is not fully in accordance with Gluckman's intention, because for him the multi-purposive relations are "divisible" by the "outside observer." This is the ethnographic stance of the present chapter, but in addition I wish to argue (and my discussion makes the implication) that the Mthwa people themselves "divide" multistranded relations exactly on the basis of the purpose of the activity in hand. If the Mthwa people did not make such a division there could hardly be a court-system which is decidedly removed from the other types of social interaction among the Cagubans.
- (3) The word "law", as used in this dissertation, refers to what Pospisil (1972:2) indicates with the Latin *ius*, i.e. the principles of what is right. These principles underlie formalised "laws" (Latin *leges*).
- (4) The name of the association is probably derived from the verb-root /-xho-vuza/ or /-xhovula/, "walking on mud for preparing wall-plaster."

One informant (Sidumbu, Tapes 171-2) traced the origin of this mat-association to the time of Feno. He said:

*Indlu enkulu yaqala i.
eNyikimeni.
Zonke ezi zithebe ukuma ngeNyikima.
Umhlaba kaHlamvana kuma le.
Wazala ezi zithebe, uGxovuza.*

The Great House started then (at the time)
of the great earthquake (*iNyikima*) (of 1851).
All mat-associations began with the earthquake.
Hlamvana's chiefdom came to birth then.
Gxovuza brought forth all mat-associations.

Old traditions are certainly carried over in the mat-associations. Prof. Wilson (Hunter 1936:400-2) writes about the military organisation of old particularly with respect to attaching divisions of the army to houses of the chief's mother or one of his wives. This tradition is reported in Caguba regarding the older mat-association: Gxovuza belonged to Hlamvana's great house, Sicamba (an association in a neighbouring village), to that of his mother. In more recent times, Mkhovu attached one association to his first and another to his fourth house.

- (5) This allegorical definition of the *isibonda* (the village headman) that he is the "eye of the chief" shows in a neat way how far Caguba's headman is conceptually identical with what Prof. Hammond-Tooke relates about the "sub-headman" (*ibhodi*) whom he describes (1975:140) as having the "main role (of acting) as the headman's 'eye'."
- (6) I learnt the following about the clan-membership of some of the village headmen in Caguba, starting with the present headman:

Chwani (present, acting, in 1981)	NTSILA,
Bhazala (1980-1981)	NCAMANE,
Nothutha (resigned in 1980)	GCWANGULE,
Yudlu	TSHEZI,
Madezi	GCWANGULE,
Mdinwa	NCAMANE.

 Clearly, there have been members of the royal clan who became village headmen. But the second strongest clan, the GCWANGULE, has played an important part.
- (7) Informant, Village Headman Nothutha 1-3-78, Tape 39.
- (8) Prof. Hammond-Tooke speaks about "headman-in-council," but it is understood here that the chief and headman are identical *in persona*, since the pivotal authority in Mthwa is regarded by the people as *inkosi* ("chief") rather than as a state appointed "headman," as outlined before.
- (9) The chief's council is also referred to as *inkundla*. But apart from contextually clear usages, in common daily speech the first meaning is the judicial one: the law court, with particular reference to the chief's court.
- (10) Sidumbu 31-3-81, Tapes 171-2. The non-public nature of the meeting of the chief's council was very evident when I asked the informant, an assistant mat-leader, how he came to be confirmed as an assistant by the chief. In very tortuous language he said that nobody "listened in" who could then get up in public and contest the decision. It is well possible that the particular situation of the present-day chief's council is due to change which

which has resulted from the introduction of the administrative system, but this is my own estimate.

- (11) The informed reader may be surprised to find the word *imbuzo* rather than the word *imbizo* which Hunter (1936) and Ndamase (1927) record. I am quite certain about the correctness of the w. i which I have recorded. The reason for the difference is that both authors speak about a "chief's council" which is beyond the level of discussion in this dissertation. Whenever the Cagubans referred to a meeting called by the Paramount Chief, they spoke about an *imbizo* which is a noun derived from a verb meaning "to call, to call together."
- (12) The two verbs *ukuxelelwa* and *ukuthetha* express the authority of the person who performs the respective actions, namely "to explain" and "to talk." But in particular the first of the two words expresses a right of the "listener" as well: to receive instructions before he can be assumed that he "knows" and that he could be punished should he fail in his duties. Therefore if the chief "explains" to his people whatever the issue may be, he fulfils his duty to inform them properly. Because such an explanation is given from a position of authority, the chief's words carry the importance of a prescription. Thus his manner of explaining is *ukuthetha* ("to speak and explain with authority").
- (13) Secession as a means of dealing with an unsatisfactory authority was not uncommon in the wider political life of the Nguni and of other South-East African indigenous societies. A despotic or stingy chief or headman was deserted rather than deposed. See Schapera (1956:179-180).
- (14) Ceremonialised speech belongs to a wider class of speech conventions in which Mthwa verbal behaviour is very rich. I mentioned above (see p. 13, n. 13) another form of such a convention, namely that of speaking in parallels in order to emphasise the "truth" of what is said. Another convention is camouflaging one's speech through using very vague terms purposely (see p. 118). In the background there is an interesting anthropological problem which Malinowski (1923; discussed in Robins 1971 and in Langendoen 1968) saw clearly, even if he overemphasised the issue, namely the interpretative relationship between an utterance and the situation in which and with respect to which it is given.
- (15) Banton (1968:357) defines a voluntary association as "a group organised for the purpose of one interest or of several interests in common."
- (16) In the following section (see p. 77 f) I shall, among other things, attempt to show that Mthwa does not have a segmentary lineage system in the sense discussed by Smith (1956). Although in Mthwa there are such agnatic "segments" which can be seen by the observer as systematic parts of a wider system of such segments, it does not help, in the last analysis, to view the local clan-sections of Mthwa society in the "segmentary" sense. Therefore I have preferred the term "section" in order to distinguish my discussion from that of other anthropologists.
- (17) There were relatively few households in Caguba which made use of the tractor for ploughing purposes. The tractor was hired for a certain fee which most of the people of Caguba could not afford. Therefore they were very reluctant to pay the maintenance fee which had to be paid irrespective of whether a homestead made use of the possibility of hiring the tractor or not.

- (18) The mat-leader personifies the two distinct aspects of political life in Mthwa (and probably in most other societies):
 - polity (the hierarchical/administrative aspect);
 - politics (the sectional/decision-making aspect).
 Neither aspect can be subordinated to the other, though structuralist writers (like Smith 1956 and Southall 1965) have a particular tendency to do so.
- (19) Since every homestead belongs to a mat-association, any newly emerging association can only be a "breakaway."
- (20) The word *intloko* ("head") is also used in a figurative sense to designate the elder within a given (local) agnatic group of any kind. By using the term, the exact authority of the person concerned is emphasised.
- (21) E.g. Evans-Pritchard (1940:200-1), Fortes (1953:3), Hammond-Tooke (1968b: 34-5).
- (22) In the reality of social life this control can rarely cover more than three to four generations. There are two reasons, first a man's span of life: when he dies, his authority becomes divided and the homesteads of his sons develop a relative independence of one another (see p. 87). Secondly, what I am going to call the "life-cycle" of a Mthwa family. According to this cycle, a man's actual control covers a very narrow range of people (the extended family; see p. 166f) and of generations (those who live within his homestead) (for the discussion of the life-cycle, see p. 168).
- (23) I was told that there is nothing unusual in related clan-sections taking their names from a man and his son respectively, i.e. not necessarily from two or more sons of the same father. I found another example within the Gwangule clan, but I am not certain about it, so I have not gone into the matter in my discussion. However, my assistant in the field (a graduate from the University of Fort Hare, himself a Thembu) told me that similar clan-section names occur in Ciskei as well. As for the Ncamane case in hand, it would be possible to explain the situation in terms of a telescoping, if my hypothesis that Fono and Mbulawa were in fact brothers is right (see p. 13, n. 11).
- (24) Hunter (1936:398-9) reports these names as lineal ancestors of the reigning Mpondo Nyawuza, about 20 generations back. Jackson (1975:22) links the Ncamane with these ancestors. Jackson realises that the historical facts must be more complicated than his genealogical table shows. To my mind, the two names, Mkhondwana and Sukude, are the "labels" the "Mthwa" people have given the genealogical mytheme (see p. 12, n. 5) in order to accord it historical factuality.
- (25) Beside the terms *uml'bo* ("agnatic branch") and *umombo* ("agnatic unity") there is still a third term which must be distinguished from these two, not as indicating a third type of agnatic grouping or conceptualization of agnatic groups, but as indicating agnatic lineality and ancestry. The vernacular term is *umlowo* (plural *iicwo*) which can be paraphrased as "our people of old" or "lineal ancestors." In other words, the primary meaning of the term is to recall the past as it is represented by those who belong to the agnatic group but who are dead. Thus the *imilovo* connect the living with the ancestors. The unity between them is expressed in a further term *anawethu* (*anawenu*, *anawabo*) (see p. 321).

- (26) The situation is the same for non-royal local clan-sections. I use the example of the royal clan here, because it is the one for which I have the clearest evidence.
- (27) The first reason for speaking about Chief Mkhovu's mother's household is that he was the son of one of his father's polygamous households, namely the "first house." But there is a more general second reason which will be discussed in Chapter VI when dealing with the inheritance system. In accordance with the inheritance rules, a widow becomes universal heir to her husband's estate in the sense of *de facto* control. Only when she dies can the actual heir, i.e. the first-born son, assume control over the inheritance which he has received from his father.
- (28) There are four terms which denote a homestead head in Xhosa, two refer to a male and two to a female head. All these terms are compound nouns formed from one noun expressing "ownership" (*ubunini*) and another meaning "dwelling place, household" (*umzi*). The four Xhosa compound nouns are:

		"owner"	"d. place"
"male head"	{ <i>umminimzi</i> <i>umnumzana</i> }	<i>um-nini-</i> <i>um-n</i> -	' <i>mzi</i> <i>umz'ana</i>
"female head"	{ <i>umminikazimzi</i> <i>umnikazi</i> }	derived from <i>um-nini-kazi-'mzi</i> <i>um-ni</i> - <i>kazi</i>	

"Ownership" is the way of expressing a "rightful claim" and "rightful control" over something. Thus in a true sense the homestead "head" is the "owner" of the homestead. This semantic detail has some relevance when the economic situation of the Mthwa homestead is under discussion (see Chapter VI). For comparison, see Gluckman (1955:300) on the Lozi concept of *bung'a* ("ownership") which expresses a rightful claim on some property. In this sense the Lozi king "owns" the land. Thus ownership expresses authority.

- (29) The vernacular term *umyalo* ("instruction, demand") is derived from the verb *ukuyala* ("to instruct, to demand obedience").
- (30) Sahlins (1965:151-3) advocates the "sectoral" understanding of "tribal" systems of exchange. Like Gluckman (1965, see above Footnote n. 2), Sahlins takes the clear stance of the observer. He develops a "general model of the play of reciprocity ... by superimposing the society's sectoral plan upon the reciprocity continuum" (ibidem p. 152). In accordance with the superimposed plan, "a tribal plan can be viewed as a series of more and more inclusive kinship-residential sectors, and reciprocity is then to vary in character by sectoral position" (ibidem p. 151). It is this "model" which does not appear applicable to Mthwa society.
- (31) The difference between the types of authority can be shown economically by using a "model" borrowed from general linguistics where one speaks about a "feature-based" analysis. In my discussion of the various types of authority, I have concentrated on four different "features" to show the essential difference between them. When, linguistically a "contrast" has been established, then it is assumed that the contrasted units cannot be "reduced" to one another; their function is precisely to make the "contrast" a communicational reality. The four distinctive features are:

- (1) The *territorial* aspect of authority. Territorially defined authority may be positional (chief) or appointive (headman). This feature is indicated thus: + TERRITORY.
- (2) The aspect of *role* which may be ascribed (chief, clan-section elder, homestead head) or acquired (village headman, mat-leader): + KINSHIP.
- (3) The aspect of *power over members* (irrespective of their place of living) (in the vernacular ~~ukigasho~~; chief, elder, homestead head, mat-leader) rather than power over a specified territory (village headman). The power may be ascribed (chief, elder, homestead head) or acquired (mat-leader): + POWER.
- (4) The aspect of the levels of the *administrative hierarchy*, which includes all the authorities except the clan-section elder: + ADMIN.

	TERRITORY	KINSHIP	POWER	ADMIN
Chief	+	+	+	+
Village Headman	+	-	-	+
Clan-Section Elder	-	+	+	-
Mat-Leader	-	-	+	+
Homestead Head	(+)	(+)	(+)	+

The "plus" symbols in brackets indicate that a man assumes authority as a homestead head only after he has married and has established his own homestead. Given this condition, he assumes the lowest position in the administrative hierarchy a matter of course.

CHAPTER IV

INTERACTION PROCESSES
BY MEANS OF THE COURT SYSTEM

THE PURPOSE of the preceding chapter was to highlight the importance of the homestead and the homestead head in the political field of decision-making. In this chapter it is my intention to develop the hypothesis that the homestead and the homestead head are the nucleus of the Mthwa court system. According to Pospisil (1971:43) there are four significant attributes which distinguish law from other forms of ruled behaviour, namely "authority, intention of universal application, *obligatio* (which distinguishes between jural laws and religious customs), and sanction." The first two attributes are an essential part of the discussion of this chapter⁽¹⁾. Apart from the authority of law as a sub-field of the authority structure in Mthwa, the subsequent description will show how with the unfolding court system, the "intention of universal application" of law in Mthwa comes to the foreground. Thus, the present chapter belongs, in a sense, to the ethnography of "procedural law" (Pospisil 1971:1). (Procedural law deals, among other things, with the allocation of authority and with court proceedings⁽²⁾). The evidence given is presented from the point of view of the participant, and the conclusions drawn are of crucial importance from the development of the argument of the dissertation.

As I understand Hunter's (1936:414-7) discussion of Mpondo courts, she is concerned with the court system after a case has reached the chief's level. My question is: how does a case get to the chief in the first place, and what happens on the way before it reaches the chief? The answer to this double question lies in the series of juridical processes which, from the villagers' perspective, constitute the Mthwa "court system": Mthwa society is permeated by law (*umthetho*)⁽³⁾, from its "root" in the homestead to the widest range of the chiefdom as a whole.

Mthwa's permeation with law and the conscious recognition of this ubiquity is paradigmatically expressed by what happens at an early stage of the court proceedings when a law suit has been filed by a complainant. For example, should this take place at the chief's court, it will most probably be the chief himself who will enquire whether the particular case has been tried at the lower court of the headman. Given a negative reply, the procedure will be stopped immediately and the case will be referred to the attention of the headman of the village in which the complainant lives. The same kind of convention can be observed at the headman's court, until the lowest court of all is reached, the court of the homestead, in which the homestead head wields authority over those who belong to the homestead.

In the abstract, four types of court are to be distinguished:

- (1) The court of the homesteads.
- (2) The court of the mat-leader.
- (3) The court of the village-headman.
- (4) The chief's court.

The domains of the homestead head, mat-leader, village headman and chief are all "non-legal" institutions which, however, function as courts which administer law. United by the common "purpose" (Gluckman) of settling a case, these

institutions which now constitute the court system achieve a high degree of integration of Mthwa society. Though these courts form a procedural hierarchy with the court of the homesteads at the base and the chief's court at the apex, social relevance of each varies considerably. The court of the homesteads in particular demands careful study since its status is as important for all members of the Mthwa society as it is ambiguous for the ethnographer.

(1) The Court of the Homesteads.

After I had gained the confidence of the Cagubans, I learned about a number of aspects of village life in the following way: quite accidentally I would meet somebody en route and offer the conventional greetings which always include an inquiry about one's origin and destination. This would sometimes give the opportunity of asking whether I could accompany my friend and listen in to the proceedings in which he was to take part at his destination. As a rule an unhesitating invitation would follow. But sometimes the person would refuse apologetically, saying that I could not attend, since *gwanekhaya* ("something of the homestead") or *eyegazi* ("something of the kinsmen", literally "of the blood") or *ezasemakhaya* ("something of several homesteads") would be discussed. I was correct in thinking that the phrases indeed meant the exclusion of strangers from the proceedings, but I did not at this stage understand the nature of the proceeding and, even less, the use of these phrases.

Mthwa's lowest court meets "at home" (*ekhaya*). The Cagubans refer to this basic type of court as *kumakhaya* ("in, at the homes") which I shall render "court of the homesteads"⁽⁴⁾. The court of the homesteads has three different forms. The differentiating factor is the identity of the conflicting parties. Accordingly, the first form is the court held when a certain case remains fully

with single homestead, or two or more may be involved; the second form includes senior agnatic kinsmen of the husband/father, and is an appeal court of the former; the third form involves homestead heads from different, non-related homesteads.

(a) *Eyasekhaya*, "something that concerns a single homestead."

When the court of the homestead is held in the restricted context of a single homestead, the homestead head summons (*ukubiza*) the member after it has been reported to him (*ukuzela*) that this member has done wrong. Every "member of the homestead" (*umutwana waseki:apha* or *wasemzini*) (see p. 95) is permitted to participate in a session; however, in an extreme case, the session may comprise the homestead head and the wrongdoer alone. It is the mode of conversing that indicates that the court is in session. Here is a case which involved a homestead head and one other member of the homestead (in fact when I observed the case, I was not aware of who - I was observing; I had been advised to sit out of earshot, but the homestead head subsequently explained to me what I had seen).

The procedure only involved the homestead head and his younger, adult and unmarried brother. There were two points of concern: the young man (of about 28 years of age) showed a blatant lack of cooperation in the economic life of the homestead and had adopted a fairly uncontrolled style of life with regard to unmarried women.

Questions of substantive law do not concern us here; I am presuming that the two allegations belong to the legal domain. What is important is the procedure. First, in the preceding chapter it was shown that the homestead head's authority is juridically defined (see p. 91). By virtue of his marriage and his having built (or inherited) his own homestead, he has been allotted the authority of juridical decision-making. Secondly, this authority concerns only, but all, the members of the homestead; the homestead is the homestead head's jurisdictional

... challenge ... now inside or outside the homestead. ...
 ... the homestead head controls all matters fully, he alone
 ... talk with authority *ukuthetho*. Furthermore, since he represents the
 authority of the law, the homestead members - in obeying him - obey the law
 of Mthwa. Fourthly, the homestead head in the above-mentioned case explained
 to me later that he and his younger brother were engaged in an *intetho* - in
 aguban colloquial speech - "a formal court procedure." This term *intetho* is
 also used for court procedures at any higher level. Finally, the homestead
 head has the right to sentence the culprit (*usungubha*). In this respect the ju-
 risdical authority of the homestead head is very similar to that of the chief,
 because of all the higher courts in Mthwa, it is only at the chief's court
 that the law ultimately "bites". The homestead head may punish (*ukuthetho*) the
 wrongdoer, whether it be his wife or, as in the above case, his younger bro-
 ther. As the homestead head himself told me, he intended to expel his brother
 from the homestead and to declare in public that he would take no further re-
 sponsibility for him. Things never actually came to this head⁽⁶⁾.

Eyegazi, "something that concerns kinsmen."

Every person in Caguba belongs to a homestead; he is therefore under the jur-
 isdiction of a particular homestead head. In a certain sense, the homestead is
 juridically a very tight situation so that members have to take extreme mea-
 sures sometimes in order to escape from the homestead head's authority. It was
 mentioned, for example, that a wife may "return home" (*usungubha, wonye e-hu-*
 ... if her husband maltreats her repeatedly (see p. 92)⁽⁷⁾. However, there is
 another, less extreme measure for homestead members to adopt: they can state
 their case if they have a complaint and cannot find justice from the homestead
 head ... The homestead head is unable to control one of the homestead's mem-
 bers in ... a situation, appeal is made to the senior agnatic kinsmen to
 ... court of arbitration in a case which "belongs to the blood" (*eye-*

jazi), i.e. a case between kinsmen.

The kinsmen will not meet as such a court of arbitration on behalf of one or their member homesteads unless called. In other words, the initiative for the meeting comes from the particular homestead or from one of the homesteads involved in the conflict. Even if the conflict were generally known among senior kinsmen from outside the conflicting homesteads, the kinsmen would not gather as the court of arbitration between the conflicting parties, unless formally notified and "called" to assume the role of negotiators. Juridically speaking there is no shared responsibility between agnatic kinsmen which operates "mechanically" (Durkheim) (in this connection see a similar situation with respect to economic cooperation; see below p. 221). The following case illustrates this fact:

A certain widow felt strongly that her adult son (of about 40 years of age) was seriously neglecting his duties of caring *ukupnatha* for herself and the whole homestead. Repeated formal negotiations with him (in the sense of the court of the homestead as discussed before where the homestead only is involved) brought no improvement in the situation. Finally she threatened her son that she had made up her mind to leave the homestead. For this reason she appealed to a very senior member of her son's agnatic group, asked for a meeting of the son's kinsmen so that she could state her case.

The formal invitation marks the purpose of the meeting, and thus the meeting is distinguished from any other gathering of kinsmen, for example, for ritual purposes. Ideally, all the members of the local clan-section may participate, that is to say, agnatically-related men and women, and the men's wives. For this purpose, invitations go out so that the kinsmen can gather at an appointed date. The result is a relatively widespread participation. Kinsmen come not only from the immediate neighbourhood, but also from father's brothers' wards and even other villages. The following genealogy (Figure 1, p. 110) shows the participants at the court session which the forementioned widow had asked for:

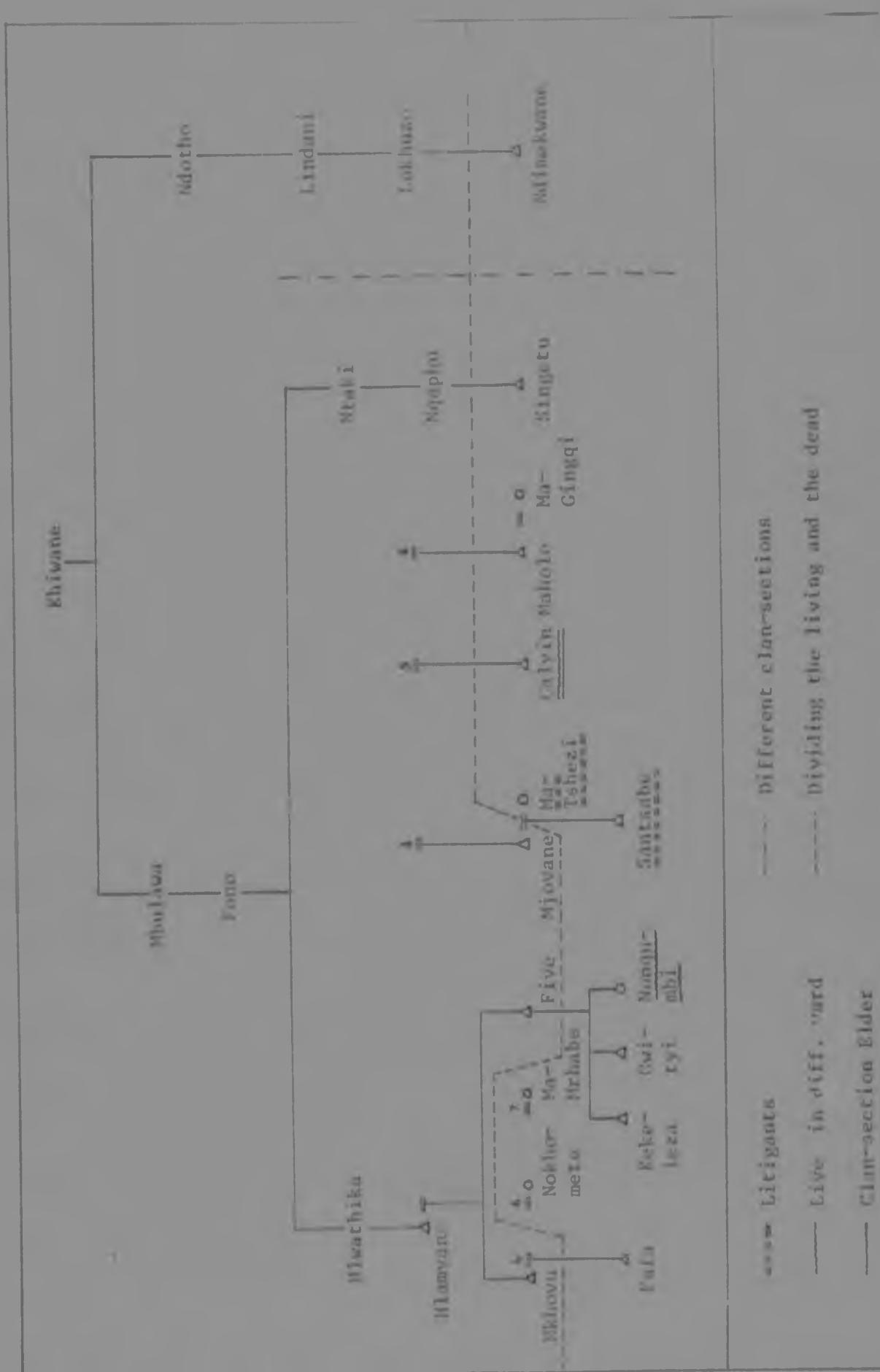


Figure 7. Participants at a clan-section trial.

The preceding genealogy (Figure 7, p. 110) shows an important aspect of the proceedings of the court of the homesteads: participation is clearly restricted.

The restricted participation could neatly be shown, if place permitted, by the actual circumstances in which the case of the widow took place. The session was preceded by two other events one of which happened in a neighbouring and another in her own homestead. Both events had attracted quite a number of Cagubans. At a certain stage, the widow's (affinal) kinsmen began speaking about their "home affair" (*eyasekhaya*) and their intention of talking things over "now". This was an informal means of letting the unrelated visitors know why so many kinsmen were present and that the non-kinsmen were requested to leave. This they did soon afterwards. The kinsmen remained.

The kinsmen's court is under the authority of the most senior member present (if the actual clan-section elder, in the sense as defined above p. 80, is absent, this would not invalidate the proceedings). The specific authority of the (acting) elder appears at three points during the proceedings; first, he opens the session. He does so by stating the purpose of the meeting and the nature of the complaint. Secondly, the elder will usually be the first to cross-examine a witness after the latter's statement has been heard. After the elder any other member may ask further questions. Thirdly, he pronounces judgement on all the evidence heard. He cannot pass sentence for any wrongdoing in the sense of levying a fine. All that he can do is to rebuke the apparent wrongdoer and appeal to him to apologize and to the complainant to accept the apology. He will combine his conclusion with explicit instructions (*imiyalelo*) about the kind of behaviour expected in the future from both the complainant and the offender.

In the case of the widow, the (acting) elder was the man called Calvin in the before-mentioned genealogy (Figure 7, p. 110). He was, in fact, the Chief Regent himself. His role as chief arbitrator did not accrue to him on account of the political role in the chiefdom, but merely on account of the fact that he was the most

senior member of the parental generation in terms of right or birth. In fact the man ranking second genealogically, Maholo, was older. The elder admonished the widow as well as her son with respect to their duties in the homestead. The offender's argument that he had an interest in his own future, and the widow's threat of leaving the homestead and its "children," were labelled "irresponsible" behaviour. People should realize how much they need one another, was the elder's final advice.

Implicit in what was said about the role and authority of the elder, are two further aspects which show clearly that this court of the homesteads fulfils the function of a court: when the elder opens the session, he explains the nature of the complaint (*isiknalo*); by doing so he in fact defines the litigants. The second aspect is the procedure of finding the facts: a witness is called to make a statement, and is then cross-examined. Afterwards, the complainant as well as the offender will also have a chance to question the witness.

Beside the procedural similarities, there are also differences between the court of the kinsmen and the other courts. There is one less important difference: at the higher courts, witnesses are usually kept out of earshot of the court before they have given their evidence. In the court of the homesteads, however, whether it be the court of the kinsmen or any of the other forms of the homestead-court, all the participants - litigants, witnesses and jury - are present at all stages of the proceedings. There are two important factors which not only show the difference between the court of the kinsmen and the court of a single homestead, but also that the court of the kinsmen cannot proceed to a higher court if arbitration should fail. The first of the two differences has been mentioned already: the elder of the court of the kinsmen has the authority to make juridical decisions, but he cannot "punish" (*ukubetha*), unlike the homestead head who has exactly this prerogative which makes him similar to the chief. The second difference is even more important:

if arbitration fails, the elder cannot proceed to the next higher court, but must leave the decision to the homestead head concerned. It is this important restriction of authority of the elder which suggests that the court of the kinsmen is a sub-form of the court of the homesteads rather than a level in its own right within the system of courts in Mthwa.

(c) *Ezase* ..., "something that concerns several homesteads."

The second form of the "court of the homesteads" (*kumakhaya*), i.e. the court of the kinsmen, combines members of several homesteads negotiating a particular case. But all the court's participants belong to the same local clan-section, and the case in hand concerns kinsmen only. In contrast there is the third form of the court of the homesteads which involves persons from (at least) two (agnatically) non-related homesteads; it is a "case of several homesteads" (*ezasemakhaya*). In this case, a person of one particular homestead may have been injured or harmed by somebody from a different, non-related homestead. The injured party will inform the head of his homestead who, in turn, will go to the homestead of the offender and formally lodge a complaint against the offender's homestead head.

This indispensable procedural step of the homestead head's personal meeting is

- (a) the opening of any court case in Mthwa,
- (b) rooted in the fundamental position of authority which the homestead head holds as the "owner" of his homestead (*umm-nimzi* or *ummuzana*) (see p. 91, and p. 102, n. 28),
- (c) rooted in the homestead head's additional position of being the juridical decision-making authority in his homestead.

When the homestead head of the injured party meets the homestead head of the offender, the agreement or disagreement between the two "legal experts" decides the future development of the affair in hand. The following experience

sparked-off my understanding of this fundamental proposition of Mthwa procedural law and its inherent exclusion of public participation (at the homestead level).

Relatively early one morning, during the first stretch of my field research, 1977-8, I was sitting in the main-house of a certain homestead, discussing matters concerning the homestead head's membership of an Independent Church, when I became aware that his eyes were repeatedly moving in the direction of the door. I soon realised that he was observing something outside. Our conversation continued, but then the happenings outside drew his full attention. He stopped talking. I also looked outside and saw nothing but a little troop of about five people slowly coming up the hill, led by two men. They took the footpath leading to the homestead head's father's place. Father and son lived in separate homesteads of a residence (see below p. 172f, and see Map 3, homesteads No 99 and 97, p. 23, right at the bottom of the map). My partner began explaining to me that these people had come from a neighbouring village and that he was very surprised to see such people coming to his father's place at that time of the day and in single file, led by a homestead head. He felt that there was trouble ahead. He apologised for breaking off the conversation since he had to go and attend to the visitors, as his father was absent. The men in the meantime had sat down next to the cattle byre, facing the entrance to the main-house of the homestead. Asked why he thought that there could be some difficulty, he hurriedly answered: *asihlali ngolo lobo emzini womntu, kuleli xesha, xa kungabi nanto ebhadlayo* ("we do not sit down like that, in somebody's homestead, at such a time (early morning), unless something is simmering."

I still had a chance to ask whether I could follow him and listen. He apologised and requested me to stay behind, because he did not know what "the thing over there" (*oo nto*) entailed.

Later I learned that my friend was quite correct in his assumption: the homestead head who led the little troop had come to lodge a complaint about my friend's younger brother for having "injured" the complainant's daughter, i.e. he impregnated her. The result of this particular case is irrelevant here.

The personal meeting of the two homestead heads marks, at the same time, the appearance of the litigants in court as well as the meeting of the jury for the purpose of juridical decision-making. The latter aspect is particularly important because it defines the purpose of the meeting as being juridical. It is the aforementioned indispensable initial step of the whole court procedure in Mthwa, of the court system as a set of procedural norms. This step is symbolically expressed spatially, namely by the sitting pattern. This sitting pattern marks the initial step and is the same at any higher level of the court system: the jury sits next to the cattle byre facing the main-house, facing the litigants when they have arrived and taken their seats.

When the homestead head of the above case arrived at the offender's place, he took the special seat as member of the jury and thus he "stated" the purpose of his coming (this explains how the man who was watching what was going on could discern so quickly the intention of the party arriving at his father's place). The purpose of the arrival and of the ensuing negotiations was juridical decision-making: the "court of the homesteads (was) in session;" this is the juridical and even literal meaning of the vernacular phrase *kunakhaya*. Two homestead heads (*abaninimzi*) meet for the purpose of representing their "homesteads (*anakhaya*) in legal matters (*ezasemakhaya*)". Although negotiated privately, the proceedings are, as far as the participants are concerned, explicitly legal. In short, the court of the homesteads meets *in camera*.

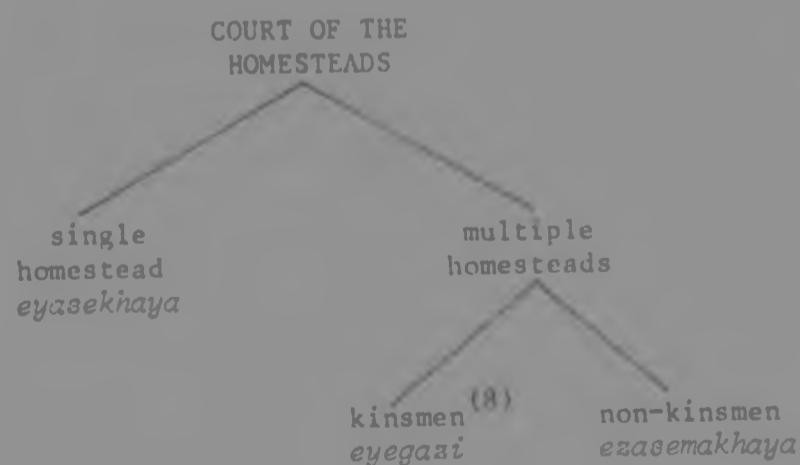
The negotiations (*intetho*) themselves do not have the formality of higher court procedures. Since there are no witnesses in the strict sense, there cannot be statements or subsequent cross-examinations. But this does not change basic juridical intention of the procedure, namely that of finding the legally relevant facts in order to apply the customarily defined sanctions after the facts have been established. One example must suffice: in the above case of

an illegitimate pregnancy, if the facts had been established, the offending party would have been liable to a levy of five head of cattle. However, the evidence was not sufficient, and therefore the decision was suspended until the baby's birth. In another case of a similar offence, after the baby was born, the genitor's people contested the allegation of impregnation. The particular case went through all stages of the court system, even beyond the chief to the Head of the Tribal Authority. The particular offender was ultimately convicted in the magistrate's court.

Thus there are three possible outcomes to such negotiations at the court of the homesteads: first, the facts are established, the decision becomes legally effective, the offender is liable to the defined levy; second, judgement is suspended until further evidence is produced; third, the negotiation ends in a deadlock, and the dissatisfied party may take the matter to the next higher court of the mat-leader.

(d) *The court of the homesteads in perspective.*

There are two factors which distinguish the three forms of the court of the homesteads: first, the number of homesteads involved in a particular case and in the corresponding juridical decision-making. Second, the people involved, either kinsmen or non-kinsmen. This can be shown graphically as follows:



The case which I have quoted in connection with the court of the kinsmen and with the court at which two non-related homestead heads met indicate clearly that cases at the court of the homesteads are not restricted to homesteads belonging to a particular neighbourhood. The "court of the homesteads" is a juridical concept of Mthwa procedural law, not a spatial concept. Three factors define the juridical concept of this court of the homesteads (*k. nakhaya*), the lowest level of the Mthwa court system: (i) the meeting of the court *in camera*; (ii) law as a factor of social control in the homestead; (iii) legal majority.

(i) The meeting of the court *in camera*.

Generally speaking, those permitted to participate in proceedings in the court of the homesteads are the respective homestead heads and any person connected with the case in hand; the public (*abantu*, literally "the people") are excluded. In this sense we can apply the jurisprudential term *in camera* to such a court meeting. This does not mean that every kind of negotiation which takes place in Caguba and which is private belongs to the juridical domain. Some negotiations (e.g. concerning bridewealth) belong instead to the social sphere, others (like obtaining assistance in a forthcoming workparty) belong to the economic life of the village. A further distinction between legal and non-legal situations is the spatial aspect: the seating pattern in the homestead yard (as, for example, contrasted by the seating pattern at a ritual beer drink in front of the cattle byre). Among the issues that are treated are illegitimate pregnancy, public cursing, bodily assault, neglect of one's homestead. These issues are no different from the issues treated in any higher court.

Certain formalities observed in a meeting which takes place in a Caguba homestead make it clear that the court is negotiating *in camera*. The shielding of the proceedings from the public has a certain linguistic consequence in every-

day life: things which are "private" are not talked about openly. If a person refers to such a case in public, he uses a style of speech which downgrades the actual facts. If, for example, a conversation between two people who happen to meet outside the homestead or homesteads involved touches on a particular case of alleged illegitimacy, the person addressed may easily downgrade the fact which has been mentioned and speak about an *uchuku*. Kropf (1915:66) paraphrases the word aptly: something "which ought to be lightly esteemed, which ought not to be minded, is unimportant, insignificant, but which a troublesome person makes a source of annoyance"⁽⁹⁾. This style of speech does not classify a particular kind of offence as if distinguishing between legal and non-legal matters. The speaker may be referring to what is indeed a trifle, or he may be referring to some serious matter like an illegitimate pregnancy. As different as such cases are, the speaker may be using the same vernacular term for each. Thus the low-key word does not describe the nature of the offence nor the nature of the court of the homesteads; what it does describe is the attitude of the people to a certain state of affairs (in the case quoted, that it is a "private matter" and not open for public discussion). To the observer, this *in camera* element of the procedure of the court of the homesteads is somewhat ambiguous. But from the point of view of the participant, matters are absolutely clear: given certain conditions, he has no doubt that he is involved in a juridical form of decision-making, that he is participating in a strict court procedure.

(ii) Law as a factor of social control.

The reason for the existence of the court of the homesteads, as it occurs in Mthwa society, is in the homestead's being the first and most effective element of social control in the society. Part of this social control is the administration of law by the homestead head at homestead level. The proceedings of the court of the homesteads are fundamentally affected by this function of

social control. A session of the court of the homesteads is based on a mutual recognition of the homestead heads as the "approved" legal experts of the society who are expected to know which sanctions pertain to a particular offence and to apply the law impartially. This mutual trust is *imvisiwano* which means literally an "act of complete listening to and trusting in each other." The court of the homesteads meets *in camera* on this basis of mutual trust in order to avoid the public embarrassment of the parties involved. In other words, the privacy with which the court proceeds is part of the preserving of the image of the homesteads and the individuals involved. In Mthwa society, an offence *per se* is not sufficient reason for blackmailing a person or a homestead⁽¹⁰⁾.

Another consequence of the homestead head's being the lowest authority in the court hierarchy is that, as father and husband, he has full legal control over his family. A person's husband or father is his immediate and irremovable judge. The relationship between members of the homestead has an intricate legal dimension: a father's and a husband's authority is legally sanctioned⁽¹¹⁾. The social control of a homestead head over his homestead is a legal control which cannot be challenged. This brings us to the third element which is in fact part of this socio-jural control, namely the element of legal majority.

(iii) The element of legal majority.

According to traditional Mthwa law, the homestead head is the only legal major in his homestead in two respects: first, in regard to the other members of the household all of whom are legal minors; second, in regard to taking a case to the next higher court if the negotiations with the other homestead head should fail. Present-day administrative circumstances have altered this situation. Today, any person over a certain age is a legal major. This has severely curtailed the homestead head's legal authority.

(iv) Conclusion.

The homestead heads are the legal experts of Mthwa society, and share the common responsibility of administering law. The importance of mutual trust as the basic preliminary to negotiations at the level of the court of the homesteads has been stressed. Should negotiations break down because of allegedly faulty or insufficient evidence, this spirit of mutual trust (*imvisiswano*) is seriously impaired. In such a situation, the Cagubans say: *ayisekno imvisiswano, abantu bayarabana ngoku* ("mutuality is no longer there, people have begun to quarrel and find fault with each other"). In this case, the dissatisfied party will go further (*uya phambili*), as the stock phrase is at this level of proceedings. According to the traditional situation, it is only the homestead head who is legally permitted/empowered to go to the higher court and make an appeal there. But when the homestead head decides to "go further" something very important happens to the case itself: it goes public at this juncture; and since at the court of the homesteads the law was administered, in a very specific sense it is the law that "goes public" at this particular juncture.

(2) *The court of the Mat-leader.*

There are two rules in Mthwa society according to which a law case can proceed from the lower to the next higher court: first, the case must have been tried inconclusively on the lower level. Secondly, at each court level there is only one person "authorised" to take the case from a given level of court to the next higher. In the court of the homesteads this person is the homestead head. A person thus juridically authorised at a given level of the court system, I shall call the "legal authority." The legal authority immediately above the homestead head is the mat-leader (*unondiu*) who represents the second level of the court system in Mthwa. His court is in the vernacular referred to as "at the mat-leader's place" (*kunonadiu*). The limits of the juris-

diction of a mat-leader coincide with the membership of his mat-association. Thus his authority is, theoretically, based neither on territory nor on kinship. Whenever a homestead head decides to bring a court action against somebody once the negotiations at the level of the court of the homesteads have failed, he will lodge the complaint with the *mat-leader of the (alleged offender)*. The latter will then immediately make provision for the court hearing, if possible on the same day; in addition, he will go as soon as possible to the accused member of his mat-association and summon him to the court session which will be held at his place (*kimondlu*).

In order to place these abstract rulings into the context of daily life, it must be remembered that every homestead must enrol in one of the existing mat-associations (see p. 31), and that people usually choose a mat-association whose leader lives relatively close by. Therefore neighbours quite frequently belong to the same mat-association.

Now, in Caguba the majority of conflicts and subsequent offences tend to occur among persons who live literally within walking distance of one another; and since for pragmatic reasons that mat-leader of one's choice is the nearest one (also see Map No 3, p. 23), it can often happen that the offender's mat-leader and the complainant's mat-leader prove to be one and the same person. As a result, the mat-leader finds himself caught between two litigants who are both members of his association. To the observer it appears as if the mat-leader's jurisdiction is territorially defined - which, in principle, it is not, and that the role which the mat-leader plays in the ensuing negotiation of the case is one of arbitration rather than of administration of the law. However, in the view of the people involved, the law is indeed being administered. The case to be described in the paragraph that follows presents a similar ambiguity.

An important aspect of the mat-leader's court which distinguishes it clearly from that of the homesteads is that while the court of the homesteads proceeds most often in private, hearings in the court of the mat-leader are basically public. In the first place, the court ~~at~~^{of} the mat-leader is open to people who are neither directly involved nor who are legal majors, i.e. women and young men: the negotiations are no longer a matter of one or more homesteads (*ezasemakhaya*), but of the "public" which is in the vernacular referred to as *ebantwini* meaning literally "among the people" (12). By "the people" is meant not a specific group whether of a ward or of the village, but rather what the term "society" conveys in English: a broad grouping of people having common traditions, collective activities and interests. In the second place, the public nature of the court is expressed in the role and function of the mat-leader. With the transfer of the case from the level of the court of the homesteads to that of the mat-leader, the juridical decision-making authority has changed: there are no longer either homestead heads who are as such the legal authorities of the proceedings nor is there a group of kinsmen under the decision-making authority of their elder. Theoretically, the mat-leader as the legal authority at the level of his court is neither a homestead head nor an elder. He is "above" their level, i.e. he functions as the impartial arbitrator and judge. The following case illustrates the point.

A young, unmarried man had forced his way into a house and attempted to rape a girl (still of schoolgoing age). The young man and the girl belonged to unrelated clans (however, the two clans belonged to the same clan-cluster; see p. 26). The case was discussed at the level of the homestead heads, without reaching any agreement. Immediately the guardian of the assaulted girl appealed to the young man's mat-leader who arranged a hearing for the following day. The young man and the complainant belonged to the same mat-association and lived in the same ward-section. The following sketch-map (Map No 4, p. 123) shows the dwelling places of the main participants in the court-hearing; the respective places are inked in.



Map 4. Court of the mat-leader and spatial distribution of members of a mat-association involved in the case.

The assaulted girl and the assailant were represented by their legal guardians; the girl was represented by her oldest (half-)brother, and the young man by his father's (classificatory) younger brother. Both men were homestead heads, but the legal authority belonged to the mat-leader who was agnatically not related to either of the men (except in terms of the clan-cluster). The mat-leader opened the court hearing and became particularly active in formulating a levy (see below) which the complainant had demanded. The following table lists the main persons who were involved in the proceedings (see page 124).

The formal publicizing of the proceedings (expressed by the announcement made by the legal authority, the mat-leader) and the informal publicizing (expressed by the presence of non-involved persons, namely certain women and young men) were underlined by the following: a heavy fine of R 15,00 was demanded by the complainant and was seconded by the mat-leader. The young man faced an option between his case's being taken to the chief's and finally the magistrate's (13) court or accepting the levy. But neither he nor his guardian were able to produce the sum instantaneously, as the complainant insisted. Therefore the money was borrowed - from the mat-leader. Then the complainant asked a certain lady-neighbour to keep the money until

Complainant and guardian of the assaulted girl Girl (at the time of as- sault at her sister's place) Complainant's son	lives at homestead No 97 No 102 No 99	of Gwangule clan
Offender's legal guar- dian (paternal uncle) Offender and his mother	No 101 No 94	of Khanandana clan
Mat-Leader (at whose homestead the hearing took place)	No 90	of Wotshe clan
Lady-Neighbour (co-opted as trustee)	No 105	husband's clan: Ci- rha; her own: Gadi

the young man was able to return the sum to the lender. He, the complainant, wanted to make it "clear in public" (*ukuxetelwa ebantwini*) that he was not interested in the money, but in the punishment of the "crime" (*ityata*).

A mat-leader cannot impose a sanction or any sentence; this is the chief's prerogative. However, the mat-leader's word makes a fine which the conflicting parties themselves have suggested and agreed upon legally binding. Furthermore, the word of the mat-leader is a public statement about a particularly grave offence (in the case of the example: an attempted rape)⁽¹⁴⁾ and the necessity of making restitution for the damage that has been incurred. In short, the mat-leader's word is a public statement that an injustice has been perpetrated and that justice should be done; the actual administration of justice, however, is part of the procedural law (see below p. 150, n. 2). It is this same procedural law which is the unifying factor in the Mthwa court system making it a hierarchy of levels, of juridical authorities for the purpose of legal decision-making. On the lowest level there is the court of the homesteads; the next level is that of the mat-leader's court. The same (substantive) law is administered at these two levels and at any higher one; it

Complainant and guardian of the assaulted girl	lives at homestead No 97	of Gwangule clan
Girl (at the time of as- sault at her sister's place)	No 102	
Complainant's son	No 99	
Offender's legal guar- dian (paternal uncle)	No 101	of Khanandana clan
Offender and his mother	No 94	
Mat-Leader (at whose homestead the hearing took place)	No 90	of Wotshe clan
Lady-Neighbour (co-opted as trustee)	No 105	husband's clan: Ci- rha; her own: Gadi

the young man was able to return the sum to the lender. He, the complainant, wanted to make it "clear in public" (*ukuxelewa ebantwini*) that he was not interested in the money, but in the punishment of the "crime" (*ityala*).

A mat-leader cannot impose a sanction or any sentence; this is the chief's prerogative. However, the mat-leader's word makes a fine which the conflicting parties themselves have suggested and agreed upon legally binding. Furthermore, the word of the mat-leader is a public statement about a particularly grave offence (in the case of the example: an attempted rape)⁽¹⁴⁾ and the necessity of making restitution for the damage that has been incurred. In short, the mat-leader's word is a public statement that an injustice has been perpetrated and that justice should be done; the actual administration of justice, however, is part of the procedural law (see below p. 150, n. 1). It is this same procedural law which is the unifying factor in the Mthw. court system making it a hierarchy of levels, of juridical authorities for the purpose of legal decision-making. On the lowest level there is the court of the homesteads; the next level is that of the mat-leader's court. The same (substantive) law is administered at these two levels and at any higher one; it

is this substantive law that "bites" (Hoebel 1954; Bohannan 1968) at any level, from the highest to the lowest. In a certain sense, for those who live in Caguba, it bites particularly at the lowest level where a person's judge is his father, elder brother, or husband. Although the close link between the domestic group and the court does not exist at the mat-leader's level, the law still bites especially in the sphere of human relations: neighbours who meet one another frequently in everyday life "quarrel" in court.

In this context of the biting law and the "multistranded" (Gluckman) social relationships involved, it is possible to understand an aspect of the mat-leader's court which it shares with the court of the homesteads: namely the arbitration which takes place in order to reconcile people. I return to the case of the attempted rape:

When it became clear that the complainant was demanding from the offender a "sign" of the apology, the young man offered two Rand which, he said, was all he owned in cash at that moment. The complainant was dissatisfied. A long argument ensued between the men about the meaning of an apology. The young man's guardian argued that an apology implies a conversion; and the complainant argued that a conversion needs to be made visible. In the end the mat-leader intervened and asked for the sum the complainant expected. The amount of R 15,00 was mentioned. The mat-leader supported this suggestion, the money was borrowed from the mat-leader and given into the care of the lady-neighbour. A long discussion ensued about starting a new life and living at peace with one another. Finally the mat-leader, on behalf of the offender, sent one of his children to a neighbouring homestead and ask for a beaker of beer (about five litres) in order to close the rift which the offence had created and to re-establish neighbourly relationships between the complainant's and offender's homesteads.

In discussing the court of the homesteads, it was pointed out that the homestead-heads begin their negotiations in an atmosphere of presumed mutual trust (*lqvil-siswano*). In this sense, the negotiations take on the character more of an arbi-

tration than of a legal discourse for establishing legal facts and ensuring the corresponding restitution, even if this is the sole aim of the negotiations. The starting point at the mat-leader's court is different: when mutual trust is impaired at the level of the court of the homesteads, it is a matter of urgency to establish the legally relevant facts (and the corresponding restitution) with clarity and to show the consequences if reconciliation is not achieved, namely that the case will be transferred to the next higher court, that of the village headman. In the above-mentioned case, the matter for arbitration was the amount of the fine. In another case of a public cursing, the matter for arbitration was not even a fine, but only, an apology which the complainant demanded, to be expressed by the withdrawal of the curse. The mat-leader insisted that the complainant's demand be met, or else he would go "to the village headman 'straight away'." Thus arbitration is, from the participants' point of view, an aspect of the juridical decision-making process, since its outcome may decide whether the case will proceed to the next higher court or not. The arbitration does not concern the principal (substantive) law involved; this is the same, at the level of the court of the homesteads and the court of the mat-leader. Thus the two levels are similar with respect to arbitration and to the substance of the law involved. But they differ in two other respects both of which refer to the procedural law of the Mthwa court system. First, while the court of the homesteads definitely proceeds in private, *in camera*, the court of the mat-leader is fundamentally public (*kusebantwini*). Secondly, the two lowest levels of the court system have two different legal authorities, namely the homestead head and the mat-leader respectively. Both authorities are related to one another hierarchically.

If the litigants cannot reach an agreement, the mat-leader, as the decision-making juridical authority, has only one option: he is obliged to take the case

tration than of a legal discourse for establishing legal facts and ensuring the corresponding restitution, even if this is the sole aim of the negotiations. The starting point at the mat-leader's court is different: when mutual trust is impaired at the level of the court of the homesteads, it is a matter of urgency to establish the legally relevant facts (and the corresponding restitution) with clarity and to show the consequences if reconciliation is not achieved, namely that the case will be transferred to the next higher court, that of the village headman. In the above-mentioned case, the matter for arbitration was the amount of the fine. In another case of a public cursing, the matter for arbitration was not even a fine, but only an apology which the complainant demanded, to be expressed by the withdrawal of the curse. The mat-leader insisted that the complainant's demand be met, or else he would go "to the village headman 'straight away'." Thus arbitration is, from the participants' point of view, an aspect of the juridical decision-making process, since its outcome may decide whether the case will proceed to the next higher court or not. The arbitration does not concern the principal (substantive) law involved; this is the same, at the level of the court of the homesteads and the court of the mat-leader. Thus the two levels are similar with respect to arbitration and to the substance of the law involved. But they differ in two other respects both of which refer to the procedural law of the Mthwa court system. First, while the court of the homesteads definitely proceeds in private, *in camera*, the court of the mat-leader is fundamentally public (*kusebantwini*). Secondly, the two lowest levels of the court system have two different legal authorities, namely the homestead head and the mat-leader respectively. Both authorities are related to one another hierarchically.

If the litigants cannot reach an agreement, the mat-leader, as the decision-making juridical authority, has only one option: he is obliged to take the case

to the village headman's court. As the people phrase this decision: "he must 'free the quarrel'." But with this freeing of the quarrel, which the mat-leader should try to avoid, he frees something else as well: at the next higher level of the village headman, the court will constitute itself a jury, and law in the sense of a legal domain in its own right will take effect. The whole procedure shows how Mthwa society is integrated through its court system.

(3) The Court of the Village Headman.

When the negotiations at the mat-leader's court end in a deadlock, or when a case has been lodged with him which is restricted to the chief's court, for example, abduction⁽¹⁵⁾, then in both instances it is the mat-leader's duty to transfer the case to the court of the village headman (*isibonda*). He will do this by going to the headman of the village in which he, the mat-leader, lives. The village headman is the mat-leader's juridical superior, because the chief has placed the headman over the specific area of the chiefdom which I have termed a "village." Therefore all cases that have been unsuccessfully attended to by the mat-leaders within a given village will be reported "at the village headman's place" (*kwisibonda* or *kusibonla*)⁽¹⁶⁾.

When a case has been filed at the headman's place, it is the headman's duty to summon the complainant as well as the accused. If he meets people on his way, he will inform them about the forthcoming hearing. This serves as an informal means of inviting the homestead heads of the village to come and hear the case. If the circumstances require it, the headman is permitted to make an arrest. In such a case, he chooses some mature men to act as a police force. On the appointed day, the headman's court meets at his place. The hearing may proceed inside the headman's main-house, but its official legality is underscored if it takes place outside, in the open space between the cattle byre and the main-house. All mature men are supposed to hear the case and function

to the village headman's court. As the people phrase this decision: "he must 'free the quarrel'." But with this freeing of the quarrel, which the mat-leader should try to avoid, he frees something else as well: at the next higher level of the village headman, the court will constitute itself a jury, and law in the sense of a legal domain in its own right will take effect. The whole procedure shows how Mthwa society is integrated through its court system.

(3) *The Court of the Village Headman.*

When the negotiations at the mat-leader's court end in a deadlock, or when a case has been lodged with him which is restricted to the chief's court, for example, abduction⁽¹⁵⁾, then in both instances it is the mat-leader's duty to transfer the case to the court of the village headman (*isibonda*). He will do this by going to the headman of the village in which he, the mat-leader, lives. The village headman is the mat-leader's juridical superior, because the chief has placed the headman over the specific area of the chiefdom which I have termed a "village." Therefore all cases that have been unsuccessfully attended to by the mat-leaders within a given village will be reported "at the village headman's place" (*kvisibonda* or *kusibonda*)⁽¹⁶⁾.

When a case has been filed at the headman's place, it is the headman's duty to summon the complainant as well as the accused. If he meets people on his way, he will inform them about the forthcoming hearing. This serves as an informal means of inviting the homestead heads of the village to come and hear the case. If the circumstances require it, the headman is permitted to make an arrest. In such a case, he chooses some mature men to act as a police force. On the appointed day, the headman's court meets at his place. The hearing may proceed inside the headman's main-house, but its official legality is underscored if it takes place outside, in the open space between the cattle byre and the main-house. All mature men are supposed to hear the case and function

as a jury. The actual procedure of the hearing is much the same as on the lower levels: the legal authority (i.e. the headman) opens the session, calls the litigants and witnesses, and leads the cross-examinations. If no settlement is reached, the headman, as the legal authority, is obliged to take the case to the chief's court.

While there is a certain similarity between the headman's and the other lower courts, there is one important difference: the explicit call on the men to come and hear the case. In other words, there is, at the level of the village headman's court, a formally constituted jury which is not a permanent body of specially chosen persons; but a body comprising the mature male population of the village and constituted to judge a specific case. This jury is constituted in the following way.

The village headman's court as the place of juridical decision-making is based on three factors which need to be recalled: first, the village headman himself as the appointed authority for the village; secondly, the homestead-heads as the legal majors in Mthwa and as the legal authorities at the level of the homesteads; thirdly, the open space between cattle byre and main-house (called *inkundla*) which forms part of any homestead and which constitutes the place (in the homestead) for the express purpose of dealing with matters of a juridical nature. The headman's authority has been discussed in the previous chapter (see p. 60); here I shall concentrate on the remaining two points.

(a) Homestead heads as legal majors.

From the very beginning of the court procedures in Mthwa, i.e. at the level of the homesteads, the homestead heads are indispensably involved in the proceedings. However, it is not every homestead head who gets involved, but only

whose homesteads are affected by the conflict which has arisen or by the harm which has been done. These homestead heads act as the legal majors and the legal authorities, but their involvement is interested, as it were. This involvement out of interest remains on the mat-leader's level: the offender's mat-leader will always become involved because of his interest in the members of his mat-association, when the village headman invites the men of the village to come and hear the case, he requests disinterested men who are not already involved in the case. He calls on the mature men of the village as the recognized legal experts. Thus any restriction arising out of interested involvement is removed. The case is no longer "of the homesteads" (*eza-semakhaya*), nor "of the blood" (*eyegazi*), nor "of a mat-leader's place" (*ku-nondlu*), but one "of the law" (*eyomthethlo*); and the authority of the law is not restricted to a certain homestead, kingroup or mat-association, but is identical for all the people of the village (and, as will be shown later, of the chiefdom). The law as a set of rules of behaviour and of sanctions for certain misdeeds is a "public property (*kusebantwini*)".

This village public is represented by the legal majors of the village, i.e. the homestead heads. Thus, when the village headman invites the men to the hearing, the village public is called upon to hear and cross-examine the evidence which will be produced. Of course, not all the men attend every meeting, but it is easily observable that the jury is intended to be a cross-section of the juridically mature male population of the village. One example must suffice to document this fact. It concerns the case of a man who unsuccessfully assaulted another with a bush-knife at a public feast. The assaulted man immediately informed the offender's mat-leader who, in turn, briefed the headman on the same afternoon. The hearing was summoned for the followingunday morning. The people gathered in the main-house of the headman's home and took the seating order indicated in the following diagram (Figure 9,

p. 131). In addition to the diagram there is a list of the participants and of the clans and mat-associations to which they belong, as well as the situation of their homesteads in the ward-sections of the village (Table 5, p. 131).

From the diagram (Figure 9, p. 131) it emerges that there are extremely few women present. None of them have any significant part in the proceedings, therefore I have omitted their names from the list of participants. From the list two things emerge. First, the case concerns two kinsmen. This is a clear indication that in Mthwa society not all conflicts between kinsmen are settled at the level of the homesteads. Put differently, at the village headman's level, kinship is not a determining factor in constituting the headman's court, nor is mat-association membership. These two types of member are placed only according to age⁽¹⁷⁾: the most senior person sits next to the door, the most junior men sit in the back of the house. The accused sits in the centre of the house, facing the village headman.

Although, in the present example, the number of participating women is, by Caguba standards, rather small, men can be observed to outnumber women at any court meeting at the village headman's place (and even more so at the chief's place). But the meetings are public, and the women are free to come. Nevertheless, women very rarely participate in the proceedings, unless they are called as witnesses. The difference between men and women in attendance and in active participation reflects a very important aspect of the court and legal system of Mthwa society: official and particularly legal issues are the exclusive concern of the men, to such an extent that the terms "the men" (*imaboda*), "the people" (*abantu*), "in public" (*ebantwini*), and sometimes even "the Mpondo" (*amaMpondo*) are synonyms in Caguba's folk-technical terminology; particularly so when it comes to legal matters. In short, when it comes to

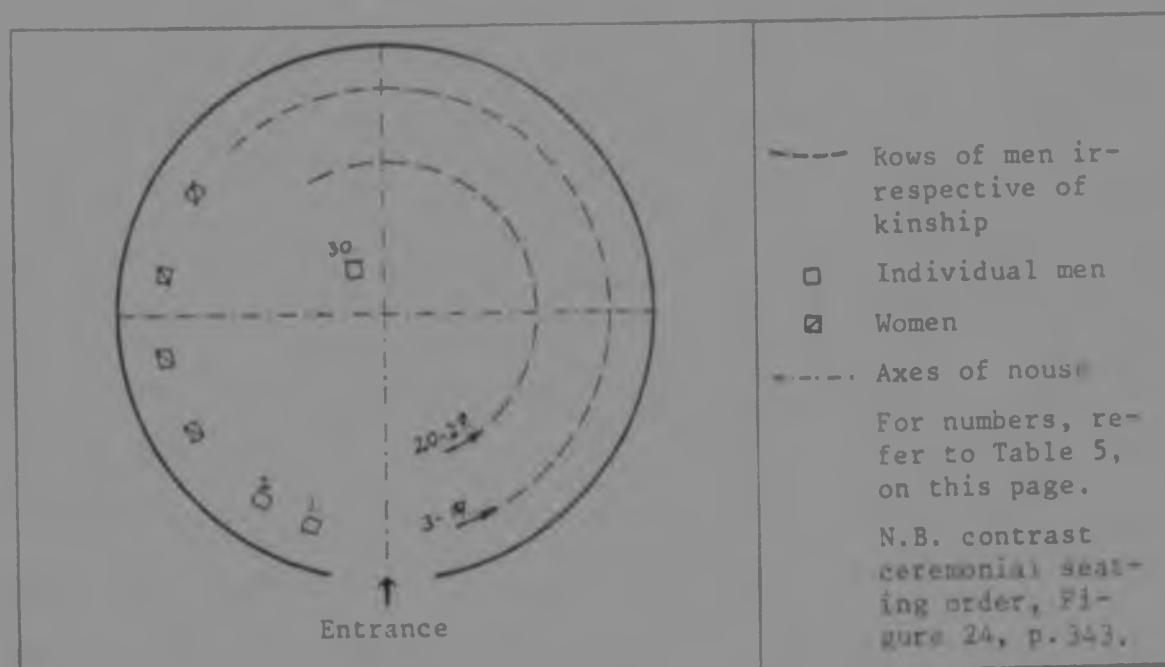


Figure 8. Example of village headman's court in session in main-house.

Participants	Clan	Mat-Ass.	Ward-Section	Explanation
1. Nothutha	Gewangule	Makete	Ngobozane	HEADMAN
2. Santsabe	Ncamane	Gxovuza	Tolofiyeni	
3. Mcwili	Jola	Dlova	Sihlanjeni	MAT-LEADER
4. Bhabhalaza	Ncamane	Gxovuza	Tolofiyeni	RIT. ELDER
5. Mabholoza	Gadi	Gxovuza	Tolofiyeni	
6. Jeffry	Sukude	Makete	Ngobozane	
7. Keki	Dlamini	Nkwane	Tolofiyeni	MAT-LEADER
8. Gigaba	Mganu	Mawotshe	Ludume	MAT-LEADER
9. Nodli	Ntsila	Sijunqu	Sihlanjeni	
10. Tironi	?			
11. Phikatole	Ncamane	Gxovuza	Ngobozane	
12. Mkelese	Gewalushe	Sijunqu	Sihlanjeni	
13. Maekelwa	Nqukwe	Gxovuza	Tolofiyeni	
14. Mtshini	Tshangisa	Makete	Ngobozane	
15. Stamkok	Gwangule	Makete	Ngobozane	
16. Mbuelwa	Khanandana	Mawotshe	Ludume	
17. Qwedana	Jola	Dlova	Sihlanjeni	
18. Koyini	Jola	Dlova	Sihlanjeni	
19. Qonono	Ncamane	Gxovuza	Tolofiyeni	
20. Ndimekwana	Ncamane	Gingizobi	Ludume	
21. Zamayedwa	Khanandana	Mawotshe	Ludume	
22. Msiya	Duna	Gxovuza	Ngobozane	
23. Bhazala	Ncamane	Makete	Sihlanjeni	
24. Fafa	Ncamane	Makete	Tolofiyeni	
25. Ngobiyane	Gwangule	Makete	Ngobozane	
26. Kweti	Gwangule	Makete	Ngobozane	
27. Sinama	Jola	Dlova	Tolofiyeni	
28. Kwingqiza	Jola	Dlova	Tolofiyeni	
29. ?				
30. Gwityi	Ncamane	Gxovuza	Tolofiyeni	ACCUSED

Table 5. Example of men in a court session forming a cross-section of the village.

taking a case to the village headman's court, the prospective litigants will meet "the men who have built" (*amadoda akhileyo*), i.e. the homestead heads (*abanumzana*) as the legal authorities of the village. They ~~together are the~~ jury without any special nomination of members. When they come together for the purpose of hearing a case, they constitute themselves the jury of the village headman's court; but they come together only at the explicit invitation of the village headman. Thus by virtue of his word calling the men and their coming together, the jury at the level of the village headman's court is constituted. Furthermore, in this process of the village court's constituting itself, the court system appears as the integrating mechanism of Mthwa society. The higher the particular court level, the greater the involvement of the society. The above example shows that the proceedings in the court of the headman remain squarely in the context of a particular village (i.e. in the village of Caguba)⁽¹⁸⁾. The jurisdiction of the court is still restricted. This fact is linguistically recognised in Caguba by a peculiar phrase of common speech: when a case is taken to the village headman's court by the respective mat-leader, the people say that "the court is being opened" (*ukuvula inkundla*).

(b) *The court yard.*

Mthwa society has no special public places, like a market place; even the "great place," i.e. the chief's place, is, strictly speaking, nothing more than a particular homestead within the chiefdom. Nor is there any place specifically reserved for meetings of the court. However, each homestead has a main-house, and opposite it a cattle byre (see Figure 27, p. 358). The space between these two places has a particular significance in any homestead. Here two types of activity take place, namely the invocation of the ancestors at special rituals (see Chapter VII) and the negotiation of matters with a legal content. The particular site of the homestead is called *inkundla*; whatever

takes place there happens *nkundleni* ("in the *inkundla*"). The ritual type of activity takes place in the afternoon, the legal activity takes place in the morning (see the episode reported above, p. 114). At any level of the Mthwa court system, court procedures take place as a rule *enkuondeni*, i.e. in the open space between the cattle byre and the main-house. If a meeting in a homestead takes place at the "right time", namely in the morning, then the people know that it is for the purpose of negotiating legal matters; it may be at a particular homestead head's place, at a mat-leader's place, at the village headman's or the chief's place: the conclusion is always the same. In other words, the place and the time of meeting define the purpose of the gathering in Mthwa society. The meeting is juridical and the purpose is decision-making.

Within the court-yard, a particular seating order is maintained which underlines this purpose. There are "the men" (*amadoda*) with their village headman (*isibonda*); there are the litigants who, quite literally, face the whole body of "men", while the participating women sit to the side. The following diagram (Figure 9, p. 134) shows how the court was arranged when the Cagubans met at a headman's court for a certain hearing (in 1978). The arrangement of the court in session expresses the purpose of the gathering, namely juridical decision-making. This purpose is identical at all levels of the court system in Mthwa, since at all levels the same means are used to express this purpose. Yet, as there is an important difference between the court of the homesteads and the court of the mat-leader, there is a difference between the court of the mat-leader and that of the village headman. If a case remains unresolved or is unresolvable at the mat-leader's level, the mat-leader must free the quartet (see p. 127) and, on behalf of the dissatisfied litigant, he must go to the village headman's place and, in Caguban colloquial speech, "open the 'court' (*inkundla*)". The words of an assistant mat-leader⁽¹⁴⁾ are here quoted in full

takes place there happens *enkundleni* ("in the *inkundla*"). The ritual type of activity takes place in the afternoon, the legal activity takes place in the morning (see the episode reported above, p. 114). At any level of the Mthwa court system, court procedures take place as a rule *enkundleni*, i.e. in the open space between the cattle byre and the main-house. If a meeting in a homestead takes place at the "right time", namely in the morning, then the people know that it is for the purpose of negotiating legal matters; it may be at a particular homestead head's place, at a mat-leader's place, at the village headman's or the chief's place: the conclusion is always the same. In other words, the place and the time of meeting define the purpose of the gathering in Mthwa society. The meeting is juridical and the purpose is decision-making.

Within the court-yard, a particular seating order is maintained which underlines this purpose. There are "the men" (*amadoda*) with their village headman (*isibonda*); there are the litigants who, quite literally, face the whole body of "men", while the participating women sit to the side. The following diagram (Figure 9, p. 134) shows how the court was arranged when the Cagubans met at a headman's court for a certain hearing (in 1978). The arrangement of the court in session expresses the purpose of the gathering, namely juridical decision-making. This purpose is identical at all levels of the court system in Mthwa, since at all levels the same means are used to express this purpose. Yet, as there is an important difference between the court of the homesteads and the court of the mat-leader, there is a difference between the court of the mat-leader and that of the village headman. If a case remains unresolved or is unresolvable at the mat-leader's level, the mat-leader must free the quarrel (see p. 127) and, on behalf of the dissatisfied litigant, he must go to the village headman's place and, in Caguban colloquial speech, "open the 'court' (*inkundla*)". The words of an assistant mat-leader⁽¹⁾ are here quoted in full

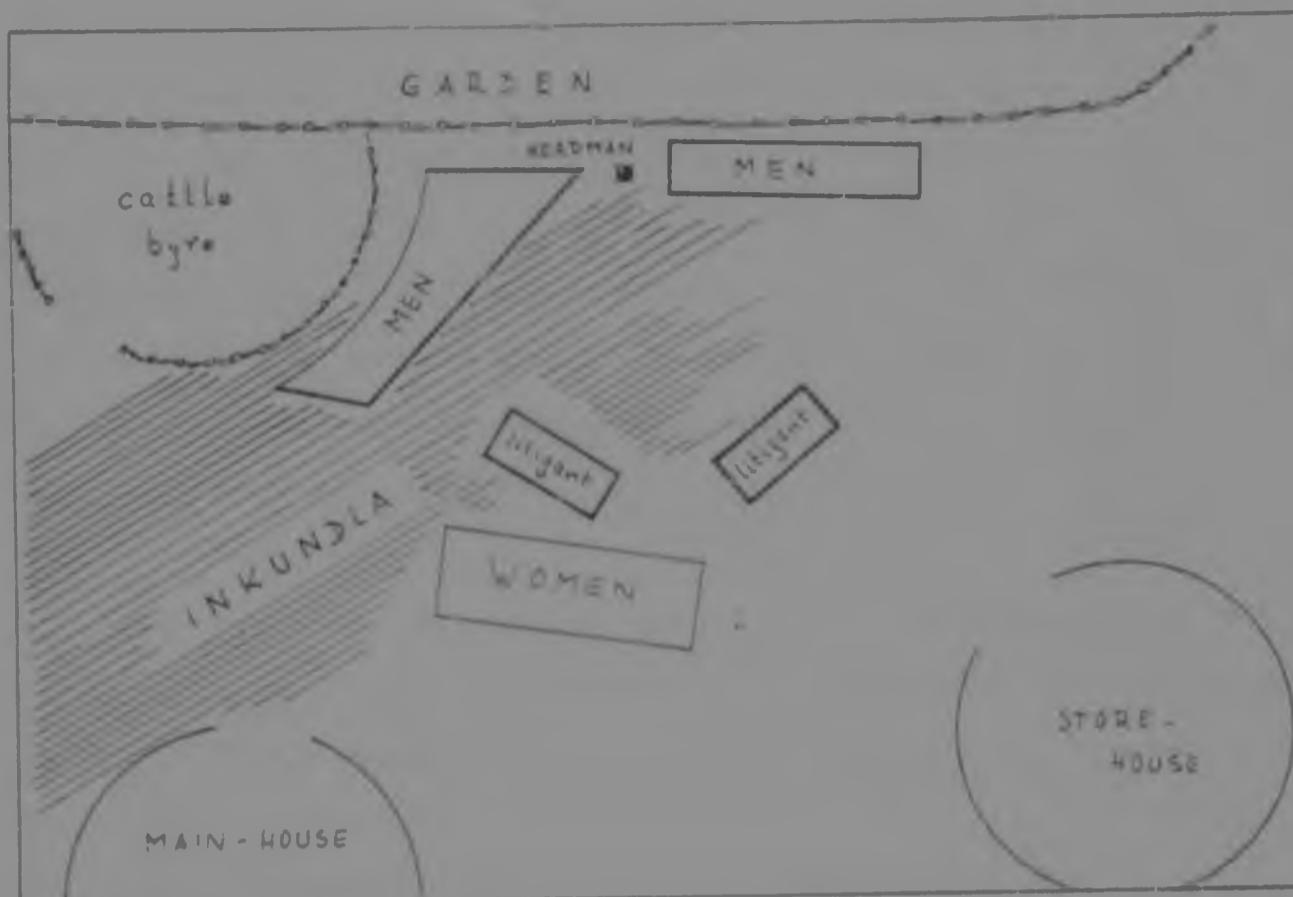


Figure 9. The Village headman's court in Caguba, 1978.

to indicate clearly the contrast between the two levels of the court system:

Kwasibonda, xa nithethia, kufune-a uvule inkundla,
kanti kurondu soze uvule nkundla,
kunondu, hayi, zanvuli nkundla.
Le nto kuthiwa: kukuvu' inkundla okwakomku.
Isibonda siyayivu' inkundla komkhulu apha e-zini osan.

At the headman's place, if one goes to court, you must open *inkundla*,
whereas at the mat-leader's place, you never do that,
at the latter's place. well, you don't open *inkundla*. (20)
(In contrast, at the headman's place) that is the very thing
that it is all about: to open *inkundla* which is of the chief's place.
The headman opens *inkundla*, the one of the chief's place,
while (actually) being at his own (the headman's) place.

Typically, the place between the cattle byre and the main-house is the place of
the court's meetings at any level of the court system. This is so stereotypical
that the place name (*inkundla*) and the juridical purpose (*inkundla*) of the meet-
ings at this place have become synonymous. But neither of the lower courts, of the
homesteads or of the mat-leader, would ever be identified by the term "the
court" (*inkundla*). When, therefore, the Cagubans say that the mat-leader

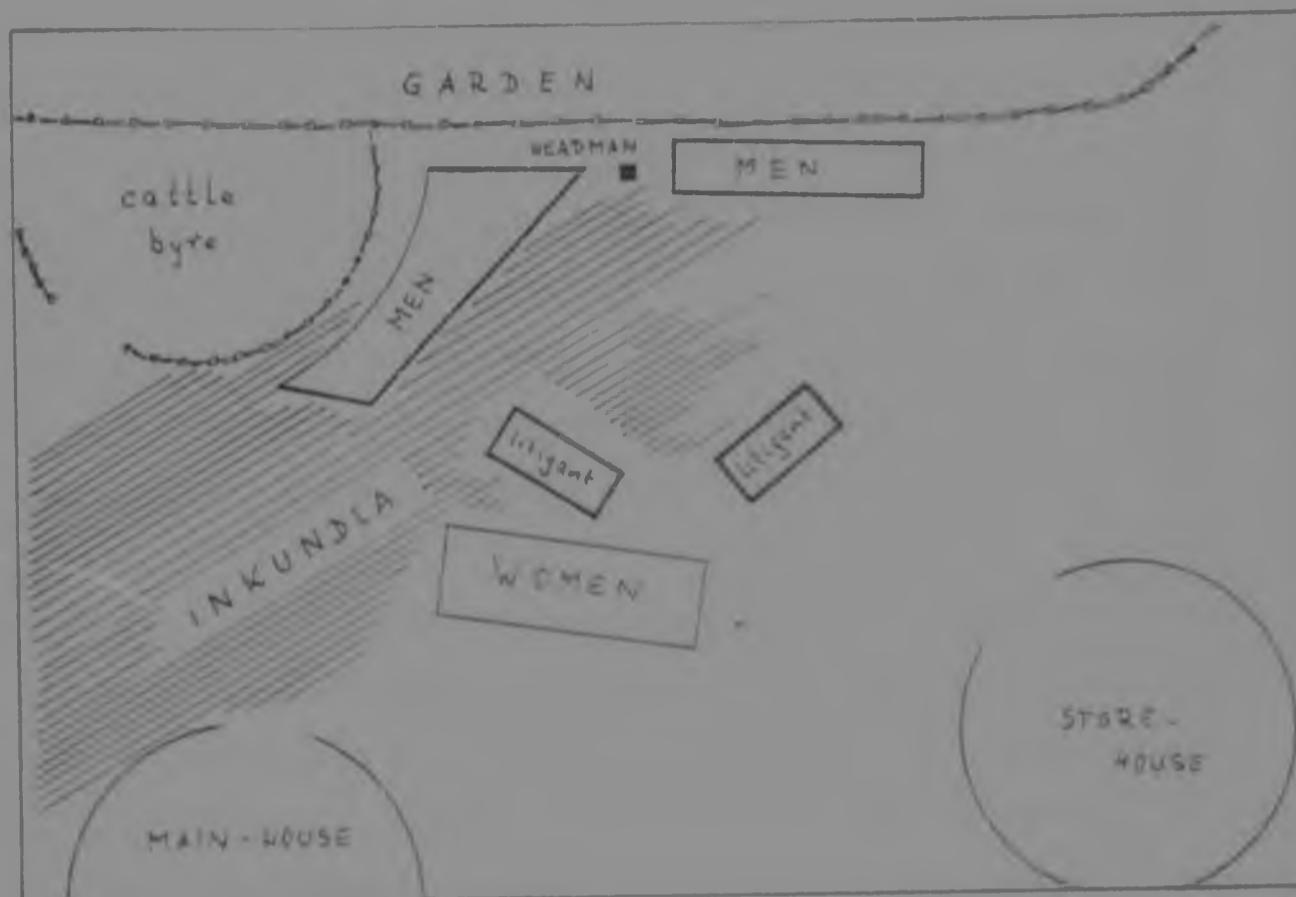


Figure 9. The Village headman's court in Caguba, 1978.

to indicate clearly the contrast between the two levels of the court system:

Kwasibonda, xa nithetha, ku une a uvu ...,
 kanti kunondlu soze uvule nkundla,
 kunondlu, hayi, xuwuli nkundla.
 Le nto kuthiwa: kukuval' inkundla okwakomku...
 Isibonda siyayivul' inkundla komkhulu xpha emzini waso.

At the headman's place, if one goes to court, you must open *inkundla*, whereas at the mat-leader's place, you never do that, at the latter's place, well, you don't open *inkundla*. (20)
 (In contrast, at the headman's place) that is the very thing that it is all about: to open *inkundla* which is of the chief's place. The headman opens *inkundla*, the one of the chief's place, while (actually) being at his own (the headman's) place.

Typically, the place between the cattle byre and the main-house is the place of the court's meetings at any level of the court system. This is so stereotypical that the place name (*inkundla*) and the juridical purpose *kundla* of the meetings at this place have become synonymous. But neither of the lower courts, of the homesteads or of the mat-leader, would ever be identified by the term "the court" (*inkundla*). When, therefore, the Cagubans say that the mat-leader

must "open the court" when he lodges a case at the headman's court, they are using a phrase which, strictly speaking, can be used only of the chief's court. How then can the mat-leader open the court? The answer lies in the formal constitution of the men as a body of disinterested legal majors: as the headman's jury. Yet this jury comprises men from a single village (see p. 132, and p. 152, n. 18); the level of the chiefdom as a whole has not yet been reached. Thus, the mat-leader merely "opens" the court - the court of the chief, that is to say.

The presence of the formally constituted jury marks a significant difference between the headman's court on one hand and the lower courts of the homesteads and the mat-leader on the other. But this does not imply that the headman's court is different in nature from the lower courts. On the contrary. Once the mat-leader has "freed the quarrel" and "opened the court" on behalf of one of the litigants, it will become obvious that there is the same substantive law (*eyomthetho*) which is administered on all levels of the Mthwa court system. The formally constituted jury which, in principle, includes the homestead heads and the mat-leader of the lower courts makes this clear: law is a public matter (*kusebantwini*) which binds all the people (*kusebantwini*) and which all of them should uphold (*ukuva*). Being a public matter, law concerns all the people (*abantu*) and this "public" of the village is represented by the men (*amadoda, abantu*), i.e. the homestead heads (*abammzana*) who are the society's legal experts (*abaphethe umthetho*). Since this expertise belongs to the men in general, none of them is formally summoned or specifically selected to sit on the jury, not even the mat-leaders. Though the headman will have informed the respective mat-leaders, their presence is not required *ex officio* to validate the proceedings. As one of my informants, a mat-leader⁽²¹⁾ himself, put it, "As soon as I have handed over to the headman, the case is no longer my concern (as mat-leader)." Another informant, an elder, explained to me that there

must "open the court" when he lodges a case at the headman's court, they are using a phrase which, strictly speaking, can be used only of the chief's court. How then can the mat-leader open the court? The answer lies in the formal constitution of the men as a body of disinterested legal majors: as the headman's jury. Yet this jury comprises men from a single village (see p. 132, and p. 152, n. 18); the level of the chiefdom as a whole has not yet been reached. Thus, the mat-leader merely "opens" the court - the court of the chief, that is to say.

The presence of the formally constituted jury marks a significant difference between the headman's court on one hand and the lower courts of the homesteads and the mat-leader on the other. But this does not imply that the headman's court is different in nature from the lower courts. On the contrary. Once the mat-leader has "freed the quarrel" and "opened the court" on behalf of one of the litigants, it will become obvious that there is the same substantive law (*umthetho*) which is administered on all levels of the Mthwa court system. The formally constituted jury which, in principle, includes the homestead heads and the mat-leader of the lower courts makes this clear: law is a public matter (*kusebantwini*) which binds all the people (*kusebantwini*) and which all of them should uphold (*umthetho*). Being a public matter, law concerns all the people (*abantu*) and this "public" of the village is represented by the men (*anadoda, abantu*), i.e. the homestead heads (*abanumzana*) who are the society's legal experts (*abaphethe umthetho*). Since this expertise belongs to the men in general, none of them is formally summoned or specifically selected to sit on the jury, not even the mat-leaders. Though the headman will have informed the respective mat-leaders, their presence is not required ~~as officials to validate~~ to validate the proceedings. As one of my informants, a mat-leader⁽²¹⁾ himself, put it, "As soon as I have handed over to the headman, the case is no longer my concern (as mat-leader)." Another informant, an elder, explained to me that there

136

is no rule in Mthwa which requires any particular person to be present at a court session.

The Mthwa court system and its law (procedural as well as substantive) were formulated when Mthwa society was pre-literate; thus there was no codified law. The society relied on what its legal experts had to say (*ukuthetha*). In the most general sense, the legal experts of Mthwa society were the homestead heads; in terms of the present discussion they are "the men." Whatever "the men" say in their capacity of jurisdictional decision-making (*ukuthetha*) is law (*umthetho*). Thus, when the men constitute themselves the court, they become the living code of Mthwa law: this process of formally identifying the public, the men, and the law constitutes the opening of the chief's court (*inkundla*). Put differently, in the process of the men's constituting themselves as the court, the legal main as a form of authority in Mthwa emerges in its own right⁽²²⁾. It is precisely this legal domain which is identified as *inkundla*, the "court(-yard)" in which the men gather. As has been pointed out already, the men, at this level, gather only in the village headman's court; they are not yet in the full sense the court, for the term "the court" (*inkundla*) applies, strictly speaking, to the chief's court only. Here, at the village headman's place, they only "open the court."

Besides this subtle verbal distinction which the Cagubans make, there is still a material difference between the village headman's and the chief's court: unlike the chief's court, at the village headman's court arbitration and reconciliation between the conflicting parties is still (although remote) a possibility. In other words, even the village headman's court, having its formally constituted jury, can still function as a court of arbitration. This aspect makes the headman's court once more similar to the lower courts of the homesteads and the mat-leaders. If the litigants, however, should not come to terms with one

another and be reconciled, the headman cannot impose sanctions on the culprit; all he can do is go to the chief's place and report the case there. As the "eye of the chief," the village headman has to see to it that justice will be done. According to the judgement of the chief's court (*korikhulu*), the chief will sentence (*ukugweba*) the culprit.

(4) *The Chief's Court.*

Although the general appearance of the chief's court is, in several respects, similar to that of the village headman, there are certain factors which are lacking at the lower levels, such as the formality with which cross-examinations proceed, the presence of court officials and the fact that a trial at the chief's court has a preparatory phase. The latter is of particular interest here with respect to the whole court system and the fact (already noted) of the legal domain that emerges as a form of authority in Mthw in its own right (see p. 136).

(a) *The preparation for a court trial.*

The preparatory stage of the trial at the chief's court involves one of the court officials, namely the secretary (see below p. 142). From the point of view of the Transkeian Department of Justice, the preparation for the court trial consists of the secretary's writing down the charge which the complainant lays against an offender. But from the point of view of the socio-juridical reality of Caguba, the preparation consists of an isolation of the "case" from its social setting. This process of isolation has three aspects: (i) the isolation of the conflict as a (written) statement, (ii) the isolation of the complainant as a witness, (iii) the isolation of the material basis of the charge.

... among the *zakha*'s court would be conclusive, the village headman's decision that it is his duty to go to the Great Place (*hombhalo*) in order to hear the *zakha*. At this same time he gives the dissatisfied litigant permission to appeal to the chief's court (*inkundla*). While the village headman must literally go directly to the chief's place, the complainant must go to the chief secretary (*mabhala*) and lodge the complaint with him in the form of a written statement. The secretary thus functions as a charge-officer, it happens to continue fully what happens at the secretary's place; a lengthy hearing which has taken place at the village headman's court, and which involved many points and the most diverse aspects of social life in Caguba, is reduced here to some clearly-defined allegations with respect to an offence and certain *witnesse*. A very "long story" has to be reduced to a legally relevant *fact*, and this *agendum* will be read to the court at the outset of the trial.

(iii) From the *zakha* for the assessment of any evidence led and for the *enunciatio*. The credibility of this written statement is the criterion for the passing of sentence, or the dismissal of the plaintiff as liar. The very formalistic and objectivistic approach to legally relevant facts is typical of proceedings at the chief's court in particular, in Mthwana (*gushwa*), and must be reproduced in the written state-

(iv) The *zakha* may summon a witness.

(v) The course of the ensuing trial, after the complainant's statement has been fully discussed with no intent to give their evidence. The first and most important witness is the complainant himself. The party prepares him for the trial, and arranges the *zakha*.

The task of reducing the "long story" to a brief statement is the first stage of the process. The secretary asks questions to elicit the legally relevant facts from the surrounding aspects of life in agulu. This is often achieved only with difficulty by the complainant himself, as he is not able to observe. Thus the secretary must ask relevant questions which assist him to formulate the statement. The questioning by the secretary becomes in fact a preliminary investigation. But often the secretary knows about what has happened at the lower court and the evidence given there. Therefore he may become aware of contradictions between what had been said there and what he is writing down now *bona fide*. When the statement is finished, and has been read to the complainant and approved by him, the secretary may in a veiled manner point out the contradictions. At this stage, he is no longer a mere secretary, but a knowledgeable elder who functions like a "broker" (Perry 1977) and advocate (*igqweta*) warning his "client" to stick to one line of evidence or else face the destructive interrogation of the men. At least some of them will have been at the lower court and will have heard the evidence there. The contradiction will soon be discovered. The general assumption is that contradicting evidence points to an attempted cover-up of something or somebody; and this cover-up is judged to be lying in court. As the secretary-broker instructs the complainant, he prepares him for his role as a witness when he will be complete alone. In court, the witness cannot rely on others unless he is "sent *uthnyiwe*", a conspirator. Thus the purpose of the preparation for the trial is not only to isolate the charge from all other facts, but to prepare the complainant to act alone when he gives evidence (*unqina*) as witness (*inqina*).

(iii) The conflict becomes a culpable offence.

When the secretary asks questions in order to assist the complainant in formulating the statement, the former unavoidably learns about the wider context of what "actually" happened: the social background of relationships and tension, of sometimes publicly unknown circumstances; he learns about the deeper-lying

cause or causes which led to the offence. At times this social context of the offence may be so complex as to make it impossible to treat the *materia*, i.e. the content of the complaint, legally. In addition, the deeper-lying causes of the offence may not only be hidden from the public, but, if revealed, they may be detrimental to the complainant. For example, in a rage of jealousy, a married man "punishes" his secret lover who is also married, and injures her. The matter is finally brought to the court secretary; a statement must be drafted on the basis of which the culpable injury can be prosecuted in court. If the "full" story were stated, the statement would amount to the self-accusation of an unfaithful wife. But there is no institution in Mthwa society that enjoins (public) self-accusations. Any such complexity in a court case is avoided in Mthwa by isolating the central issue of the charge, the *materia* of the offence, for example a wound inflicted through a bush knife, bruises on the body caused through beating this or that person. The question for the court will be: can the origin (violent action) of the alleged facts (wound, bruises etc) be proved and was the accused culpable (*ngamabomu, ngokuthandu* ~~ngakuthandu~~) or not? The secretary-broker helps the complainant to isolate the mere factuality of the legal matter from other circumstantial matters. The topic of legal concern is not the "actual" conflict, but the factuality of the culpable offence. This reduction of a conflict to the mere factuality of legal matter is the final step in the preparatory stage of the procedure of the chief's court, before the court goes into session. Only then has this observable, material reality weight.

The preparatory stage of the chief's court proceedings not only reduces the complexity of the conflict to a "statement," but the case itself is reduced to something that can be measured in terms of a verdict of guilt or innocence. Furthermore, in relation to such material facts, any evidence and any witness can be assessed, including the plaintiff himself. In short, the chief's court

cause or causes which led to the offence. At times this social context of the offence may be so complex as to make it impossible to treat the offence, i.e., the content of the complaint, legally. In addition, the deeper-living causes of the offence may not only be hidden from the public, but, if revealed, they may be detrimental to the complainant. For example, in a rage of jealousy, a marriedman "punishes" his secret lover who is also married, and injures her. The matter is finally brought to the court secretary; a statement must be drafted on the basis of which the culpable injury can be prosecuted in court. If the "full" story were stated, the statement would amount to the self-accusation of an unfaithful wife. But there is no institution in Mthwa society that enjoins (public) self-accusations. Any such complexity in a court case is avoided in Mthwa by isolating the central issue of the charge, the material of the offence, for example a wound inflicted through a bush knife, bruises on the body caused through beating this or that person. The question for the court will be: can the origin (*violent action*) of the alleged facts (wound, bruises etc.) be proved and was the accused culpable (*ngomabon, ngolokhanda kuzukhu*) or not? The secretary-broker helps the complainant to isolate the mere factuality of the legal matter from other circumstantial matters. The topic of legal concern is not the "actual" conflict, but the factuality of the culpable offence. This reduction of a conflict to the mere factuality of legal matter is the final step in the preparatory stage of the procedure of the chief's court, before the court goes into session. Only then has this observable, material reality weight.

The preparatory stage of the chief's court proceedings not only reduces the complexity of the conflict to a "statement," but the said itself is reduced to something that can be measured in terms of a verdict of guilt or innocence. Furthermore, in relation to such material facts, any evidence and any witness can be assessed, including the plaintiff himself. In short, the chief's court

is often discontinued by the parties or it is no longer necessary because both the conflicting parties set their cross-examining law in the courtship. However, interrogations are suspended until the parties and their witnesses. This is the most important difference between the lower courts (which proceed on the assumption of, or work for, the resolution of mutual trust) and the chief's court. It can be said that what takes place in the lower courts, before a case comes to the chief's court, is a process by which the material facts of the case are gradually clarified and the *actual* complexity of the conflict is removed as far as possible. The case, once defined, now makes way for the complexity of the juridical decision-making at the chief's court.

(b) The chief's court in session.

The chief's court resembles the lower courts in many respects; it is composed mainly of men, the order of sitting is like that for the headman's court and interrogation is done almost exclusively by men. But it differs in other respects. To begin with, lower courts meet only if there is a case in hand, but the chief's court which serves the whole chieftaincy meets regularly once a week. There are further distinguishing factors: (i) the jury which is the chief's court represents the chieftaincy, and not merely a single village, (ii) court officials, (iii) the chief.

(i) The jury.

Any household head within the boundary of the chieftaincy is by definition a member of the jury at the chief's court, but there is no formally defined quorum. Since the practice of attending previously defined also applies (see p. 126), thus no member of the jury is officially summoned, but the village headmen usually attend at any of the cases which persons from their respective villages, headmen also attend more often than others do, others

in which is characterized by the party that it is no longer private, involved in the conflicting parties and their reconciliation, but in the confrontation between observable and testified culpable facts and their sanctions. This is the most important difference between the lower courts (which proceed on the assumption of, or work for, the restoration of mutual trust) and the chief's court. It can be said that what takes place in the lower courts, before a case comes to the chief's court, is a process by which the material facts of the case are gradually clarified and the social complexity of the conflict is removed as far as possible. The case, once defined, now makes way for the complexity of the *juridical* decision-making at the chief's court.

(ii) The chief's court (*o mukun*).

The chief's court resembles the lower courts in many respects: it is composed mainly of men, the order of sitting is like that for the headman's court and interrogation is done almost exclusively by men. But it differs in other respects. To begin with, lower courts meet only if there is a case in hand, but the chief's court which serves the whole chiefdom meets regularly once a week. There are further distinguishing factors: (i) the jury which is the chief's court represents the chiefdom, and not merely a single village, (ii) court officials, (iii) the chief.

(i) The Jury:

Any household head within the boundary of the chiefdom is by definition a member of the jury at the chief's court, but there is no formally defined *juryman*. Here the freedom of attendance previously defined also applies (pp. 116). Thus no member of the jury is officially summoned, but the village headman usually attends if any of the cases concern persons from their community. Villagers are often more open than their chief about their

relatively frequent products of the court are certain officers who visit after the time to come and who are skillful interrogators. Apart from these relatives of the litigants are sometimes present. In principle, all men are entitled to participate in the interrogations, but it is the more skillful men who more frequently do so.

(ii) The Court Officials.

To the best of my knowledge there are only two court officials: the court secretary and the court messenger. As in the preparatory stage, the secretary fulfills two different functions. At the earlier stage he acts as charge officer and as broker; when the court is in session, he acts as the secretary who reads the complainant's statement, records the major points of the interrogation, and writes the sentence. In addition, he may function as a state prosecutor (*prosecutor*) who argues the case.

From the evidence it appears that the office of the secretary, in its present form, is a recent development of the court system of Mthwa. In the past there was no need for a formal, written statement. When in the mid-fifties the chief's court became the lowest level within the Governmental juridical system (see p. 11), the written charges were introduced as a step in the existing tribal legal procedure. But it appears also that the secretary's office evolved from the traditional court system. Informants assert that there has "always" been a "prosecutor" (*prosecutor*), from *ukutshushisa* "to pursue an enemy" in the chief's court. Furthermore, the present-day secretary (who may be a comoner) always functions as the chief's representative in the latter's absence⁽³⁾. Although I am inclined to think that today's "secretary" is, indeed, the "broker" of former days, the evidence available is not conclusive.

In any case, the traditional authority in the court officials, derive from the

chief, who ~~also~~^{not} participates in the more protracted court trials. The second court official, the court messenger, is entrusted with delivering the warrant for summoning (written) witness or arresting a suspect. At the time of my research, the court messenger was a younger man in his mid-thirties who happened to be a member of the royal clan; but he might as well have been a commoner. Both of the two offices, court secretary and court messenger has specific terms of office: appointment to and release from office are at the discretion of the chief.

There is no advocate, specifically appointed, either on behalf of the plaintiff or of the defendant. The assumption is that the jury of the man will watch the development of the trial closely and ensure that no partiality goes unchecked (see below).

(iii) The Chief.

The chief is the supreme representative of the "public" in Mthwa society: he is the person who can "speak with (ultimate) authority" (*ukuthethu*). Therefore a court trial is commonly referred to as *intetho* ("a speech, discussion") (see p. 108). Accordingly, the chief is authorised to pass judgement (*ukupenda*) and to define the sentence (*ukusuka*). In a rather metaphorical sense, the Cagubas speak about the lower courts being empowered to pass sentence, but the informants usually hasten to add that such sentence is "only by word of mouth" (*ingomlozi qhaqha*). In strong contrast, the chief's judgement and sentence may really "bite": thus, for example, a man who assaulted and injured a neighbour's wife and daughter, was sentenced to be flogged. Another person, who was guilty of an abduction (*ukuthela*), was fined six head of cattle. Since such severe sentences may be involved, it is vital that the material aspects of a charge be scrupulously clear. But it is not merely because of the severity of the outcome that the chief's judgment must be totally just and acceptable to all: for

gal experts, i.e., the jury of the *shir*. As the legal relevant continuity of the case will do with the cross-examination of the witness (from all the precautions taken at the secretary's office; see p. 160), the case may still touch on many people's personal interests. Most of the people who participate in a court hearing are frequently involved with one another in daily life; whether present as plaintiff, defendant or member of the jury, they are at the same time part of the intricate web of relationships resulting from kinship and marriage. Even if the social aspect is removed from the proceedings, the reduction of the conflict to a "case" does not change the fact that, for example, the accused is for a certain member of the jury "one of my mother's people," or for another member the plaintiff is "my father's older (classificatory) brother." Only the clearest evidence about the material facts of the case, and a scrupulous classification of the offender's deliberateness of action will help the chief, when passing judgement, to avoid creating (for himself and others) new sources of social tension. If then it is the chief's concern to see that justice is done, that the culprit is punished and an indemnity paid, he is also the first person in Mthwa society to know that from the point of view of social life, a "case" is not an isolated legal affair, but an essential part of village life as a whole.

The chief, then, is clearly distinguished by his possession of a legal power which is greater than that of the lower courts. But the distinction becomes less striking when we look at the court of the homesteads. Here the homestead head also has a right to "sentence," i.e. "punish" (*ubudha*) his child, son, brother and wife. Thus at the two extremes of the court system we find a similarity between the authorities concerned, the homestead head and the chief. This similarity is expressed officially in common language: the chief's homestead is the "great" (*gama*) and that of the homestead head is the "little" one (see p. 91 f.). Whether chief or homestead head, both men are the authori-

ties of their respective homesteads. Furthermore, the most common form of address for the men was now assumed in the court *Amukha* (great chief) which means "Chief!" In reality, no other man is legal equals, including the men, and together they then pass the verdict and pass judgement. Thus it is the legal domain which unites *Mhwa* society, within the domain of the social universe. *Mhwa* realises itself as a whole, unified in the particular humanised head, that of the chief to whom they have entrusted the final word in judicial matters after he has consulted the men.

(ii) The District Chief's and the Magistrate's Courts.

The district chief's court or "Tribal Authority" (*Chaka*, see p. 11) is the appeal court in all matters which are tried at the chief's court. Should a litigant feel he has been treated unjustly when judgement has been passed at the chief's court, he can appeal to the Tribal Authority. It is the chief's duty to transfer the case to the higher court. This is an aspect of the politico-jural organisation of the paramountcy of Western Mpundoland. Certain offences, like bodily harm, rape and theft have been restricted to the Magistrate's court and are to be reported by the chief to the Magistrate's office. A discussion of these courts is outside the scope of the present dissertation.

(iii) The court system and the composition of traditional institutions.

In the previous chapter (Chapter III), I described the political authorities of *Mhwa* society from an institutional point of view. This began with the widest encompassing authority in *Mhwa*, i.e., the *ministers*. Among the lesser authorities no military structure in the sociological sense appeared. The reason is that the various (political) institutions are based on different organisational forms which cannot be joined to one another. The institutions for political

decision-making do not lend themselves to expressing the unity of Mthwa society. In the present chapter (IV) I have adopted an alternative perspective from that of Chapter III. Instead of taking a particular institution as the starting-point of my inquiry, I have taken the empirical evidence of a type of interaction in the village which calls for the intervention of a particular type of authority. The type of interaction is the resolving of a conflict that has arisen between certain villagers; the type of authority is that of the homestead head, who is called upon to mediate between the conflicting parties. It is when one starts at the point of a specific conflict in which certain villagers have clearly discernible personal interest and which requires to be resolved legally, and one follows the process through to the ultimate judgement - it is then that the whole court system of Mthwa society emerges. At each stage of the development of the case a further non-legal institution is drawn into this interaction, eventually integrating the whole of Mthwa society. By the same process, the legal domain as a particular reality of Mthwa comes to the foreground. The system is like a river the capacity of which is increased by the capacity of its tributaries. At the lowest level there is a small group of people belonging to one or two homesteads only. At the next level, involvement is increased by the wider range of the mat-associations. At the level of the village headman, general publicity is achieved and the legal domain instituted "as such." Finally the whole chiefdom is involved represented by the sovereign, the chief⁽²⁴⁾. The following diagram (Figure 10, p. 147) represents the hierarchical arrangement of non-legal institutions for the purpose of legal decision, of the court system in Mthwa.

It must be fully recognised that the hierarchy of courts is observable only through the process of resolving a legal case; the hierarchy is processual, it is not substantial. Substantially there are different "places" or "levels" at which cases are tried. There is nothing inherent in the levels that places

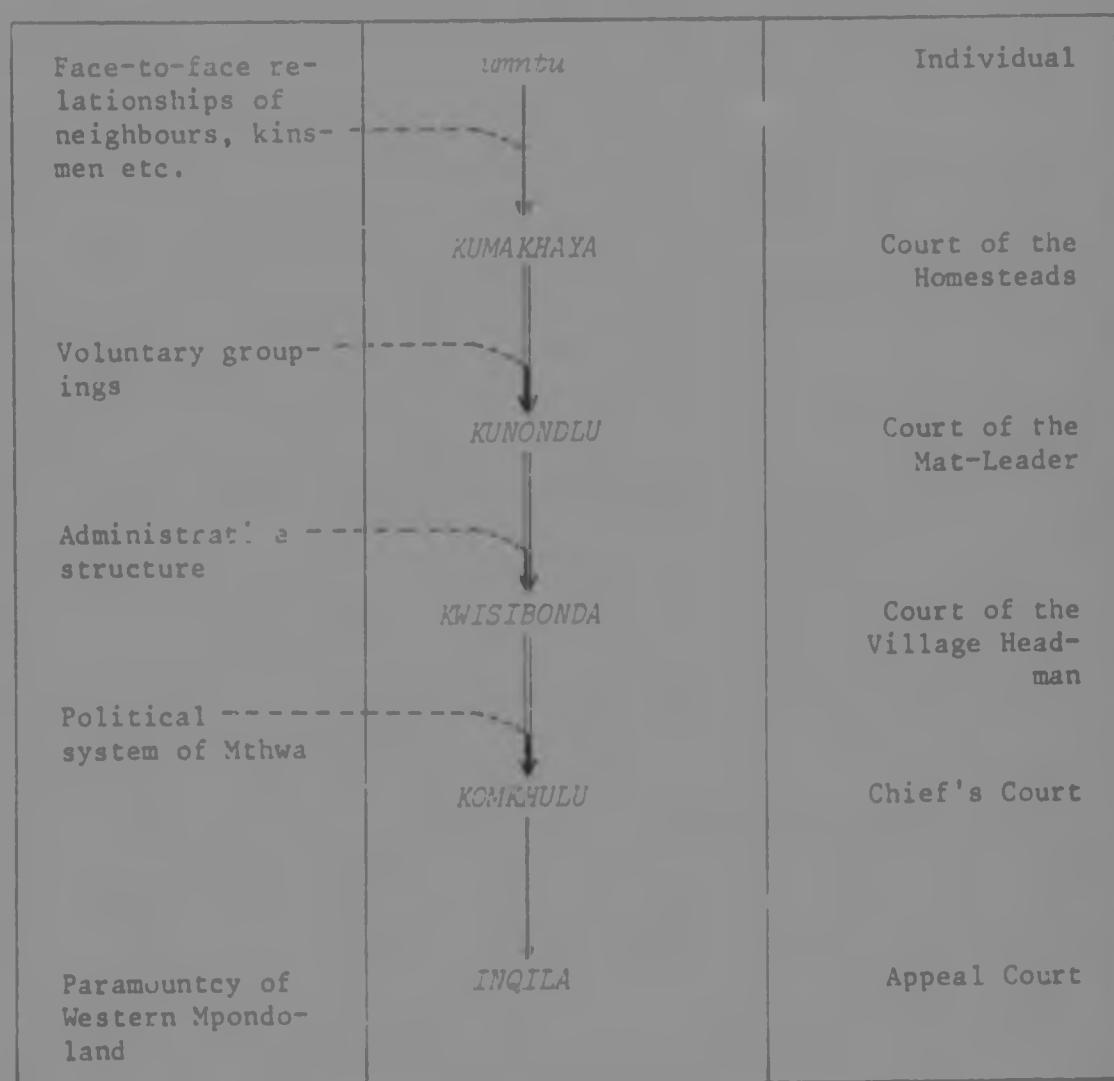


Figure 10. The juridical integration of Mthwa society.

them in a hierarchical order, with the exception of the relationship between the levels of the village headman and of the chief. The difference between the various institutions can be shown by a feature-based schematic representation of the courts (see p. 103, n. 30). In the course of the preceding description, I have concentrated on four features which show the distinction between the four levels of court. These features are:

- (1) The feature *law*. The very fact that (a) a homestead head can authoritatively discuss a conflict and discern culpability, and (b) that he has the explicit power to "punish", establishes the concept of law. This feature is indicated as: $\pm \text{LAW}^{(25)}$.

adversity. In the case of the ~~chief's court~~ the members of the society are neutral, and on the other hand become involved in our proceeding. The ~~chief~~ is recognised as a public affair in PUBLIC.

The ~~chief~~ is the ~~representative~~ of the community. Only at the eve of the village headman or the socially mature male members of the society normally establish themselves as the ~~chief~~ (jury). Ideally the jury should include all the men of village not merely those who belong to a certain mat-association JURY.

The feature of ~~the chief's court~~ ("chief's court"). This last feature contrasts the ~~chief~~ with all other lower ones. It is at this eve that the abstract correlation is made between the offence and the punishment (sanction), the decisive factor in the juridical decision-making process; it is here that neither the judge in the strict legal sense. This feature can be represented in the vernacular: + INKUNDLA.

Level Court of the...				
	HOMESTEAD HEAD	MAT-LEADER	VILLAGE HEADMAN	CHIEF
+ LAW		+	+	+
+ PUBLIC		+	+	+
+ JURY		-	+	+
+ INKUNDLA		-	-	+

Although hierarchical indeed the court levels is only of a processual systematic nature. This feature indicates that the courts are relatively independent. What is the nature of their relationship?

In the beginning of this chapter (p. 105) the question was asked how does a legal case get to the chief's court? The answer is that it passes through several levels of court. By the same process, a social conflict is transformed into a legal case with a suprasocial (abstract) correlation between an offence and its punishment. This justiciability of an action is not something outside of or different from "customary law", but an aspect of the social conflict when the case is tried in the lowest court of the homesteads. But in the course of the process of the case's being tried at increasingly high levels of court, the legal domain emerges in its own right as something (logically) dependent of the non-legal institutions which "carry" it. This double process of the integration of non-legal institutions and of the emergence of the legal domain "achieves" the integration of Mthwa society in terms of the court system as a whole. Thus law can permeate the whole society.

But, something else happens. When we reached the highest legal authority, the chief, we were directed back to where we had started, the lowest authority, the homestead head. This suggests that not only does law permeate Mthwa by means of various institutions of the court system, but that the people of Mthwa have a jural view of the universe in which they live. It is a universe which, in the first place, has its most effective realization in the homestead where there is a "head" and a "chief". But in the second place, and for our purpose still more important, it appears that legal authority in Mthwa is patterned on the authority of the homestead head. Thus law does not only appear to belong to the "court room": it appears as the means of social control. Still more, since it is the homestead head who makes the final decision whether or not to take a case to the next higher court, the legal process itself (to a certain extent)⁽²⁶⁾ under his control. Thus the homestead, under the authority of its head, appears as the most significant social unit of Mthwa society.

Footnotes to Chapter IV.

- (1) I do not intend to say that these two attributes are sufficient in order to distinguish jural laws from political decisions and economic regulations. Following Pospisil (1971) all four attributes are required. It is also not my intention to discuss Mthwa law *sui generis*. I take its existence for granted. The attribute of "intention of universal application" serves as a marker to establish the "purpose" (Gluckman; see p. 98, n. 2) of the court system, namely the purpose of "administering" law.

In my discussion, I follow the frequently made distinction between substantive and procedural law. Recent studies have questioned the validity of the distinction in legal anthropology (see for example Comaroff and Roberts, 1981). The stance of the dissertation that (a) the Mthwa people have a jural view of the universe which is patterned on the homestead, and (b) that legal authority is not only patterned on the authority of the homestead head, but that the homestead head holds the legal process of the court system under his control - this stance supports these recent studies. Yet, for the sake of the present analysis it is preferable to proceed analytically in accordance with the traditional school of thought.

- (2) Pospisil (1971:1): "The law of substance sets limits to permissible behaviour and deals chiefly with the content of legal precepts, such as kinds of crimes and torts and their punishment, types of contracts, and rights to things and ways of disposing of inheritance, as well as legally recognised family relationships. The law of procedure, on the contrary, deals with the process of law, e.g. with the problems of jurisdiction, allocation of authority, nature and administration of sanctions, court proceedings, and the question of justice."
- (3) The vernacular word *umthetho* refers, in a very general sense, to something that appears to a given person as a "rule" which either results from the "nature of things" (*indalo*) or from a positive rule issued by an authority. In this way, *umthetho* can be distinguished from *isiko* which is sometimes (vaguely) translated as "custom." The latter, *isiko*, is a rule which creates a condition for the actor, e.g. the transfer of bridewealth creates a marital status; the performance of ancestral rituals creates a specific relationship between a living person and the dead. In contrast, the former, *umthetho*, is a rule which is positively given prescription of how a required performance is to be enacted properly or justly; in the latter sense *umthetho* defines offences and prescribes sanctions. See also Hunter 1936: 413, n. 1.
- (4) The vernacular term for "the court of the homesteads" has at its root the noun *ikhaya* ("father's place, home"). As was pointed out in the preceding chapter (see p. 93), a man becomes socially mature through marriage and his subsequent establishment of his own homestead. In this way, he becomes one of Mthwa's authorities and legal experts (see p. 131), he becomes *uyise wasekhaya* ("the father of here at home"). For brevity's sake, when speaking about the "court of the particular homestead heads," I shall refer to "the court of the homesteads."
- (5) There is a whole set of terms in Xhosa (Mpondo) which express forms of "speaking with authority;" all are derived from the same root:

<i>uku-thetha</i>	(to speak with authority)
<i>in-tetho</i>	(a serious talk, formal speech, court procedure, trial)
<i>in-tetha</i>	(summons)
<i>um-thetho</i>	(command, law, consequence from nature of things)
<i>isi-thetha</i>	(homestead-particular tradition, non-universal ruling)

- (6) Here, one important implication should be mentioned which goes beyond the discussion of this dissertation: the fact that a senior brother, a husband, father is by Mthwa standards, in the formal sense of the word, a "junior person's" (*umntwana*) judge, has serious repercussions (a) for social control (see p. 149), (b) for a legalised perception of a person's social environment, and (c) for a person's moral behaviour. The multi-purpose situation of, for example, a husband-judge results at time in great tension regarding the moral life of the people involved and the operation of the law itself: law and morality become operative only on condition that there is a "complainant" who is in the first place the legal senior, the elder brother or the husband or the father. This has caused many writers to conclude that the morality of the African people is merely an outward form and not an inner conviction. See p. 119.
- (7) The following-up of such a wife's procedure against her husband is that her husband will try to get her to return home to his own homestead. This requires that he go to his father-in-law's place and beg for his wife. This is called *ukuphuthuma umfazi*. This particular negotiation will always proceed as a courtcase of the homesteads: the husband will be represented by his senior kinsmen and the wife will be represented by her father or elder brother. Space does not permit me to give the procedural details which would clearly show that the process of "begging for the wife" is a clear courtcase on the homestead level of the court system, that it is a version of the *kumakhaya*. That the procedure involves clearly justiciable matter could be shown from records at the chief's court where such a case resulted in divorce (*ukukhetha iinkomo*). The proceedings of "begging for the wife" will be held *in camera*.
- (8) On the basis of what has been said in Footnote n. 7, it is possible to take the classification of the forms of court of the homesteads one branch further, by sub-dividing the branch "kinsmen;" namely:



- (9) Beside the word *uchuku* ("trifle"), there is a more common way of downplaying even very serious matters in daily speech. The speaker may use the word *into* ("a thing") or allude to the real issue by saying *inantsika* ("what-you-may-call-it"). These words have the function of concealing from others something that is "understood" by those who are concerned.
- (10) It is only a sequence of such offences which will reveal who - "by his nature" (*indalo*) - the actor "really" is. The philosophy behind this is that a single act, even if offensive, does not necessarily define the culprit. Only the history of the person's conduct which his contemporaries will in future carefully scrutinise (*ukukhangela*) will give the type of evidence which is required to judge a person and his conduct. In other words, there

is a historical understanding of what reveals the (morally) culpable act. But such a revelation does not happen by being brought to light in a court trial; it happens by itself: the intentional wrongdoer will repeat his reprehensive act and thus himself show what he is like "in his heart" (*entliziywen yakhe*).

- (11) Another implication which causes repeated misunderstandings of the African moral system (see p. 151, n. 6) must be mentioned here: because of the senior's double function of being both husband and judge and the resultant "male dominance", the conclusion has often been drawn that there is a double standard of morality. Evidence suggests, however, that the Mthwa people make a clear distinction (a) between the moral and the juridical spheres, and (b) between the moral norms and pragmatic reasoning.
- (12) *Eabantwini* is the locative case of *abantu* ("mature persons"). Socially immature persons are called *abant'w'ana* ("junior person"). In the legal sphere, the word *abantu* has a still more restricted meaning. Caguban colloquial language denotes the homestead heads, the men, by this term (see p. 131).
- (13) Certain criminal acts, like murder and rape, are restricted to the magistrate's jurisdiction and to be tried in his court. But, even such cases should, ideally speaking, pass through the whole system of lower courts until the chief comes to a decision about the nature of the offence and takes the case to the magistrate's court (see p. 145).
- (14) The fact that attempted rape is considered an offence is part of substantive law which is not my concern. Being interested in procedural law, I can ignore here further specification of which offences fall under whose jurisdiction (chief's, district chief's, or magistrate's).
- (15) Here again, the distinction between procedural and substantive law applies. See Footnote, n. 13.
- (16) The basic meaning of the two vernacular phrases *kwisibonda* and ~~bondi~~ is identical: "at the village headman's place." The second phrase includes a certain linguistic detail (i.e. superimposition of a noun prefix) which allows the speaker to be more specific with reference to the person (here: the village headman) whom he has in mind. Thus the meaning of the second phrase would be "at the specific village headman's place which headman I know by name."
- (17) If the present seating order were compared with the ceremonial form of gathering in a house (see below Chapter VIII) it would become clear that the men sit in an order of age and not of kinsmen. Not even "the people of the house" (see p. 344), i.e. the homestead head and his agnatic kinsmen, have a place of honour in the centre of the house.
- (18) Mature men who come from another village or chiefdom would not be excluded from the proceedings. They would be permitted to participate in the cross-examination of a witness. This basic openness of the village headman's court to non-villagers shows to how great an extent "the men", i.e. the legal seniors of the chiefdom (see p. 135) represent the court-jury. See here the study by Mayer (1970) on the Xhosa socialisation process which culminates in the young men's ability to function as legal experts in court.

- 15
- (20) The phrases *lufuneku* and *mthwa* belong to a range of technical terms which express various forms of obligation, among which there is legal as well as moral obligation (oughtness). *Kuthiwa* (literally "it is said") in particular refers to the context of law. Note the repetition of the prefix /ku-/ which in the second place of *le nto kuthiwa* ("that thing, it is said to," meaning: "it is ruled by the authority that") is a neutralizing prefix which expresses the universal applicability of the content of the said ruling.
- (21) Nodli -4-81, Tape 7
- (22) At this stage it becomes clear that Bohannan's (1967) view of the distinction between custom and law, morality and law as a "re-institution" is too simple, at least as far as Mthwa is concerned, because there is no particular stage at which the re-institutionalisation takes place. As a case proceeds from one level of the court system to the next in Mthwa, one could argue that a "re-institution" occurs each time: once with respect to "publicity", then with respect to "formal jury", then with respect to the abstract correlation of offence and sanction. In other words, Bohannan's view presents a typical observer's model of social processes which requires that something is either "moral" or "legal." But the participant does not see this this way: instead he has a particular interest in the matter and pursues his "case" (see discussion p. 147 f.).
- (23) The information reported here reflect. Jumper (1936:394): "One (man) is appointed as *isandla senkosi* ("the chief's hand"), to act as the chief's deputy and take his place as president if he is away; and (ibidem p. 415): "the court consists of the chief..., or if the chief is absent, a counsellor who is specially appointed to take his place on such occasions, and any men who care to attend."
- (24) Such convergence of the political and the juridical spheres of societies has long been recognised. See Bohannan (1968).
- (25) The feature "-LAW" would refer to the internal decision (and subsequent action) of an individual person who "knows" (i.e. has internalised) the fact that what he is going to do is an offence if made public.
- (26) In the overall situation of authority in Mthwa, a homestead head's authority is, of course, only relative. A homestead head's authority is "responsible" in the sense, for example, that a wife's agnatic kinsmen have a right (and even a duty) to protect their kinswoman from an irresponsible husband (see p. 92 and p. 151, n. 7). In extreme case, any person has direct access to the chief. However, I did not observe anyone obtaining direct access to the chief's court without at least having made a statement to the court secretary in advance of the actual trial.

THIRD PART

SOCIO-ECONOMIC NETWORK
AND PROCESSES OF LIMITED INTEGRATION

117

CHAPTER V

INSTITUTIONALISED FORMS OF THE FAMILY AND THEIR SOCIO-ECONOMIC IMPLICATIONS

THE PRECEDING chapters showed that the social structure of Caguba, the Mpando village, does not emerge fully when we look at the general political condition of the chiefdom. There are gaps between the decision-making (segmental) and the administrative structures of the chiefdom. Only when the special authority of law was considered, did such a structure appear. As the legal domain unfolds, the integration of Mthwa society becomes an observable reality: a number of non-legal institutions constitute the court; and the men share responsibility and concern for Mthwa's way of life and its laws. Each of these men is a socially mature man and thus a homestead head. Although the homestead head's authority is the lowest in the court system, it is the most significant, because, in principle, no court case can be initiated without his active participation and decision. Being in control of a homestead is the definition of his authority. Thus the homestead appears to have a decisive significance in Cagu and in Mthwa society as a whole. In other words, with all the changes that have taken place in the what used to be the typical Nguni settlement-pattern of scattered homesteads, one aspect has remained stable in Mthwa society: the importance of the homestead itself.

This importance of the homestead warrants a special investigation of its nature in Caguba. But there is another reason for such an investigation which is a consequence of the preceding chapters. In them we gained an insight into the way in which Mthwa society is integrated by looking at this society from the lowest level up: from the homestead. From this perspective the homestead has a heuristic significance for the understanding of Mthwa society. Now we need to understand the homestead in its own right. The present chapter will describe it from both a demographic and a developmental cycle point of view. The chapter that will follow (Chapter VI) will look into the question of its economic activities and how, if at all, the homestead is integrated at the socio-economic level into the wider society.

(1) *The size of the domestic units.*

The difficulty in describing homesteads in Caguba begins with the tacit assumption in the above analysis that in fact every homestead in the village is controlled by a male person. This point will be dealt with later (p. 160). Here I must clarify the technical terminology which I have adopted in order to distinguish between two essential dimensions of domestic life in Caguba. The one dimension is socio-economic and spatial: "a household." The other one is juridical: "a homestead." Both English terms render the vernacular term *umzi* (plural *imizi*) which must be distinguished from two other closely related terms *usapho* and *ikhaya*. *Usapho* ("a man's wife and children" or "family") denotes consanguinal ties between (certain) members of a homestead and, in addition, those members' dependence on the homestead head (see below, Section 7 and Chapter VI, Section 3). *Ikhaya* ("paternal home") refers to the agnatic group of which the homestead head and his children are members. When a person refers to a certain dwelling-place as *ikhaya lakithi* ("the paternal home to which we/I belong") he makes a claim to the agnatic status in that homestead which non-agnates would not share. The concept of the *khaya* is of great

tance in the ancestor religion of Mthwa (see Chapter VII). At present I am concerned with the concept of the *umzi*.

In everyday life in Caguba, it is not visible to the new-comer what types of relationship exist between the villagers. But what is readily observable is that people live together in small domestic groups which are spatially discernable from one another. Each group has its own site or plot and occupies one or more houses (up to six or seven) at a time. The individual houses on a plot are only a few metres apart from one another; they may form a straight line or a semi-circle; and their entrances usually face north-east. Opposite the houses, there is often a cattle byre and a garden⁽¹⁾. This very simple and very common lay-out of a plot gives the appearance of being a unit as opposed to other similar plots in the village. The spatial unity is often emphasised by a fence which more or less effectively prevents the larger animals from entering the yard and the garden. The people who live on the premises usually constitute a socio-economic unit. This type of spatially discernable dwelling unit, with its internal socio-economic unity, is called in the vernacular *umzi* which I am translating in this spatio-economic sense as "household."

⁽¹⁾ Independent from the spatial dimension of the domestic life is its jural dimension which the vernacular term *umzi* expresses as well. It is this jural aspect of the domestic life which I am emphasising when I use the term "homestead" in this dissertation in spite of the fact that the English term also has strong spatial connotations. The reason for this choice is the fact that the unifying element in any given homestead is the homestead head (*ummuzana*) and his jurisdictional authority over all the members of his homestead. The homestead head's control may extent over more than one socio-economic unit, as in the case of a polygynist. Member households of a polygamous homestead may be on adjacent plots or else as far apart from one another as different villages. The unity

between these households is merely juridical and no longer spatial; yet together they clearly constitute a single homestead since they all share a single jural authority.

This distinction between the socio-economic households and the juridical homesteads is necessary in order to make the following census figures (taken in 1978) intelligible and to speak with greater precision about the family and its (average) size in Caguba. The research includes 109 households, with a total population of 665 persons of all ages. Of these households, ten belonged to the neighbouring ward of Sihlanjeni. In addition, six of the households did not constitute homesteads in their own right, but were dependent households. There were 93 homesteads in Ludume ward, in 1978:

Size of Household		Population per Household			
Number of Adults per Household	Number of Households	Adults (Age 18+)		Children	TOTAL
		Single	Married		
1	8	4	4	14	22
2	39	11	67	100	178
3	18	11	36	61	115
4	19	33	43	47	123
5	10	19	31	48	98
6	5	14	16	26	56
7	3	14	7	12	33
8	1	6	2	2	10
9	1	5	4	3	12
11	1	7	4	7	18
No Info.	4				
TOTAL	109	131	214	320	665

Table 6. Population of Ludume in relation to households.

The majority of the population live in small households with between two to four adults, tally six to seven persons per domestic unit. More specifically, it is in these households that we find the nuclear family as the typical

domestic group. They comprise about 30 % of the total number of households (see below Table 8, p. 160). This is surely not a dramatic change in the "traditional" large family if we accept Prof. Wilson's description. She writes (in 1936), "in each *umzi* is a man with his wives, married sons with their wives and children, and unmarried daughters" (Hunter 1936:15); but she adds "now (i.e. fifty years ago from the time of the present writing) an average *umzi* contains four to five adults, and four children" (*ibidem*). In Caguba, in 1978, the situation was as follows:

Out of a total of 105 households, there are:	Persons per HH	"Adult" to "Youth" ratio	"Parent" to "Child" ratio	Hunter (1936:15) (estimate)
214 married persons	2.04	3.28	2.04	4.5
131 young adults, 18+	1.24		4.28	
320 below age of 18	3.04	3.04		4.5
665 Total	6.32	6.32	6.32	8.5

Table 7. "Adult" to "Child" ratio in Ludute per Household (HH).

The size of the average household in the area of Wester Mpondoland has diminished by almost a quarter during the last fifty years or so. If we compare the figures which I have estimated from Wilson's information with those which I found in Caguba, and compare these with data available for the Ciskei in the late 1930's⁽¹⁾, we can conclude that the difference between Caguba and Ntibane (where Hunter worked) is not significant. This is confirmed by the fact that the adult-to-youth ratio per household has remained constant. Half a century ago it was 1.125, while at the moment it is 1.078. The actual decrease of household population over the last decades can be seen to follow a certain pattern. In the last part of this chapter I shall discuss the life-cycle of the family in Caguba which may well account both for the constancy of these figures and for the relative smallness of the households.

2) *The head of the homestead.*

The question is now: who is "head" of the average household in Caguba? Because of the legal dominance of men, we might assume that in cases of households where a male head is lacking, as for example in a widow's household, reference is always made to a certain male person who would act as the "head." The question is of interest since almost 40 % of the households in Ludume lack a definite male head. This figure is too large to ignore.⁽³⁾

During a series of structured, but open-ended, interviews, the fact emerged that women, under certain circumstances, can rightfully control their respective homesteads. We interviewed at least one representative of each household of the sample. They were asked: "Who is *omini'mzi* ("owner, head") of this place?", the question suggesting a male person (see p.91). In the following table (Table 8) their answers are specified according to the informants' status and sex⁽⁴⁾. As appears from the table, there is a prominence of female informants, but the similarity of responses removes any suspicion of sexual bias:

Informant	Designated "Head"			
	A Man	A Widow	Free-Woman	No. Info.
Male, married	6			2
single	5			
Man + Monogamous wife	12			1
Man (Son) + Widow	1			
Monogamous wife	29			1
Polygamous wife	5		1	1
Concubine	3			3
Widow		2		2
Free-Woman (<i>idikazi</i> ,			5	
Reported Information	2	2		
Total	63	30	6	10

Table 8. Designation of "Head of Homestead."

It emerges clearly from Table 8 (p. 160) that status, not sex, tends to determine a person's answer. In short, where there is a living husband, he is always referred to as the "head." If there is no male, the informant never refers to a person of a different homestead, for example a married son or a husband's brother, as the head. What is more remarkable is that a widow living in her late husband's homestead with her married son will not refer to the son as homestead head. In other words, if there is no husband a senior woman, either the widow of the late homestead head or a "free-woman"⁽⁵⁾, will be in control of the homestead. The statistics show that a widow "replaces" her husband on his death.

A widow or a free-woman controlling a homestead will be referred to as *ukhehle-kazi wasekhaya* ("the female 'old man' of the homestead")⁽⁶⁾. This linguistic convention expresses the fact that her household is a "homestead," in the sense defined above (see p. 157). She is the factor unifying all the members of the homestead, and she holds authority which would otherwise be her husband's. Thus agnatic kinship, in Mthwa society, does not mean an authority shared by the kinsmen in the sense that one of them could decide on domestic matters of an agnatically-related but female-controlled homestead. Internally, a homestead is a juridically self-sufficient social unit, irrespective of whether its head is male or female. However, control of a homestead does not entitle a female head to become a member of the court jury at the village headman's place: she does not become one of the "legal authorities" of Mthwa society (see p. 120). Thus, outside her homestead, a female head remains a legal minor, subject to the men. In other words, control of a homestead and legal maturity are not coterminous. While the former can be held by a man or a woman, the latter is restricted to male members of Mthwa society. For the female head, the homestead boundary is also the boundary of her authority; for the male head, the authority of a homestead is the *sine qua non* of his social maturity which includes his "speaking"

in court as a member of the jury⁽⁷⁾. The fact that widows and free-women are in control of their respective homesteads has an important consequence regarding the rules of inheritance which I shall discuss in the next chapter (see p. 242f).

(3) The forms of the family.

In previous chapters (particularly in Chapter II) I have referred to "local" clan-sections and discussed their spatial aspect. Here I wish to investigate who in fact live together, either as a unitary household, as a homestead, or as immediate neighbours. For this investigation I need to introduce the notion of the "family." The Mthwa household is defined by co-residence and sharing in a common food supply; the homestead is defined by the additional feature of the juridical authority which the head has over all the members of his homestead. The *family* adds the further, limiting, factor of socially recognised (see Radcliffe-Brown 1950:4) agnatic and affinal kinship ties between members of the household and the homestead⁽⁸⁾. The main interest of this section is the actual form or composition of families in Caguba and the related residential pattern of these families. Much has been written about the "extended family" in African societies and its social significance. The question is, how "extended" is Mthwa family, and what is the nature or purpose of this extension?

The fact that the average size of the domestic unit in Caguba is 5,32 persons per household does not support a repeatedly made generalisation about large households' being typical in Africa. Rather - as regards Mthwa society - it may be assumed that the average household tends towards what has been called the "nuclear family" (Murdock 1949:1). This is the case in Caguba as the following table (Table 9, p. 163) shows. In order to make this table intelligible, three points must be mentioned which together determine the composition of the family as a residential unit.

(a) FAMILIES OF HOMESTEADS WHICH ARE INDEPENDENT HOUSEHOLDS	Number of HH	%
(i) Single men Free-women, with children Single generation (couple alone)	3 4 4	10,2
(ii) NUCLEAR FAMILY 1. Two generations 2. Three generations	23 10	30,6
(iii) EXTENDED FAMILY 1. Two generations 1.a Including one affinal member (son's wife) 1.b Co-residing adult brothers and their wives	2 2	3,6
2. Three generations 2.a Including the young couple's children 2.b Including other grandchildren (biological fourth generation) 2.c Co-residing brothers and their wives	9 13 0	20,0
(iv) COMPLEX FAMILY 1. Extended agnatically 2. Extended cognatically 3. Extended on both sides 4. Extended affinally	8 8 1 4	19,3
(b) FAMILIES OF HOMESTEADS WHICH ARE MULTIPLE DEPENDENT HOUSEHOLDS (POLYGAMOUS)	8	14,5
No Information	2	1,8
Total	109	100,0

Table 9. Composition of families in Caguba (HH = Households).

First, there is the rule of virilocality. According to this, a wife joins her husband after marriage and lives together with him at his place, which is initially, most commonly, the husband's father's place.

Secondly, a married man's children live at his place⁽⁹⁾; daughters do so until they get married; sons do so until after marriage when they have established their own independent homesteads.

Thirdly, the actual basis of the second rule is jural in nature and relates to a transaction involving, usually, six head of cattle by which a marriage is contracted. The transaction is known as bridewealth (*ikhazi*), i.e. "the payment of goods to the lineage of the bride" (Fox 1967:119). The transfer of the animals gives the husband control over the reproductive powers of his wife and his unmarried daughters. Incest regulations prohibit sexual intercourse with his daughters, but their reproductive powers remain under his control which he enforces by future bride-wealth negotiations when his daughters are going to be married. Should an unmarried daughter give birth, her illegitimate child, by right, belong to her father. Thus, the presence of illegitimate children does not change the nature of a family. Although biologically they are the man's grandchildren, socially they are his own (see below p.165f). In the following, I shall discuss each category of family listed in Table 9, p. 163. The main objective is to isolate the life cycle of a family in Caguba and its corollary of the younger generation's leaving the (paternal) homestead.

(a) Families of homesteads which are independent households.

(i) Single adult families and couples.

In a case where a household is occupied by an only sing.¹⁰ man, we can speak about a "family" only in a figurative sense. Of the single men in the sample, one is a diviner, and the others maintain unstable relationships with free-women. The *single women* ("free-women," see p. 179, n. 1) are heads of households in a fuller sense. Their children stay with them permanently and participate, as far as possible, in the housework, in gardening and in the work in the fields⁽¹⁰⁾. The *couples* live alone. One of them is elderly, the husband being one of the oldest persons in the village and twice widowed. All his children died at a young age. Another couple is middle-aged and childless. The

homesteads in this first category are very rare and are in no way typical of the village.

(ii) Nuclear family.

The biggest single class of homesteads comprises those containing a nuclear family, i.e. a man, his wife and their children. It is necessary to distinguish between a two- and a three-generational nuclear family, if only for reasons of descriptive clarity. The nuclear family has two generations where there are only children of the homestead head and his wife. The concept of a three-generational nuclear family is an analytic one, as will now be shown.

It is a well-established fact that, in the indigenous societies of South-East Africa, a man acquires, at marriage, the procreative power both of his wife and (subsequently) of his daughters. With respect to his daughters, he exerts his authority by negotiating the bridewealth with the prospective son-in-law's father. If a daughter gives birth to a child without the bridewealth's being transferred, the father of the girl is entitled to sue the genitor (or his legal guardian) for damages. In addition, the child of the affair belongs legally to the girl's father and will take his name. If informants are asked to list their children, in accordance with this rule they will refer to these "illegitimate" children as their own. Thus illegitimate children are not singled out as belonging to an unmarried daughter of the homestead. Rather are they placed among other "legitimate" children according to the age of the respective child. For example:



Figure 11. How genealogies are levelled out.

Most field-researchers will have come across this way of "re-writing" genealogies. The informant as well as the ethnographer usually ignores the biological "truth"⁽¹¹⁾. For the ethnographer, the illegitimate child, through its inclusion with the legitimate children, has acquired a socially approved position; for the informant, for practical everyday purposes, the illegitimate child shares the rights and obligations of any other child. It will share in the work to be done at home and will have the protection of its (foster-)father. But, the biological "facts" are remembered" and they may eventually cause tension. They play an important part in Caguba's social life, for example, in relation to living together with a "legitimate" brother who is married, or with regard to the actual property which an illegitimate child inherits from his (foster-)father. Therefore, the three-generational nuclear family is only indirectly to be regarded as a separate category; but by the same token, the illegitimate children who live together with their mothers in the homestead of the latter's father do not constitute an instance of the "extended" family; they constitute only a particular realization of the nuclear family. The two- and three-generational nuclear families account for almost a third of all the families in the village.

(iii) Extended family.

Although the terminology of nuclear, extended, and complex family has been adopted merely for descriptive purposes in the present dissertation, it may well help to clarify the question of the extended family as a domestic unit in the Nguni-speaking area. The extended family is, in Mthwa, relatively narrow in range, it is clearly patterned, and it is the result of a continual process of expansion and contraction.

The data show that the forms of the family most frequently found in Caguba are the nuclear family and the extended three-generational family. These two

together make up more than half of Caguba households, as is clear from the following abstract of Table 9 (p. 163):

ii,1. Nuclear "biological"	23 HH	
ii,2. Nuclear "social"	10 HH	30,6 %
iii,2.a Extended 3-generational "biological"	9 HH	
iii,2.b Extended 3-generational "social"	13 HH	20,0 %

Contrast:

iii,1.b Co-residing brothers and their wives, 2-generational	2 HH	1,8 %
iii,2.c Co-residing brothers and their wives, 3-generational	0 HH	-

It emerges from these data that a typical Caguban homestead consists of a man, his wife, one married son and his wife and their children: i.e. a domestic unit which comprises three generations. Less often there may be two generations (when the married son and his wife have no children), or four generations in the strictly biological sense (when an unmarried daughter's children are included. This is treated as a three-generational family "socially". See a similar situation in the nuclear family; p. 165)⁽¹²⁾. All four-generational families which I recorded in Caguba are of this biological type.

There was no case, in my sample of 109 households, of two brothers (either in the sense of sons of the same father, or in the wider classificatory sense) married and having their own children, living in a single domestic unit. Even the biggest family in Caguba that I recorded, with eleven adults and seven children, has only one married son together with his wife and children, i.e. plus the parents. In short, "extended family" stands to mean, in Caguba, the narrow range of kinsmen related by kinship and marriage over three successive generations with one married couple in each generation together with the fi-

lial generation's unmarried children. This means that the homestead head's other children, sons and daughter, must move out of the parental homestead. As for the daughters, all of them leave the parental homestead after marriage following the rule of virilocality (*ukwenda*, "to reside with one's husband", i.e. "to marry"). As for the sons, according to evidence at my disposal, it is either the oldest or the youngest son who remains in the paternal homestead. It is the oldest son who, most likely, will move out, because the economic situation favours his settling independently. This will be discussed in the next chapter in connection with the inheritance rules (see p. 233).

This moving out of the sons (*ukuzakhela*, "to build for oneself") results in the formation of a nuclear family which resides neo-locally. But this form, the nuclear family, is not chosen for its own sake: the nuclear family is merely a stage in the family life cycle. Such a nuclear family will, on the one hand, soon expand into an extended family with the birth of children who will grow up and marry in their turn so that the three-generational household is once again established. Yet, as the grand-filial generation reaches marital age, one by one of the grandchildren will but the oldest, or the youngest as the case may be, move out. On the other hand, the original (grand-)parental generation will die out. There are almost 40 widows in Caguba, of whom about 30 belong to extended families in the later stage of their contraction giving the appearance of nuclear families⁽¹³⁾. Thus the extended family, in the narrow sense as defined above, rather than the statistically more common nuclear family is the typical Mthwa family.

It is the repeated expansion and contraction of the domestic unit over three successive generations which determines the family life cycle of Mthwa society⁽¹⁴⁾. We can graphically represent this typical life cycle in the following manner:

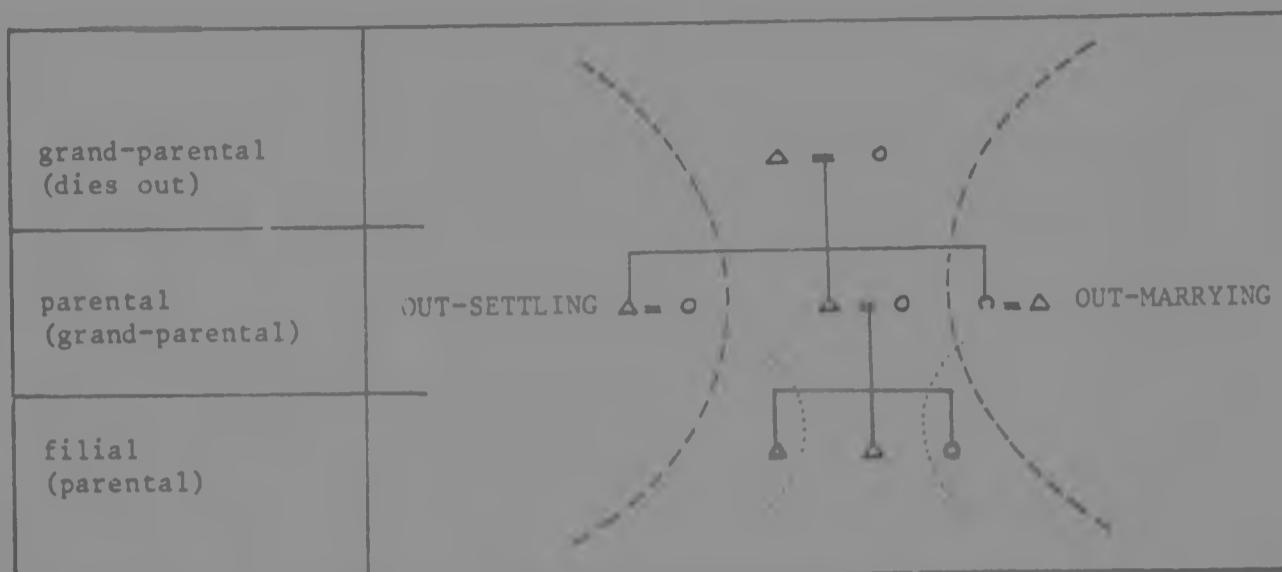


Figure 12. Family life-cycle in Mthwa society.

On the assumption that such is the life cycle of the Mthwa extended family, and that it be typical of the whole of Mpondoland, it is possible to understand, first, why there is no extreme difference in the size of the families as observed by Prof. Wilson fifty years ago, and, more significantly, why the ratio between young and old people in the average homestead has been kept at an average of about 1.1 (see p. 159). The answer is that, whatever other changes might have taken place, they did not affect the basic process of growth and contraction of such a typical family over three generations. Furthermore, by the same process, extremely large families, as domestic groups, cannot develop. I assume that the practice of today in Caguba well reflects a longstanding pattern of the "extended family" of Mthwa society as a whole and, probably, of all the Mpondo. In passing it may be mentioned that the constantly repeated process of settling out will necessarily effect the settlement pattern.

All that I have said thus far explains the size of the average domestic unit and its composition with respect to kinship ties. But it does not explain the distance which a man chooses in settling away from his parental place. It will be shown that it is by no means a matter of course precisely where a son is going to settle and build his own home, nor should we assume that it is the

usual procedure that he will built in the immediate vicinity of his father's home. To this particular point I shall return presently. Meanwhile I shall discuss two further forms of the Mthwa family, namely the "complex family" (Category a,iv) and the family which consists of multiple households (Category b) with polygynous arrangements.

(iv) Complex family.

The term "complex family" denotes domestic groups which are based on some demonstrable consanguinal relationships between the members of the family. Unlike the extended family, the complex families do not comprise relatives who belong to consecutive generations of grandparents, parents, children. Although the consanguinal relationship between the various members of such a family is demonstrable, the domestic unit was never intended to be like the extended family of three consecutive generations. The complexity is due primarily to the fact that these families include children who belong to certain relatives of either the grandparental or the parental generation. For a variety of reasons, the family takes care of the children; for example, a child may live in the family because it makes it easier for him to attend the local primary school. However, among such children there is the case of a boy whose presence in the household requires a short explanation since it refers to a general practice. I am referring to the fact that the firstborn child "belongs" to the grandparents. The child may be a boy or a girl, but the greater significance lies with the boy. At quite an early stage in life, the child will go and live at the grandparents' place and will be taught to call the grandparents "father" and "mother", and its own parents "brother" and "sister"⁽¹⁵⁾. This has consequences for the eventual "re-writing" of the genealogy, similar to the one mentioned above (p. 165), if the people should no longer "remember"⁽¹⁶⁾ to which generation the respective person "truly" belongs. The immediate reason for the transfer of the child is that it should be at the parents' (i.e. grand-

parents') service. The long-term reason is that the child, if a son of a first-born son, will be the chief heir of his "father" (i.e. the grandfather). I shall discuss this in the following chapter (Chapter VI, Section 3b) in connection with the inheritance rules⁽¹⁷⁾.

(b) Families of homesteads which are multiple dependent households.

Thus far I have discussed households which are self-sufficient and independent of any other households, and which are therefore coterminous with what I called homesteads. Now I turn to those households which are still self-sufficient in economic terms (i.e. they have to administer their own "budget" and share in the food supply), but which are dependent upon a "head" who controls several households at a time. This is what I found in Caguba in connection with polygyny and with publicly established concubinage⁽¹⁸⁾. Polygyny refers to the multiple marriage of a single man to several women simultaneously; concubinage (in the sense used here) refers to a married man who simultaneously with his marriage maintains a relationship with one or more women without the formal sanction of a marriage⁽¹⁹⁾.

Whether related to a particular homestead head through marriage or concubinage, the women concerned (i.e. wives or concubines) regard their consorts as responsible for themselves and for their children⁽²⁰⁾. Vice versa the men concerned claim exclusive (sexual) access to those women and accept responsibility for them and the children. In all there were 16 domestic units in Caguba (or 14,5%) which acknowledged membership in a "multiple household," i.e. which acknowledged dependence on a polygynist. The seemingly high percentage figure requires some explanation.

The figure has been established by looking at polygyny in Caguba (i.e. in the ward of Ludume) over an extended period of time. At the time of the research

three functional polygynous homesteads. These three heads of households have ever households, that is 3% of the homesteads in Ludume, and 1.2% of all households. These figures remain well within the brackets of analysis by Prof. Hammond-Tooke (1968b:85). Thus far the evidence might suggest that polygynously extended families were not very common in recent days in Caguba; and they are certainly not at all common at present. The frequency of clandestine concubinage is very difficult to estimate, and it may do so little as to alter the number of multiple households.

Polygynously married wives (and publicly acknowledged concubines) are kept strictly apart spatially in different households, sometimes living in different villages. I traced the pattern over a timespan of about 15 years and found only one homestead that was at the same time polygynous (two wives) and a single domestic unit. If a man, then, should have several wives, it is extremely uncommon to have them and their children live together. Instead they will occupy different places. Polygyny is not a factor which determines the form of Mthwa households. This is the case at least in present-day Caguba. But we can go further. Neither wives of the same husband nor married brothers together with their wives (see p. 168) tend to live in common households. Generally speaking, there is only one affinal member per generation in a given household. The conclusion is that the "traditionally" big family does not exist any longer in Ithwa society - if it ever did. Taking into account the dynamics of the family life cycle (see p. 168), one wonders when exactly the "break down" of the "traditionally" big family (as a single domestic unit) took place; it must certainly have done well before the turn of the century.

"*clan*," a residence among consanguineous kinsmen.

In earlier (chapter II, p. 24) I mentioned the tendency, among Ithwans, to live together in "local groups." Admittedly, this is a vague term

173

which says little about how kinsmen do, in fact, live together. It is not my intention here to present a full discussion of the matter. I should like to select one aspect which is related to the above discussion of the extended family and its dynamics of "settling out." For descriptive purposes I shall introduce the concept of a *residence* which denotes a particularly interesting type of settlement of agnatically related people. With the concept of "residence" I go beyond the boundary of the household and the family.

The frequency with which kinsmen, specifically brothers who are sons of the same father, settle next to one another, and the occasional close co-operation between the two homesteads, could lead to the conclusion that we are in the presence of the extended family. However, each homestead owns its own field and does not share in the harvest; each homestead transmits property only to its respective children; each one stands in court on its own. In other words, the co-residing homesteads *do not* fuse into a unitary socio-economic unit: they do not form a single household. This, then, defines what I wish to call a "residence pattern of agnatic kinsmen" or simply a "residence," namely the spatial proximity (immediate neighbours) of homesteads whose heads are closely related agnatic kinsmen without any socio-economic fusion of the homesteads. In other words, a residence is *not* an extended family; there are two or more agnatically related but *independent* homestead heads.

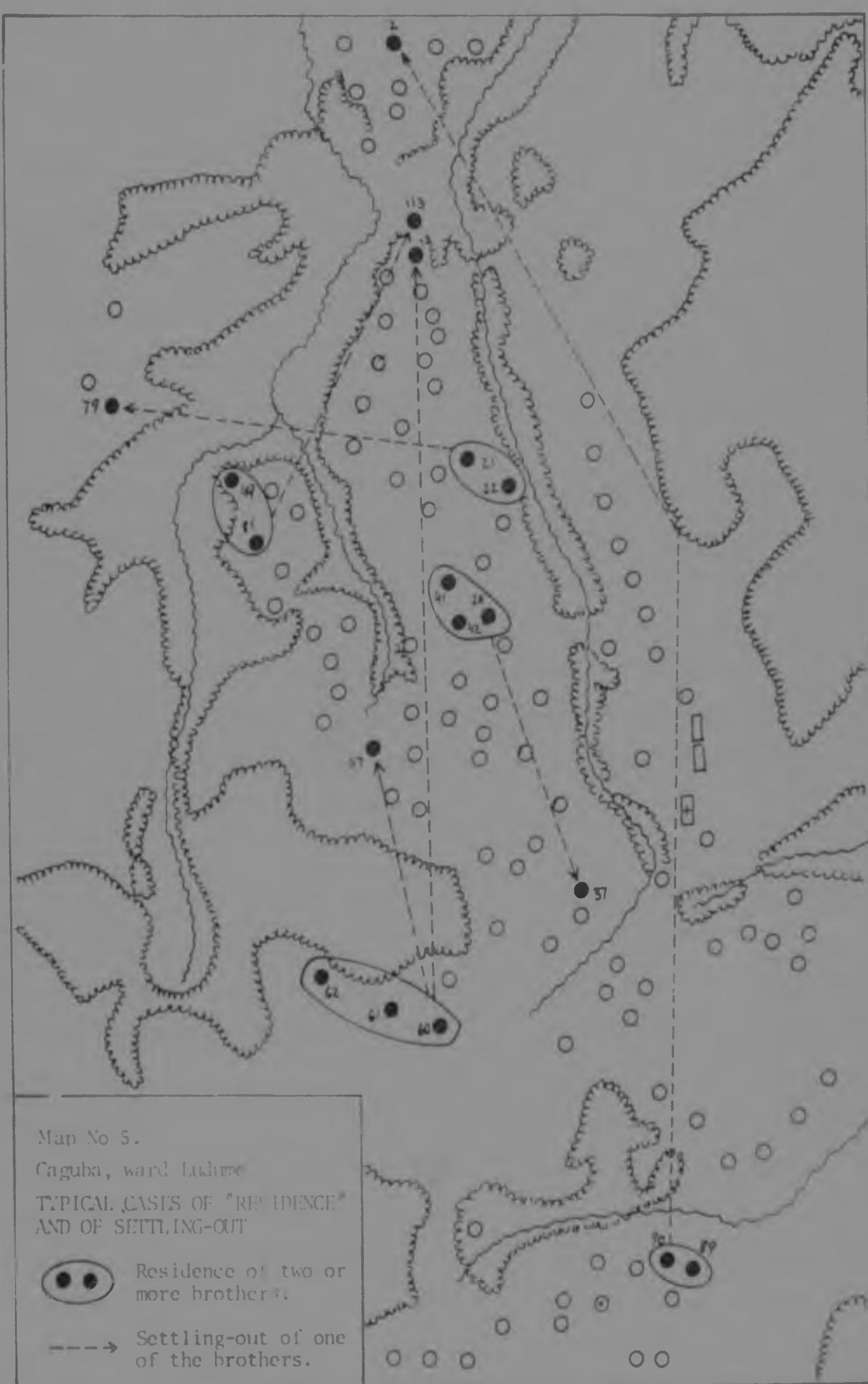
While this pattern of settlement can be related to structural aspects of Mthwa society (e.g. agnatic kinship and membership in a mat-association; see p. 35), it does not necessarily stem from those structural aspects. Rather, a residence exists because the respective homestead heads have deliberately chosen to live as close neighbours. Intentionality, not a pre-ordained structure, accounts for spatial nearness or distance.

The social reality of the family life cycle in Mt'wa puts a certain pressure on a son to settle out, and this implies the establishment of an independent homestead. This pressure derives first from the rule of primogeniture (see p. 79) and the resultant authority which the elder brother has over his juniors. To this must be added the inheritance rules which favour the first-born son (see p. 237). But, as was mentioned, the actual process of settling can follow two alternative patterns (see p. 168) according to which either the eldest or the youngest brother remains in the paternal homestead. Thus the life-cycle itself does not explain what actually happens in any particular case. Finally, when I checked on the tendency of close kinsmen to live in close proximity, I came to realise that it did not apply to actual brothers who, as frequently as not, lived at a distance from one another. The following map (Map No 6, p. 175) gives a few of the cases of such brothers living together as immediate neighbours, i.e. who form a residence, while others of their brothers live at a distance. If the family life cycle cannot account for this "inconsistency" in the tendency, neither can agnatic kinship in general⁽²¹⁾.

I studied forty-five pairs of brothers. All of these men are either established heads of homesteads, consisting of a nuclear or an extended family, or they are members of such a family (see Table 9, p. 163). They may or may not be married.

PAIRS OF BROTHERS		Both at home	One out of two away from home					
			Living: next door		in same w.s.		in other w.s.	
			S	J	S	J	S	J
Both unmarried	5	3						
Senior unmarried	1	1						
-----	-----	-----	-----	-----	-----	-----	-----	-----
Senior married	13	10	2		1		1	
Both married	26	2	3	8	1	2	6	4
Total	45	18	5	8	2	2	6	4

Table 10. Settling-out of senior (S) and junior (J) brothers (w.s. = ward-section).



The preceding table (Table 10, p. 174) breaks down the total figure of 43 pairs of brothers with respect to the living-in and the settling-out brothers, subdivided according to seniority. A mere counting of the settling-out brothers shows that there is only a slight difference between senior and junior brothers, with 13 to 14 cases respectively. This slightly greater tendency of junior brothers to settle becomes clearer if we look at the figures in terms of their homesteads' nearness to and distance from the original homestead. The situation would be even clearer, if case material were taken into account.

As the figures of Table 9 (p. 163) show, married brothers seldom live together in a single household. What does occur, quite regularly, is that the senior brothers marry first and the junior unmarried brothers stay at home until they also get married. Soon after the younger brother gets married, he settles out, and he will most likely build his new homestead next to the senior one of his father or older brother, as the case may be. This is the consequence of the family life-cycle, as discussed before. It is the spatial distance from the old homestead which is analytically relevant.

At least ten of the fourteen cases in the sample (of which five are indicated in Map No 6, p. 175) of brothers who settled away from the senior homestead can be traced to severe conflicts that arose at one stage or other in the homestead's history. The result was that the brothers separated in terms of settling farther afield. One of the root causes of conflict which I could elicit was illegitimate birth on the part of the settling-out brother and thus a "restoration" of the "stigmatised" brother's image: now, as an independent homestead head, he is on equal footing with his legitimate brother, irrespective of his particular (biological) history. Another cause was the elder brother's failure to fulfil his obligations and assist his younger brother in providing the bridewealth. A third, frequent, reason given was what the younger

The preceding table (Table 10, p. 174) breaks down the total figure of 45 pairs of brothers with respect to the living-in and the settling-out brothers, subdivided according to seniority. A mere counting of the settling-out brothers shows that there is only a slight difference between senior and junior brothers, with 13 to 14 cases respectively. This slightly greater tendency of junior brothers to settle becomes clearer if we look at the figures in terms of their homesteads' nearness to and distance from the original homestead. The situation would be even clearer, if case material were taken into account.

As the figures of Table 9 (p. 163) show, married brothers seldom live together in a single household. What does occur, quite regularly, is that the senior brothers marry first and the junior unmarried brothers stay at home until they also get married. Soon after the younger brother gets married, he settles out, and he will most likely build his new homestead next to the senior one of his father or older brother, as the case may be. This is the consequence of the family life-cycle, as discussed before. It is the spatial distance from the old homestead which is analytically relevant.

At least ten of the fourteen cases in the sample (of which five are indicated in Map No 6, p. 175) of brothers who settled away from the senior homestead can be traced to severe conflicts that arose at one stage or other in the homestead's history. The result was that the brothers separated in terms of settling farther afield. One of the root causes of conflict which I could elicit was illegitimate birth on the part of the settling-out brother and thus a "restoration" of the "stigmatised" brother's image: now, as an independent homestead head, he is on equal footing with his legitimate brother, irrespective of his particular (biological) history. Another cause was the elder brother's failure to fulfil his obligations and assist his younger brother in providing the bridewealth. A third, frequent, reason given was what the younger

person considered the "cleverness" (see *below*: n *homestead rules*, p. 213) of the older brother in marrying first. This has the effect of the younger brother's staying behind and becoming perforce the "caretaker" of the older brother's rightful estate, i.e. the father's homestead.

This list of reasons must suffice. What they show is that the distance between the homesteads is not merely the result of chance nor of pre-ordained structure, but is intentional. Yet, if settling at a greater distance is intentional, then settling next door is also intentional. In other words, what has been called a "tendency" of kinsmen to form a local group is the result of specific reasoning, choice and calculation. *Residence* as a particular form of narrow-range settlement pattern among close kinsmen is only an indirect result of the "mechanics" of the life-cycle of the Mthwa family; it is direct result of a choice by the homestead heads. This proves, to my mind, in a rather striking way, the importance of the individuality of the homestead in contrast to the village of Caguba and Mthwa society as a whole. How far this individuality is the case will be shown in the context of the economic life of the village.

(5) Summary.

The traditional settlement pattern as described for Nguni-speaking societies has changed significantly in Caguba; the village has replaced the pattern of relatively isolated homesteads. Yet the significance of the homestead as a basic unit of Mthwa society has not changed. I have pointed out that the average size of a Caguba household (6.32 persons) is about a quarter less than it was 50 years ago in Mpondoland, but this change has not altered the ratio between adults and children in the individual households. I have traced this interesting factor of the relative stability of the domestic unit to the family life cycle which characterises social life in Mthwa, seen over a time-span of at least three generations.

Such a life-cycle starts when a married man establishes his own independent homestead, and ends when the household reaches its widest expansion when his own grandchildren have been born. Thus the typical Mthwa family appears to be an *extended* family consisting of a man, his wife, one married son with his wife and their children. Marriage is most commonly monogamous..

When the structure of a domestic unit is examined, it appears that women are perceived to be, at times, rightful heads of their respective homestead without, however, enjoying the legal status which a male head would have in Mthwa society. The importance of women (widows and free-women) in Caguba remains to be discussed more fully in the following chapter.

Finally, the family life-cycle operates consistently and implies that sons will settle out. But this process of settling-out must be understood in terms of deliberate choices which thus account for the distance at which the settling-out son chooses the site of his new homestead. Yet, the settling-out as such is not only accepted as a matter of course in Mthwa, it is in fact a man's means of establishing himself as an independent homestead head who has reached full social maturity and may participate in the court sessions at which the men as a whole represent Mthwa law and justice (see Chapter IV). One important aspect of a homestead's independence must be dealt with in a separate chapter (Chapter VI), namely its concern for the material needs of its members. The homestead is the most significant context in which economic planning takes place in Mthwa society.

Footnotes to Chapter V.

(1) This statement expresses the ideal. In fact, only fifty percent of the homesteads own cattle. This will be discussed in detail in Chapter VI; see p.203f.

(2) See Wilson (1971:58) where the composition of the average Ciskeian homestead in 1939 is given as 6,3. This is almost identical with my findings

in Caguba of 1977-81. Hilda Kuper (1977) reports for a Swazi commoner homestead 7,2 persons as the average.

- (3) See also Roux and Leger (n.d.:9) for the same finding in an urbanizing context of the Fingo in Ciskei.
- (4) The category of "no-information" is due largely to a technical fault in conducting the survey. All interviewees were very cooperative and there was little hesitation in designating the person asked for.
- (5) By "free-woman" I render the vernacular terms *idikazi* and *inkazana*. For a discussion of free-woman in relation to widow see Kuckertz (1979). The "freedom" of a "free-woman" refers (a) to an unmarried mother who may live at her father's place (in which case the term *inkazana* is more frequently used) or else (b) has established her own household independently of her father or (legal) guardian, or else (c) is a freed widow after termination of the mourning period.
- (6) Instead of calling her "female 'old man' of the homestead", they may call her *unama wasekh'apha* ("mo her of here at the 'paternal home'"). This latter term applies also when the husband is still alive. The expression corresponds to the formerly mentioned *uyise wasekhaya/wasekh'apha* ("father of the home"). See p. 150, n. 4.
- (7) It should be emphasised that the "male dominance" often mentioned in literature is - as far as Mthwa society is concerned - a matter of the legal status which men hold in this society. How far and in which way this can or cannot imply a moral dimension is quite a different matter. The moral and the legal dimensions are by no means coterminous. For a more detailed discussion see Kuckertz (1979:142-4). Another aspect of Mthwa social life comes to light here: with the female-controlled homesteads, we can see how the so-called "matrifocal families" of the urban situation have their roots in the traditional society.
- (8) The definition of "family", as implied here, corresponds to R.T. Smith (1968:302): "A domestic group may be defined as a group of people who habitually share a common dwelling and a common food supply... The word 'family' has its origin in a Latin word which could be roughly equated with 'domestic', but for sociological purposes the two must be sharply distinguished. Domestic groups may be made up of individuals between whom no kinship ties exist, and, conversely, members of one family may be distributed over two or more domestic groups. The term 'household' may be used interchangeably with 'domestic group'."
- (9) More correctly speaking, it should be: "At a man's wife's place," because in the case of a polygynous homestead, the children live with their own mother in her "house" (*indlu*), i.e. household.
- (10) This does not contradict the general dependence of unmarried mothers and their households on a legal, i.e. a juridically acceptable guardian (father or brother). The reason is that it is necessary to distinguish clearly between a homestead's internal authority structure and its external legal status in Mthwa society. See p. 161.
- (11) The ethnographer is interested in "social regularities." If he sees the informant ignoring biological facts in accounting for the household's children, then the ethnographer may feel justified and adopt a similar attitude of ignoring those facts. Only, the informant's reason for "ignor-

ing" the biological facts may not be a social rule to which he refers, a blue-print of his society according to which illegitimate children acquire a legal status; rather, the informant may "re-write" the genealogy of his household in order to *create* and present (in the informant's mind) an acceptable moral image of the household. See also Footnote 12.

- (12) Here I should mention a particular difficulty which I encountered while in the field. When establishing genealogical relationships between people I often received contradictory information which I could clearly trace to such "evelling-out," or alternatively "telescoping" of generations. This method of "making" a genealogical tree for a specific purpose would require an additional study which cannot be undertaken here. See also B.C. Blount (1975).
- (13) The relatively high percentage for widows has also been reported for the Mpondonise (Hammond-Tooke 1968) and for the Fingo (Roux and Leger n.d.).
- (14) The analytical significance of the family life-cycle was realised quite some time ago; see Goody (1958), and successfully applied by Murray (1976) and Spiegel (1980). See also below p. 255, n. 24.
- (15) The common terms of address used by these children for their parents are two adoptives from Afrikaans, *buti* for "(older) brother" (Afrikaans *broer*) and *ses* for "sister" (Afrikaans *suster*).
- (16) Historically the most significant case in Mthwa of such "forgetting" is the one of the founder Chief of the chiefdom, Fono and his father Mbulawa (see above p. 13, n. 11). It seems to me that a telescoping of the actual genealogical relationship took place here.
- (17) Theoretically, it would be possible to discern a further category of homesteads, namely those which include (or else consist exclusively of) non-relatives. There are (very few) homesteads in Caguba which include among their members non-relatives. One or two of the homesteads employ a maid-servant who lives in the homestead; another homestead accommodates one of the primary school mistresses. I have ignored this separate category of households since all homesteads in Caguba are built round a core of kinsmen. Furthermore, the households which do accommodate non-relatives cut across the categories as set out in Table 9, p. 163.
- (18) Here another interesting observation is possible: while a woman may be a head of a homestead, she can control only one establishment (household), while a man can control two or more. The reason for this must be looked for in the sexual restriction on women, their being legally confined to monogamy; and in that free-women, even if they have children by different consorts, will live with their children in a single homestead. "Mother" is to a very large extent the stabilizing factor in Mthwa society.
- (19) At this point it would be interesting to pursue the question of the institutionalisation of concubinage. Such an inquiry could be pursued within the following framework.(a) In Mthwa there is an informal age-grade system of which one grade is that of the young married men. Some of them quite frequently participate in nightly dance parties at which a certain amount of licentiousness takes place, i.e. the men have sexual relationships with the female participants who are mostly free-women. These men are known as *amatshawe*. Their adulterous involvement is hardly condoned by the men's wives and often directly resented; other wives accept their husband's ca-

prices fatalistically. In short, the *amatshawe* age-grade is one aspect of institutionalised concubinage irrespective of its moral evaluation by the informants.

(b) The second form of concubinage is connected with free-womanhood and widowhood. Women of both types see it as their "freedom" to choose sexual partners.

(c) Concubinage is not accepted as a matter of course by most wives in Caguba. If a husband has a concubine great tension may arise between him and his wife. In addition, there is an important moral and legal aspect which to a certain degree can be defended in court, namely, that a wife has a right to her husband, which the concubine cannot claim. In case of a clash between a wife and her husband's concubine - according to certain informants who were free-women - the concubine can only give precedence to *ubufazzi* ("wifehood") and withdraw (unless the husband backs his concubine against his wife). For a more detailed discussion, see Kuckertz (1979).

- (20) As I said in Footnote n. 19, only wives can make a legal claim (to her husband's agnatic kinsmen). The concubine will have to "walk out" if she feels neglected.
- (21) The element of choice which is so important in the present context, has already been observed and described in connection with mat-associations and the correlated aspects of voluntary membership and settling in the region of a homestead head's mat-leader. In fact, any social anthropological study must account for less stable factors such as choice and intention.

CHAPTER VI

INTERACTION PROCESSES OF SOCIO-ECONOMIC
CO-OPERATION BASED ON THE HOMESTEAD

TO THE OBSERVER, the homestead in Mthwa society is a paradox. In one respect it is a basically independent social unit whose head allies himself to a chief; in another respect it is a well-integrated part of the authority structure, held within the framework of the judiciary. In the preceding chapter, it was necessary to concentrate on the individuality of the homestead in order to account for the freedom of choosing one's neighbour within the overall situation of the village. Now it must be asked whether the homestead should be regarded as ultimately integrated into the wider society or as being a basically self-sufficient social reality. More specifically, this dissertation aims at a clarification of the sense in which and the extent to which economic life contributes to the integration of Mthwa society. The present chapter does not deal with the total economy of Mthwa; instead certain characteristic aspects of the economic life will be highlighted in order to describe the interaction processes between homesteads which are generated by this economic life.

These aspects must first be situated within the complex context of the whole of Mthwa's economic life because it is this complexity that will shape the description to follow. Mthwa economic life as a whole has three main dimension.

... is determined by two separate yet

interrelated factors and the persons who are economi-

and ... there is a complex interrelation between cattle-
cultivation and economy.

ually. It is small scale homestead economy, i.e. it involves processes
economic decision-making and planning (calculation) which originate from and
are directed towards the material well-being of the individual homestead. This
is the primary and central issue of the discussion to follow.

The concept of "economy" and "economic" is mainly that of Dalton (1971).
Generally, an economy or an economic system comprises all the relationships
and all the transactions of goods which refer to the allocation of
resources and the distribution of products. More specifically, some
consider the "economic" with respect to these relationships if it
refers to (a community) ... to organize material life so as to
ensure the repetitive provision of food, shelter, and the items ne-
cessary for community life (ibidem p. 15). A transaction is considered to be
economizing if it denotes a special set of rules designed to maximize the
"value" or "minimize the expenditure of some means" (ibidem
p. 16). In this sense, the term "economic" refers to what is economi-
zing; it denotes "economizing calculation"

... planning is required in Caguba no less than in
other societies; however, on account of the three dimensions of Caguba's
subsistence economy, planning takes on a special form which in turn shapes the

First, it is bicentric⁽¹⁾, i.e. it is determined by two separate yet interrelated factors: the resources available to the persons who are economically involved.

Secondly, it is characterized by a complex interrelation between cattle holding, cultivation and cash economy.

Finally, it is essentially a homestead economy, i.e. it involves processes of economic decision-making and planning (calculation) which originate from and are directed towards the material well-being of the individual homestead. This third dimension is the central issue of the discussion to follow.

My use of the terms "economy" and "economic" is mainly that of Dalton (1971). In a general sense, an economy or an economic system comprises all the relationships between people and all the transactions of goods which refer to the allocation of resources and the distribution of products. More specifically, something is considered to be "economic" with respect to these relationships if it refers to "the need (of a community) ... to organize material life so as to assure the sustained, repetitive provision of food, shelter, and the items necessary for community life" (*ibid.* n.p. 15). A transaction is considered to be "economic" if "it denotes a special set of rules designed to maximize the achievement of some end or to minimize the expenditure of some means" (*ibid.* p. 30). In this specific sense, the term "economic" refers to what is economical and to decisions regarding economizing; it denotes "economizing behavior" (*ibidem*).

Such economizing calculation or planning is required in Caguba no less than in any other social system. However, on account of the three dimensions of Caguba's economic life, the planning takes on a special form which in turn shapes the economic system as a whole.

(1) *The three dimensions of Onguba's present economic life.*(a) *There are two economic systems.*

The two most important exchangeable goods in Nthwa society are cattle and labour. The exchange of these goods requires two different approaches on the part of the person responsible for the economic planning. On the one hand, there are the economic considerations concerning the maximization of achievement; on the other hand there are social considerations concerning the family as a set of relationships between people who share common interests and values. The two types of approach are clearly distinguishable and must be seen as related to the two separate centres of Nthwa economic life. These two centres are very different in nature, since the one concerns property, while the other concerns people; nevertheless they are clearly interrelated so that, in the words of R. Firth (1951:12), the "economic organisation is a type of social relations." Linguistically the two centres are referred to as *imahlia* ("cattle, property") and *umapho* ("a man's wife and children, family"). Not every homestead owns cattle, but each controls some property, e.g. fields, hoes, ploughs, and needs to get certain tasks performed. So, in varying degrees, the link between the two centres is felt in each homestead. How close it can be at times was brought home to me by a scene which I witnessed frequently in the homestead in which I lived for two of the three periods of my field-research in the village.

The scene occurred quite regularly in the very morning, before the sun had yet risen above the horizon. The homestead head, a man of about fifty-five years of age, would come out of his private house (*imando*) wrapped in his sleeping-blanket. He would move slowly to the patch of bush below the homestead garden, and, after a while, equally slowly, he would return. On his way back I could observe how he would scan the surroundings for anything unusual that might have happened during the night. Then, before dressing, he would begin inspect-

ing his homestead, its buildings and property. Invariably, his inspection tour would end at his two byres. In the bigger one the cattle were kept, and in the smaller one goats and sheep. He would watch the animals attentively, apparently examining each individually. One could see how the sneezing of a sheep or the panting of a pregnant cow concerned him. Here at the byre was his place. Here he would often sit during the day, for as long as time permitted, next to the entrance. It was obvious how much he identified himself with the byres and their animals, i.e. *mpahla*.

While he was watching, life in the homestead would begin: his wife or one of the daughters would go to fetch water, fire would be kindled, sleeping mats and blankets removed, the main-house (*indlu*) swept, and so on. The whole family (*usapho*) would come involved in this quiet hive of activity. While the various tasks were performed the homestead head would stand giving advice or calling one of the children. Most of the activities were those of the daily routine, but it was obvious how much the homestead head was in control of what we may call the homestead labour force, although admittedly a very special "labour force" with which he identified himself fully, and which was indicated clearly by the terms with which he and the other members of the family addressed one another.

As will be shown, the family is a Mthwa man's primary labour force. It is thus, like cattle, an economic asset in Mthwa society, but it is also an economic good quite different from the class of goods to which the cattle belong. Yet, the two types of asset are closely linked to each other. Mthwa economic life cannot be seen in isolation from the social relationships in which persons are involved. To quote R. Firth once more (1967:3): "The existing structure of ... social relations and the idea and expectations which [the Cagubans] have of this must affect very deeply the nature of the transactions in which they en-

page." This is a crucial issue of economic ethnomethodology which will concern us later (see below Section 3). For the time being, I shall concentrate on the economic processes themselves: first, the utilization and maximization of resources and property (the first centre); and secondly, the problem of the organization of a labour force (the second centre, the family).

(b) *The economic activity of wives, fields and cows.*

The second phase of the scene I repeatedly witnessed in my host's homestead would occur about an hour after the sun had risen: the cows would be milked and all the big stock, together with the sheep and goats, driven out to the pasture, sometimes quite a distance from the homestead. Then the focus of attention would change: it would shift to the garden, or to the fields, but also perhaps to a neighbour's garden or another neighbour's field. For, in summer, the most frequent sight in the village was people carrying hoes and containers of beer. With the animals gone, Taguba seemed to have changed into a purely agricultural society.

This daily sequence of events reflects the two aspects of traditional economy: pastoralism and agriculture. In the course of history, one or the other received greater prominence. Beinart (1980) states that between 1830 and 1880 such a shift took place in Mpondo economy, triggered off by the Shakan raids on the Mpondo (see p. 54). According to Beinart (1980:124) the Mpondo "compensated for the loss of their stock by more assiduous cultivation," and "in general, the produce of the land belonged to the owner of the plot" (*ibidem* p. 127). In accordance with this development in the 19th century, village-type settlements evolved which had the advantage of making defence easier against possible further attacks. Within the 50-year period covered by Beinart's discussion, the main economic interests of the Mpondo shifted several times from cattle to cultivation. The effect of this economic development is clearly visible in present-

day Caguba: if the country was significant as a food producer in the first half of the last century (see Shaw, in Hammond-Tooke 1972:167), then this is certainly true today when the fields and gardens are the main sources of the staple food. Maize is the staple food now, used in a great variety of dishes and drinks. Furthermore, whereas formerly the fields were predominantly the women's concern, this is certainly not the case today. At all stages of field and garden work, the men are fully engaged, sharing with the women on an equal basis. Finally, even if the cultivation of grain is the main source of food, cattle are still of economic significance in their own right. Here it is important to note first that only about fifty percent of the households own cattle, while more than eighty percent are involved in the cultivation of land. Secondly, although the annual agricultural cycle determines the rhythm of life in the village to a large extent, after the harvest has been gathered Caguba's social life resorts to a style more suited to a cattle-oriented economy. During the agriculturally quiet season (June to October), a number of celebrations will take place which involve cattle, for example, wedding feasts and the transfer of bridewealth from the bridegroom's to the bride's homestead that precedes them; or certain ancestral feasts which involve the ritual killing of an animal, ox or goat.

There is yet a third dimension of economic life in Caguba which is so important that it would be hard for the people to continue to exist if it were to cease operating: participation in the cash economy.

In the village itself, there are only very restricted opportunities of participating in the cash economy and of making a living out of such participation. There are about half a dozen teachers employed at the local primary school. All of them come from outside the village. There are two households which, on a regular basis sell home-brewed maize-beer. Occasionally a household slaugh-

ters + egg and salts are met (see p. 225). There are hardly a dozen men and women who earn their living by performing "piece work" of repairing and plastering (see p. 100) or even temporarily as masons (6) and at the school-maintenance. The villagers' larger involvement in the cash economy requires them to leave the village as contractors or migrant workers and to go either to the nearby town of Port St. John, or one of the restricted work opportunities within the reach of daily travelling, e.g. like my landlord's daughter - to one of the cities and industrial centres. The latter type of involvement in the cash economy is not immediately visible in the village, hidden as the cash economy may be, is has its clear effects. The first is that some villagers (about a quarter of the village's working force; see Table 6, p. 158, and p. 220) are absent for varying lengths of time, but a second is that, with the money, other goods are brought back to the village which themselves influence daily life. An example is the introduction of the plough several decades ago. The changes in economic and social life which this generated are taken as a matter of course today. A more on-going change is observable in the pattern of house-building: the square house is replacing the rondavel, and with it the building material is changing, most obviously the material for roofing, from grass to corrugated iron sheets. But inside the houses things are also changing: bought furniture is increasingly to be found. All this influences social life: there are certain behaviour patterns which are often ceremonially expressed, and for such expression they require the rondavel type of house with the fireplace in the centre (see Chapter VIII). The new houses create social uncertainties in the relation between people as the ceremonies proceed. When people congregate for drinking beer ceremonially, they take a particular seating order which expresses several types of relationship between the participants, e.g. sex, clan membership and age. The square house makes it difficult for this ceremonial seating pattern to be kept and thus the ritual of drinking in the correct order is to a large extent dis-

upted, but, would such a conversion take place in a secure future? The people will accept the institutionalisation, obviously, because the limitations of the old system are being felt more and more.¹²³

If, until now, the cash economy has only marginally been to the detriment of Caguba's daily life, nevertheless its potential presence as an ongoing process can be recognised in two ways: first, there is continuous labour migration which not only provides a cash income for certain commodities of modern life, such as paying school fees for the children, but, more important, it is the means of supplementing the local agro-pastoral economy which is unable to provide the daily staple food. Out of 103 households (according to the 1981 census) only two do not need to buy maize at all, six more buy it occasionally while all the others regularly seek cash income in order to buy the staple food. Secondly, the villagers participate in the cash economy as part of the economic policy of the homestead (see below, Section 2.a.iii).

Participation in the cash economy, and economic life as rational planning, are no recent phenomena in Caguba; they can clearly be traced to the economic conditions that existed in the 19th century. The previously quoted work by Dr W. Beinart on the Mpondo (1979b; 1982:122) makes it clear that "by the turn of the century, the Mpondo were deeply enmeshed in the wider South African economy." Herding, cultivation, hunting and gathering were the range of their economic activities, but their "relative importance and intensity ... varied considerably from the 1820s" (ibidem). Much later (1980:148) he says for Natal applies to Mpoland in general and to KwaZulu in particular: there was, in the 19th century and the beginning of the 20th century, a "single though complex network of economic choices and relationships operating." In other words, present-day Caguba cannot be seen in the light of an assumed "dual economy," as advocated by Sauer (1975) and critically addressed by scholars like G. Bandy.

(1979) and D. Walster (1979). Subsequently I shall show that cattle, tithe and cash constitute a range of possible choices open to the village economist, i.e., the household head.

Furthermore, one may suspect that economy as rational planning plays its part even in that area of Caguba's life which, from an economic point of view, continues in traditional form: the organisation of labour as required in the village. This noticeably follows rules of organisation which are "social" rather than "economic." The reason for this is to be found in the third dimension of Caguba's economic life, namely its being a household economy, i.e., its being related to the needs of an individual household. Studies by Murray (1976) and Spiegel (1980) among the Southern Sotho have shown that traditional divisions of labour and even the entire traditional economy persist in Lesotho in a transformed way only, subordinate to the cash economy. As I have said, one may suspect that a similar condition exists in Caguba, but a relevant analysis would go beyond the focus of the present dissertation. My main interest lies in the varying degrees to which social organisation and social integration affect the village of Caguba and the whole of the Mthwa chiefdom.

3.3. A homestead economy

When I arrived in Caguba in December 1977 for my first period of research, I was impressed by the overriding involvement in agriculture apparent at the time (quite different from the winter months, June until October) and the amount of daily cooperation between the homesteads. There seemed little doubt that economic activities integrated Hlwa society to a considerable degree. My impression lasted until I began to distinguish between various social and economic aspects of life in Caguba, and until, in particular, I realised who was responsible for economic planning and who was affected by the decisions made. Slowly it emerged that Caguba's economic life formed no overall system in the

sense of a village - or even a chiefdom-wide coordinated system of economic activities managed from a centre, i.e. from the chief's place. Rather, Caguba's economic life originates from and is geared towards individual homesteads. The homestead decides exclusively for itself which resources, technology and work should be combined to satisfy the material requirements of its human members. Beyond its confines there lies, of course, the wider economic system of the state, but with respect to Caguba's *internal* economic affairs there is little articulation between the macro-system and the micro-economic system. The operative system, at the level of immediate behaviour, is to be located *within* each individual household; only here does the 'economizing calculation' (Dalton) take place.

(2) The major material and social resources:

We need to distinguish three types of resources (*imobile*, singular objects) upon which a homestead head may draw. The first two are of a material kind: goods provided for by nature and from which he chooses purposefully; and goods which are produced through his own efforts, e.g. live-stock and implements. The third type of resource is human, from which he draws in organising a labour force. Indeed a man in Caguba occasionally speaks about their families as *property* ("my property").

(a) Land, cattle and seasonal planning:

(aa) Natural resources and land:

Wood and grass are among Caguba's chiefest resources. Rain is plentiful and there is never a drought long enough to affect generous growth. It is only man himself who influences what nature is ready to provide, either by extensive cutting and burning of the bush or by overstocking and thus not giving the grass sufficient time to recover. There are two primary uses for wood in its

various forms: for building and fuel. Because wood is still so plentiful and relatively accessible, one seldom finds in Caguba that dried cow dung is used as an alternative form of fuel, as is the case in many other Transkeian areas.

Grass grows in great variety and is used for two purposes in particular: feeding for the animals and thatching. The tall Tambahki-grass (*umquqo*) is used for roofing. It grows everywhere in the area, but because of extensive cutting it has become quite scarce in the immediate vicinity of the village. Usually the cutting of thatching grass is done by groups of half-a-dozen women; work-parties are arranged for the purpose. Firewood and grass are commonly freely available within the area comprising the village, like grass, soil for building also belongs freely to the whole community. Only for the cutting of green wood for building purposes is the chief's permission necessary⁽³⁾. A new development is the buying of poles from traders in P.M. St. Johns.

Foods that occur naturally include mussels (*isibusa*), the occasional wild animal, certain wild vegetables (*isipiso*), and a wide variety of roots, herbs, and barks which are used for medicinal purposes. Although all these are important (and as for mussels, parties are even organised to go and harvest them) they contribute only marginally to the local diet.

Of natural resources, the most important is land, for building, gardening and agriculture. Land is in constant demand, because of the natural increase of the population and the resultant settling-out (see Chapter V), and because of new settlers. Quite often the village headman, or perhaps even the chief, can be seen walking through the residential area, accompanied by an applicant for a site (*izwus*). Land is never sold: it belongs to "us all." No one, not even the chief, can make a profit by speculating in land. Official allotment allows a fair share for all who have a right to it, i.e., heads of homesteads who are

various forms: for building and fuel. Because wood is still so plentiful and relatively accessible, one seldom finds in Caguba that dried cow dung is used as an alternative form of fuel, as is the case in many other Transkeian areas.

Grass grows in great variety and is used for two purposes in particular: feeding for the animals and thatching. The tall Tambookie-grass (*Tumqungu*) is used for roofing. It grows everywhere in the area, but because of extensive cutting it has become quite scarce in the immediate vicinity of the village. Usually the cutting of thatching grass is done by groups of half-a-dozen women; work-parties are arranged for the purpose. Firewood and grass are commonly freely available within the area comprising the village. Like grass, soil for building also belongs freely to the whole community. Only for the cutting of green wood for building purposes is the chief's permission necessary⁽¹⁾. A new development is the buying of poles from traders in Port St Johns.

Foods that occur naturally include mussels (*iimbaza*), the occasional wild animal, certain wild vegetables (*imifino*), and a wide variety of roots, herbs, and barks which are used for medicinal purposes. Although all these are important (and as for mussels, parties are even organised to go and harvest them) they contribute only marginally to the local diet.

Of natural resources, the most important is land, for building, gardening and agriculture. Land is in constant demand, because of the natural increase of the population and the resultant settling-out (see Chapter V), and because of new settlers. Quite often the village headman, or perhaps even the chief, can be seen walking through the residential area, accompanied by an applicant for a site (*inziwa*). Land is never sold: it belongs to "us all." No one, not even the chief, can make a profit by speculating in land. Official allotment allows a fair share for all who have a right to it, i.e. heads of homesteads who are

THE HOMESTEAD SYSTEM
IN THE MITHWA STATE

In the past, access to land was a homestead head held when allying himself with his wife. When land was sparse and land was abundant, his wife could only occupy land, as long as she did not encroach upon land already held by someone else (see Hunter 1936:87). The saying "she occupies certain areas" (*ibidem* p. 113) is still used. This is not the only right, but there are others who for various reasons have a claim to economic planning, as will be explained below.

Land is a factor of production and the normal unit factor of that production. There is some ambiguity regarding the relationship between the individual and the community. It is not clear whether the independence of each homestead, which is the basic unit of society, is to be assumed. In a community does the cooperation of all members of the community mean the interdependence of these homesteads, i.e., do they help one another? Or is there rivalry? The following discussion of these questions will show that there is a conflict between the interests of the homestead and the community.

There are two main factors in the homestead system. One is to the west of the town, the other to the east of the town. The first is the agricultural area, the second and preferable is the grazing area, mostly on the eastern bank (see Map No. 2, p. 113). The distance from the town to the grazing area is about two and one and a half hours' walk. The grazing area is divided into several fields allotted on a basis of kinship. This is the most logical and historically deduced answer,

and an answer given by the Cagubans, and the two answers

I inquired how the various households came into possession of their fields whether by allotment or by inheritance (see Table 11, p. 197), and enquired who, in each case, was the first homestead head to cultivate the field in question. This part of the research (of which the details must be omitted here for lack of space) brought to light that in the past (perhaps in the first decade of this century) land was distributed on the basis of clan-membership, though the reason for such distribution was not clear. I concerned three areas in the lower part of the Mngazi River valley which had belonged to the three major clan groups of Caguba (i.e. of the ward Ludum; see p. 25f), namely the Ncamane (the royal clan), the Gwangule, and the tshe-Khanandana⁽⁵⁾. In strong contrast, the present-day distribution of fields does not show this clan-based pattern. When I questioned the Cagubans, the usual reply was that there had "never" been such a thing as land distribution on the basis of clan membership. My informants reasoned that a field does not represent some economic interest shared by a local clan-group or a particular mat-association. On the contrary, they said, a person chooses a field because of the quality of the soil, irrespective of the identity of his field neighbour, his clan name or his mat-association. The common opinion is that a field is at the disposal of the homestead to whom it has been given and serves the needs of its people and of nobody else. Put differently, the villagers maintain that it is not enough to say that a field is merely a piece of land attached to a single homestead; it must be said rather that the field adds a certain dimension of "interest" (Habermas) to the individual homestead which cultivates that field. A given field is a symbol of the particular homestead, so to say. Thus, in the eyes of the people of Caguba (whatever the actual economic situation may appear to be), the field ~~integrates~~ ^{represents} their society.

The second aspect of the connection between a field and an economically self-interested homestead comes to the fore when a workparty of the *ilima*-type (see below p. 216) is in progress in the field. Such a workparty is a group of people who have been organised by a certain homestead head in order to assist him. Usually the members of a workparty include some of the kinsmen of this homestead head. The point to be made in greater detail later (see p. 221f) is that kinship and mat-association membership is neither the basis of recruitment nor of authority in the workparty. Economic cooperation between kinsmen has only limited significance in Caguba.

The third factor which indicates how homestead-based interests affect land-ownership relates to a rule concerning the inheritance of a field: nobody can claim a field merely on the ground that its former owner was a kinsman, except where there . . . direct inheritance from father to son.

Finally, the close link between a field and a specific homestead is statistically born out by the fact that by far the majority of fields were acquired through an allotment by the chief to the present homestead heads⁽⁶⁾:

Field acquired through inheritance	18 Hh	16,9 %
Field acquired through allotment	60 Hh	56,7 %
Not own field, but borrowed	5 Hh	4,8 %
No field	17 Hh	16,0 %
No Information	6 Hh	
Total	106 Hh	

Table 11. Acquisition of field per household (Hh).

The significance of Table 11 appears if the assumption is accepted that not only is a field part of a natural resource which has been rightfully allotted by the chief to a particular homestead head, it is also an expression of the status of the homestead head as a person who has gained full mature social and legal status in the society and who, therefore, has a right to a piece of

arable land independently of the land held by other homestead heads, whether they be kinsmen or not. In other words, the right to, and the acquisition of, a piece of land is a symbolic expression of the homestead itself as an economically independent unit. Our assumption is well-founded on the high number of allotted fields: about 57 % of the sample. This high number also indicates the speed with which new homesteads have been founded in the last thirty or forty years⁽⁷⁾.

The high number of fields allocated can easily be explained by the continuous process of settling-out discussed earlier. Given the correlation between settling-out, legal maturity and rightful claim to a piece of land, it immediately becomes intelligible why there are so few inherited fields (17 %). Just as an inherited field was acquired by a certain homestead head, so the field will continue to be at the disposal of one of that homestead head's sons. If there are further sons, they must settle-out and, eventually, apply for their own fields, each one of them in his own right as a (new) homestead head. Brothers of the same father control different homesteads and have different fields: thus possession of a piece of arable land does not contribute to integrating Mthwa society, although the land in its totality is owned by the Mthwa society as a whole. If brothers, however, wish to share the crops of their respective fields, they may, of course, do so, but there is no expressed rule or a particular ideal (like a moral rule which could be based on kinship relationships) which enjoins such sharing.

Finally, the borrowing of fields shows still further the individuation which characterises the Mthwa homestead and its exclusive control over an allocated field. Only the homestead head can let his field. The number of such borrowed fields is very small, only about five percent of the sample. Understandably, there will be only a few homestead heads who own a field but prefer not to

cultivate it. Subsequently (Sub-Section bb) we shall see what reasons there could be for leaving a field uncultivated or allowing it to be cultivated by another homestead.

A historical question remains: since apparently there was probably in the first decade of this century a clan-based distribution of arable land in Mthwa⁽⁸⁾, is the process of individuation of homesteads a recent phenomenon in Caguba? Present evidence suggests that this process has been part of Mthwa's socio-economic tradition for at least 150 years. First, in the preceding chapter (p. 159) I showed that the size of the average household, and the average ratio between adults and children per household, has not changed significantly for at least fifty years. Secondly, at least from Shakan time onwards, cultivation, and thus the allocation of land, gained greater prominence than the possession of cattle. Thirdly, even if there was formerly a clan-based distribution of land, apparently there was never a clan-based right to land in a particular area. It was the chief, not the local kin-group that controlled any stretch of land. Whenever a man applied for a field it was the chief who allotted it (or else, one of the headmen did so in the chief's name). It can thus be concluded that the process of individuation of homesteads as described here (of which the right to a piece of land is an essential aspect) is part of Mthwa's traditional way of life. It is still an observable reality in today's Caguba: the homestead head who applies for a piece of land does so independently of any other homestead head, whether kinsman or not, and in his own interests. The right to land has therefore a divisive consequence for Mthwa society.

(iii) The actual cultivation of a field as an integrating factor.

Land used for tillage is quite different from the other two important natural resources, wood and grass (see p. 192). Grass is available only during a li-

cultivate it. Subsequently (Sub-Section bb) we shall see what reasons there could be for leaving a field uncultivated or allowing it to be cultivated by another homestead.

A historical question remains: since apparently there was probably in the first decade of this century a clan-based distribution of arable land in Mthwa⁽⁸⁾, is the process of individuation of homesteads a recent phenomenon in Caguba? Present evidence suggests that this process has been part of Mthwa's socio-economic tradition for at least 150 years. First, in the preceding chapter (p. 159) I showed that the size of the average household, and the average ratio between adults and children per household, has not changed significantly for at least fifty years. Secondly, at least from Shakan time onwards, cultivation, and thus the allocation of land, gained greater prominence than the possession of cattle. Thirdly, even if there was formerly a clan-based distribution of land, apparently there was never a clan-based right to land in a particular area. It was the chief, not the local kin-group that controlled any stretch of land. Whenever a man applied for a field it was the chief who allotted it (or else, one of the headmen did so in the chief's name). It can thus be concluded that the process of individuation of homesteads as described here (of which the right to a piece of land is an essential aspect) is part of Mthwa's traditional way of life. It is still an observable reality in today's Caguba: the homestead head who applies for a piece of land does so independently of any other homestead head, whether kinsman or not, and in his own interests. The right to land has therefore a divisive consequence for Mthwa society.

(ii) The actual cultivation of a field - an integrating factor.

Land used for tillage is quite different from the other two important natural resources, wood and grain (see p. 192), *grain* is available only during a limited period of the year, and wood is available only during a limited period of the day. The cultivation of land is a continuous activity throughout the year, and it is this which makes it an integrating factor.

mitied season, during the early dry months of the winter; wood can be cut and collected at any time; but the land used for cultivation imprints on the whole year a specific rhythm of a variety of activities. These activities are to a large extent determined by the farming methods employed:

First, maize is the crop universally planted in the fields, although some fields have pumpkin as a subsidiary crop, planted between the maize. This strong monocultural tendency generates a uniform agricultural rhythm throughout the village.

This uniformity is strengthened by the second factor: most of the homesteads begin tilling the soil for the new year simultaneously. In a rather arbitrary way, the 15th November is considered to be the date for starting ploughing (although some field-owners start considerably earlier as weather conditions often allow them to do). There is no special ceremony or any explicit permission by the chief to mark the commencement of the work. Well over 80 % of the households in Caguba cultivate a piece of land (in addition to their gardens), virtually all of them plant maize and most of them start working on the set date in November. This affects the availability of labour strongly since only a few households are able to do the work in the fields without assistance from other homesteads. Furthermore, the fields lie in a very restricted area, thus the crops start growing almost simultaneously in all the fields - as do the weeds. Therefore there is an urgent need to get the fields hoed. During the hoeing season, from mid-January until the end of March, the village is virtually deserted during the day. Up to ten or more workparties may be hoeing in the Mngazi River valley during the peak month in February. Later, in March, hoeing gives place to weeding, until the work in the fields comes to a standstill until harvest. From the beginning of the agricultural season, Caguba homesteads go through a period of extensive cooperation. Workparties are widely organised not only for work in the fields but also in the gardens. During the 1980/1 season, 85 households (out of a total sample of

106 households) organised a workparty. Most of these workparties were organised for work in the fields.

Finally, the need for draught animals calls for cooperative effort. Today all the fields are ploughed; nobody uses a "planting stick" (*isikhuba*, see Hunter 1936:74) as in the past. Draught animals are therefore in high demand, particularly at the time of ploughing and harvesting. Yet cattle in general, and oxen in particular, are scarce in the village. Only about 50 % of all the households own cattle (see p. 206), and of these there are many that do not have the six or eight oxen required for a full span. Since all fields have to be ploughed and the harvest taken home on sledges, much borrowing of oxen takes place. Of the 106 households investigated, 66 needed to borrow oxen during the 1980/1 season.

To sum up: Caguba's strong involvement in cultivation and the particular farming methods employed have an immediately observable effect on the life of the village and most of its individual homesteads. At the beginning of the agricultural annual season, a "burst" of cooperation takes place in the village and it lasts until harvest has been taken home. It should be noted that this cooperation is generated by economic necessity, not any philosophy of cooperativeness and togetherness based on kinship or other forms of social arrangement. In other words, the cooperation which we can observe co-exists easily with the individuality of the single homestead indicated above. Indeed, the researcher was surprised to find that people prefer to achieve the economic end of a good harvest without cooperation of other homesteads. Out of a total of 106 households, there was only one informant who considered workparties to be desirable. All the other informants who reported having borrowed oxen or having organised workparties insisted on the economic necessity of doing so (p. 216), but at the same time declared their (impractical) preference for achieving this end independently, using the resources available within the homestead. The reasons

for this lack of enthusiasm for cooperation between homesteads were easily elicited. The organisation of workparties requires the provision of beer (and sometimes other food) and this, of course, uses up the homestead's valuable supplies. Another reason is that the beerparty which follows a workparty session often ends in tension and quarrels. The most common, fairly unarticulated, reason mentioned was that "people just do not like it" (i.e. would prefer doing the work with members of the homestead only).

Yet, the necessity for cooperation with other homesteads is often felt in many ways, either because of the lack of the necessary oxen, or because of too small a labour force available in the homestead. Therefore the homestead head will turn to some other homesteads and ask them for assistance (*uncedo*) (see below p.216f). This implies that he has to provide food (*ukutya*) for the day the work is done. The food usually takes the form of beer (*umqombothi*, *ucywala*). As a rule beer will be given while the workers are in the field, and usually when the work has been completed there will be a beerparty in the homestead of the organising household. This latter beer is not quite a repayment for services rendered, although this idea need not to be excluded. In fact, the beer-drinking takes on the form of a celebration, since there may be people other than those who participated in the workparty. Furthermore, the beer-drinking proceeds according to a rigid etiquette which affects the arrangement of the people at the beerparty and the procedure of sharing the beer. In addition, this etiquette follows rules which apply to certain ancestral feasts (see Chapter VIII). Therefore it is quite appropriate to call the beerparties which are related to hoeing, harvesting or to any other form of organised work "celebrations."

In *pednelyu*, there are two types of beerparties: first, there are those celebrations which follow a day's work, on the same day on which the work was performed. Such celebrations I call "beerparties". Secondly, there are those cele-

brations which follow after the harvest has been finished in the whole village and the cattle are now free to feed on the stubble left behind in the fields. These celebrations I call "harvest feasts."

An important part of the annual agricultural cycle is the hoeing and weeding season which lasts almost three months, from January to March (weeding may take place as late as mid-April). This is the time of the most intense economic cooperation by means of workparties. Since workparties are often followed by drinkparties, it is as if, during that season, Cagubans were working for two-thirds of a day and feasting for one-third. During this time, there is always beer in one household or another, either used as food in the fields, or as food for celebrating. Beer is mostly home-brewed and made of maize; occasionally it is made from instant beer-powder obtainable from the shops. Whether the beer is home-brewed or made from powder, any drinkparty has an important economic aspect for the host: he has to reach deep into his resources, either the surplus harvested the previous year or cash. The workparty and subsequently the drinkparty consumes a considerable quantity of the households food supply. In other words, a workparty not only provides a profit with respect to the agricultural aims of the household, but it also means a definite expenditure. Thus the almost universal feature of Caguba's economic life of having workparties followed by a celebration creates a clear interdependence for the people. Most of the households of Caguba organise workparties, and most of the people of the village participate more or less frequently in one of the workparties or another in order to be entitled to the food which the host will provide, to the food for the day. This is well summed-up in the popular phrase that ~~expresses~~ ^{expresses} satisfaction after a day's work in somebody's field and the subsequent feasting: *hayi noko, sihluthi* ("well then, we satisfied our hunger").

Unlike the drinkparties, which follow the completion of a workparty's work, a harvest feast may take place any time after the harvest has been taken home.

Yet the harvest feast remains clearly in the context of economic cooperation between homesteads. The actual reason for having the celebration is that a certain household has been assisted by another homestead by the loan of a span of oxen. The celebration will take place "in honour of the oxen" (*ukuselela iinkabi*), i.e. "in honour" (*ukubonga*) of the owner of the animals. Obviously, here there is no real idea of payment for a service rendered. Thirty people or more may gather in the homestead where the celebration is to take place. The special guest of honour, the owner of the animals, will not receive a larger quantity of food than all the other guests: his privilege is to be the guest of honour, the reason for the celebration.

It was mentioned (p. 199) that more than 60 % of the households in Caguba need to borrow oxen in order to take their harvest home; this means that there will be a great number of celebrations. In addition, the drinkparties "in honour of the oxen" take place in a limited time-span of two to three weeks between the second half of June and the beginning of July. Why there should be such a concentration of feasts within these weeks, I failed to discover. The repeated feasts in the village, however, within this time-limit have the effect of an informal harvest feast for the whole of Caguba. On the occasion of the celebration, the owner of the oxen will be praised publicly for the assistance which he has given and the guests will be exhorted to learn from his example. Such speeches conclude with the familiar phrase *kaNcamane, nangomso* ("Ye people of Ncamane, keep your zeal also in future"). This or a similar phrase may be heard on any other occasion where the people are to be encouraged to cooperate, but it is most appropriate for harvest feasts which conclude the most intense period of economic cooperation in the village. After the harvest feast, the various homesteads will return to a more individual rhythm of life until the next agricultural season starts on the 15th November. Only occasionally will workparties be organised to perform a variety of works (see p. 216).

As for the fields, they become the commonage of winter grazing for the cattle. No one can stop his neighbour's animals feeding on his maize stubble. It is now that the time arrives for the feasts that have been held over until the agricultural work has been done. It is now that the more social significance of cattle as bridewealth or as ritual victims becomes apparent. Yet in addition to having their share in Mthwa's agricultural activities and their being of importance socially, cattle and domestic animals in general have their own economic value for their owners and form an important part of the homestead economist's planning.

(bb) Domestic animals and rational planning.

Cattle play an important part in the daily lives of the Mthwa people as with the other Nguni-speaking peoples. As was mentioned, cattle have economic value as draught animals; they also have social value in negotiating bride-wealth, jural value in paying indemnities, religious value as ritual victims. Besides all this, cattle have commercial value; and this is so not only since recent times. Beinart (1979a:200) points out that the pre-annexation independence of the Mpondo was directly linked to "the wealth in cattle which they traded in order to obtain commodities they needed, such as guns and agricultural implements." The great value and esteem which cattle enjoy in Caguba is observable in many ways, not least the persistence with which they are driven to the dipping-post once a month. The long-cherished suspicion that regular dipping is detrimental has apparently been overcome, and the quality of the cattle seems to be improving.

The importance of cattle is summed up in two phrases which I have often heard in conversation: *emamoyibank' yethu* ("cattle are our savings+account") and *emamoyibantu* ("cattle are people"). The first phrase pinpoints the economic aspect of cattle in its use of the most unambiguous terms of the cash economy:

there is no real life in agriculture but has a basis in the reality of how the homestead operates. This social life refers to the complexity of social life in which there are two aspects of it which will need our attention: inheritance, which you express in inheritance (see below, Section 1) and certain rituals related to it (see Chapter VII).

Cattle undoubtedly have a particular significance in Caguba, but this should not be overemphasised. In the first place cattle must be seen (i) in relation to other domestic animals, (ii) to cultivation, and (iii) in relation to the cash economy of the homesteads. In the second place, it must be remembered that about fifty percent of the homesteads in Caguba.

... in relation to other domestic animals.

... cattle, while the most common. They are kept for meat and for skins; skins are eaten as well, and are considered to be delicacies. Every household has at least a few chickens. The following table (Table 1, p. 205) shows the distribution of domestic animals census taken in 1981).

... unevenly distributed they may be, contribute significantly to the material life of Caguba: as means of transport, food and draught animals. Horses and cattle are transport animals. Horses are used for getting monkeys used mainly as pack animals, but occasionally as draught animals. The main pack animal is cattle, particularly oxen which pull the plough or sledge. ... are, like poultry, slaughtered for food; however, goats and pigs (in strong contrast to sheep and pigs) are killed and eaten at certain ritual or other festive occasions, and since

	Number of animals	kept in number of Hh
Cattle: Milch-cows	212	14
Oxen	118	37
Calves	82	33
Bulls, Bull-calves	20	19
Goats	111	14
Sheep	71	12
Pigs and piglets	189	74
Donkeys	51	18
Horses	11	10

Table 12. Domestic animals per Household (Hh).

such occasions are relatively rare, their meat cannot be considered part of the regular diet of the people. The main meat supply comes from sheep and especially from pigs, which are kept in more than 70 % of the households. A single household may slaughter one or two animals per year. Most of the meat is sold in the village on a hawking basis. In 1981 a medium-sized animal fetched between R 35 and R 40.

In contrast to the relatively even distribution of pigs in the village, the goats are extremely unevenly distributed. In 1981, only 14 households owned them. In these households, one had 40 animals. This is very interesting when one remembers that goats are the most commonly used ritual victims. Although the necessary data are lacking, it may be conjectured that goat-ownership has become commercialised in today's Caguba, i.e. goats are an example of economic rationalisation within the context of the homestead economy. But, in spite of this, goats still do not really contribute to the regular daily diet of the Cagubans. Milk is obtained from milch-cows, but the small number of households which keep milch-cows indicates that milk (curd) is a marginal element in the staple food, in strong contrast to what Prof. Wilson reported to have

the case in olden days. Today the staple food is gained from agriculture.

(ii) The significance of cattle in relation to cultivation.

The large percentage of households which cultivate fields, and their consequent reliance on a span of oxen as draught animals, has been noted. What we have to consider now is the disproportion between the demand for such animals and the actual number of cattle-holding homesteads which is only 50 % of the homesteads in the village⁽⁹⁾. This disproportion is accentuated if we take into account that only twenty-five households in Caguba (ward Ludume) own six or more head of cattle, and of these only eleven households would be able to keep a full span of six oxen⁽¹⁰⁾. The effect of this disproportion of draught animals in Caguba is that people are forced to cooperate. If space permitted it could be shown that in fact a very limited number of cattle owners do the main work of transporting, particularly the harvest. Unfortunately I could not gain any clear information about whether animals are rented on a basis of some kind of return for the service provided. All I could learn was that many homestead heads go and "ask for cattle" (*ukusela iinkomo*), or "join (their own insufficient number of) animals" (*ukudibana iinkomo*) with those of another homestead, and that after the service has been rendered a public feast takes place as described above. But obviously, the very fact of the concentration of the valuable draught animals in a few households could lead to a commercialization of the "transport system."

The importance of cattle in the overall economic plan of the homestead head can be seen in the following table (Table 13, p. 207) which shows the correlation between cattle-holding, the cultivation of fields, and ways of gaining cash:

		Total	Means of obtaining income					at home
			Migrant	Com-muter	Self-employed	State-pension		
58 Hhs or 54, 7 % do NOT keep cattle	Hh does NOT cultivate field	22 *) 100 %	11 50,0 %	3 13,6%	5 22,7 %	1		2
	Hh DOES cultivate field	36 100 %	11 30,5 %	7 22,2%	2 5,5 %	1	15 41,0%	
48 Hhs or 45,3 % DO keep cattle	Hh does NOT cultivate field	-	-	-	-	-	-	-
	Hh DOES cultivate field	46 100 %	22 47,8 %	7 15,2%	-	-	17 36,9%	
	Activity not clear	2	2		*) 21 Hhs have no field, 1 Hh left it fallow.			

Table 13. Correlation between cattle-owning, cultivation of fields and cash (Hh = Household).

In a total of 106 households, a clear correlation exists between cattle-owning and the cultivation of fields. It appears that cattle-owning in a given household is practically coterminous with having a field, but NOT vice versa. The cultivation of a field may or may not be concomitant with owning cattle. I should like to state, in the form of a hypothesis, the conclusion to be drawn from this correlation:

On the levels of the village and the chiefdom, there is no authority which has the power to handle the decisions which lead to the cultivation of land and to cattle-owning in a given homestead.

Furthermore, land-holding is, in fact, an attribute of the individual homestead.

Therefore I am forced to conclude that there is no overall rational planning (economizing calculation) as if Aguba were an economic unit, but rather that the respective decisions are made on the level of the homestead and in its interests. The actual

		Total	Means of obtaining income					
			Migrant	Com- muter	Self- employed	State- pension	at home	
58 Hhs or 54, 7 % do NOT keep cattle	Hh does NOT cultivate field	22 *) 100 %	11 50,0 %	3 13,6%	5 22,7 %	1		2
	Hh DOES cultivate field	36 100 %	11 30,5 %	7 22,2%	2 5,5 %	1	15 41,6%	
48 Hhs or 45,3 % DO keep cattle	Hh does NOT cultivate field	-	-	-	-	-	-	-
	Hh DOES cultivate field	46 100 %	22 47,8 %	7 15,2%	-	-	17 36,9%	
	Activity not clear	2	2		*) 21 Hhs have no field, 1 Hh left it fallow.			

Table 13. Correlation between cattle-owning, cultivation of fields and cash (Hh = Household).

In a total of 106 households, a clear correlation exists between cattle-owning and the cultivation of fields. It appears that cattle-owning in a given household is practically coterminous with having a field, but NOT vice versa. The cultivation of a field may or may not be concomitant with owning cattle. I should like to state, in the form of a hypothesis, the conclusion to be drawn from this correlation:

On the levels of the village and the chiefdom, there is no authority which has the power to handle the decisions which lead to the cultivation of land and to cattle-owning in a given homestead.

Furthermore, land-holding is, — , an attribute of the individual homestead.

Therefore I am forced to conclude that there is no overall rational planning (economizing calculation) as if Taguba were an economic unit, but rather that the respective decisions are made on the level of the homestead and in its interests. The actual

correlation between the two main resources, land and cattle, shows clearly that Mthwa's economy is, in a fundamental sense, a *homestead economy*.

The criticism may be made that my conclusion is a reification and an imposition of "etic" categories⁽¹¹⁾. To this I would reply: 1. I am describing the situation as the people of Caguba see it, i.e. as it forms part of their awareness of their own social environment. 2. My conclusion is drawn from empirical data. 3. It is born out by the various forms of organisation of labour in the village and by the system of inheritance. (These two matters will be discussed more fully in subsequent sections.)

(iii) The significance of cattle in relation to the cash economy.

Wherever cattle are kept in a homestead they certainly contribute to the material life of the people. Even if only marginally, they do contribute to the diet, for example, supplying milk and occasionally meat when there is a ritual killing. Hides are used as underblankets or for making things and, in olden days, for making a cowhide drum (*ingqungqo*). However, since only 50% of the households own cattle, a given household does not usually rely on the keeping of cattle in order to make ends meet. There are alternative means of achieving material goals, namely cultivation and participation in the cash economy. In short, if a homestead head wants to keep cattle, he takes factors into consideration which go beyond the mere short-term concern of securing his homestead's daily material living. He considers the possibility of accumulating property (which, of course, remains related to the homestead's material well-being), exactly as the popular phrase has it: "Cattle are our savings-account." This fact is not only deducible from the above table (Table 13, p. 207), but it is directly observable in Caguba's economic life. I am referring to a particular exchange of animals which in Mpondo is traditionally known as *ukubusa* (in standard Xhosa as *usupu*) which means literally "to swap."

Professor Wilson (Hunter 1936:135-9) describes at length this type of cattle exchange. In brief, it means that a man offers to "take over" another man's stock. If the request is granted, the man will take the animal or animals into his byre with the express purpose of using them, e.g. for ploughing and breeding, but not selling them. Wilson (*ibidem* p. 139) mentions the increasing significance of money as early as the time of her research in the 1920's. Today, in Caguba, money - *cash cropping* - has become directly linked to the system of exchange, because the man who takes the animals into his care accepts also the financial burden of paying tax on them⁽¹²⁾. The owner, in return, cannot recall the animals whenever it pleases him, but only when a term of payment has expired. However, he remains fully the owner. Thus having animals (as owner) or keeping them (as borrower) means cash investment and finally some kind of return, namely in the form of increased stock (the owner's return) or an animal or two for service rendered ('the borrower's return'). At this stage it becomes obvious that to give animals into care and to take them are two decisions which are made by the two respective homestead heads, each of the two considering the interests of his own homestead and acting in accordance with the economic strategy of his own choice.

In contrast to the cattle-owners are those homestead heads who make their living entirely in Caguba: they tend to be self-employed men (see Table 13, p. 207). They live only on their earnings as artisans (doing building and carpentry) or as owners of a home-industry which produces typical Mpondo sticks or other commercial ware, like baskets, to be sold in town. There are three artisans in Caguba; the stick producers have customers as far as Umtata and Kokstad (100 and 200 km away, respectively). Lastly, there is a diviner who earns his living from divination; but he also has a field. Among those villagers who have left for work, as commuters or migrants, we find in particular those who have given their stock in care. In other words, there is a correlation

between cattle-holding and migrancy. Employment is a competing or a migrating labourer is the most obvious form of employment in the cash economy. Once again, in all these developments no economic strategy is apparent.

The exchange system of "requesting cattle" (in fact other domestic animals including pigs are also exchanged for the same purpose) operates between individual homesteads, more specifically between individual homestead heads. The system allows one of the partners to build up his assets gradually within the framework of the agricultural-pastoral tradition. There is a certain price which this man has to pay: he must stay at home; his freedom of movement is restricted. The other partner who has given his stock into care has to pay a price as well, namely a reduced return from the natural increase of his stock. Yet at the same time, he has gained a great advantage: unrestricted by the care which the animals need, the second partner has the freedom of movement which the cash economy requires. The old traditional practice of "taking care" of a man's cattle now offers two alternative ways of improving the homestead economy. Although the partners profit from the transaction in different ways, each can rightfully say ~~the~~ yibank'yetu ("cattle are our savings-account"). Obviously, this is not a nostalgic metaphor for an economic "tribal" past: it is the expression of an on-going economic present. Thus in the context of rational planning in the interest of a given homestead, oscillating labour migration has, in today's Caguba, a significance of its own. This significance is to a large extent independent of the well-documented economic as well as political exploitation through the migratory system to which the people in Caguba are also subject.

In April 1981, eighty-three men and women from 59 households were employed in various centres of the Republic of South Africa. In order to get a fuller picture of employment outside Caguba, we need to include here those men and wo-

men who are employed within a radius of about 50 km of the village. They have relatively easy transport to enable them to return home frequently. These commuters are employed in nearby Port St Johns, in the holiday resort in the Mngazi River valley, in two hospitals, on a tea estate and at certain other places. The total of 82 % of the households that obtain at least part of their living from outside wages comprises migrant labourers, commuters and self-employed mentioned above. Many others have at one stage or another migrated to work, either for personal reasons or for the explicit purpose of contributing to the maintenance of the household (for this distinction see below, p. 235). Today no household can exist without at least some cash supply, if only to pay tax or to pay for the children's primary schooling⁽¹³⁾. (For a detailed report on labour migration in South Africa, see F. Wilson, 1972).

Yet, in the restricted context of a rational planning in order to accumulate property, certain homestead heads regard oscillating labour migration between Caguba and one of the urban centres as an advantageous possibility of participating in the cash economy while maintaining a firm link with the rural home of Caguba. The economic sign of this link is the ownership of cattle and the agreement between the owner of the animals and his partner who will take care of them. Thus from the point of view of these homestead heads, their labour migration is the means by which the economic life of the big work centres is put at the disposal of homesteads. More generally speaking, the macro-economic situation of South Africa, in which Caguba's economic life is embedded, far from minimizing the fundamental reality of Mthwa society, namely its particularistic homestead economy, confirms it.

The existence and continuation of the homestead economy is supported by primogeniture (see p. 79) and the rules of inheritance (see p. 237f). These two patterns of Mthwa's social (as opposed to economic) life generate processes

which necessitate rational planning, not least with respect to cattle, the main item of a man's inheritance. Here we have the economic basis of the phrase *iinkomo babantu* ("cattle are people") (see p. 203). Primogeniture and inheritance rules are clearly linked to the life-cycle of the Mthwa family (see p. 168f), but they set processes in motion by which a second-born will leave his father's homestead. Still more, it may set a process in motion by which a son may move to town (as a migrant labourer)⁽¹⁶⁾. These processes, rooted in a given individual homestead, show how clearly economic planning originates from and is in the exclusive interests of the individual homestead. He and he alone is responsible for economizing calculation in Caguba. It is probable that today more than ever before, economic rational planning is a feature of Mthwa's economic "system", i.e. of the *homestead economy*.

Yet, at least in one area of Caguba's economic life, any such planning must take into account the fact that human resources are available in a manner quite unlike other (material) resources. Although a man may refer to his family as *impahla* ("property"), the organisation of a labour force is subject to rules which are outside strictly economic reasoning. This will be shown now.

(b) The organisation of labour.

There are four different types of organised labour in Caguba and each of them has a distinctive central principle. First, there is the type of labour which any household can produce for itself; it is characterised by a principle which I like to call "familial obligation." The vernacular word is *umsebenzi*, which literally means "work." Secondly, there is the very important organisation of labour connected with workparties which combine people from different homesteads. In the context of workparties, the term "organisation" has a clearly dynamic meaning since any workparty requires an "organiser" who is invariably a particular homestead head. The central principle of workparties

is that its participants give assistance after an explicit request by the organising homestead head. Thirdly, there is the type of organised labour which is based on a special agreement between several homestead heads that they will cooperate reciprocally as the need for labour arises. Fourthly, there are the very limited possibilities of wage-labour and self-employment in Caguba itself. In the following discussion I shall deal with the two first types of organised labour since they contribute significantly to an understanding of economic life in Caguba and an understanding of Mthwa society.

(i) Organised labour as "familial obligation" (*umsebenzi*).

The dictionary meaning of *umsebenzi* is any kind of "service" or "work." If the vernacular noun is used in the locative (*emsebenzini*) it means "at the work place" and refers specifically to employment in the cash economy of one of the cities or industrial centres. The latter meaning is quite common today, but it is a relatively recent semantic development of the original word *umsebenzi*, meaning "service." Common speech in Caguba uses the vernacular term particularly with reference to "services" which are to be performed within a household, and still more specifically it refers to the hierarchical structure of the homestead. Here, in the context of the homestead, the word ~~service~~ still refers to some work to be performed, but it has a strong overtone of obligation in the moral sense of something that ought to be done. It is taken for granted that each member fulfils the work that has been entrusted to him. The result is that *umsebenzi* does not mean merely the physical execution of work, but the fulfilment of an obligation. This unquestioned fulfilment by each member is the basis of the homestead's well-being (*ukuhlala ukubule*) and life (*impilo*).

The distribution of work is based on sexual division of labour. So, for example, men will see to it that the ground for a new house is levelled, that the

necessary wood is cut, the wooden construction erected, and the wattle added. The women are then required to provide the thatching material and continue with the plastering of the wall. The men then thatch the house, after which the women finish off the work and make the floor. Wherever the division of labour is based on sex, the dividing line is kept quite rigidly. However, occasional as well as systematic changes of the pattern of division occur. Thus, for example, I once saw two men participating in a women's workparty doing plastering work - to the amusement of the onlookers, men and women alike. I referred earlier to the change in work division in the fields: hoeing as a one-time female work has become a work for both sexes. With the introduction of the plough, the men, as handlers of the cattle, became responsible for the ploughing, but today it is permissible for women to help in ploughing, leading the oxen if necessary. On the whole, the division of labour is maintained and the resultant cooperation between the members of the household is taken as a matter of course.

A second type of division of labour is based on age: the general rule is that a junior person serves the senior. This is not actually a division of labour, but rather the handing down to a junior person (*ukuya la umntwana*) the fulfilment of a service to be rendered. So, if there are two men and the senior of the two has been requested to do a certain job, this man will hand down the request to the younger person. It is a matter of respect to do as one has been told by the senior, but if one can avoid the trouble by handing it down once again, one may rightfully do so. Therefore this handing down of the work does not only occur between members of adjacent generations but between near equals as well. This principle already operates among very young children. "Parents" and "elders" (*abadala*) can remain idle while the "children" (*abantwana*) work: to work, in the homestead, is the fulfilment of an obligation (*infanelo*). It is an unquestionable obligation to offer one's

The handing down of work from senior to junior happens without questioning. It is understood that one must work when asked (*ukawa*). Doing one's work becomes a matter of obedience since in the vernacular a homonym of "to listen" (*ukuwa*) is implied; it is always the junior who ought to "listen" and obey; he may be less than a warrant junior. In other words, the work which is taught and performed stands for a relationship within a system of authority and obedience. Therefore the work to be done in the homestead cannot be done without reciprocity between homestead members. There is nothing to be reciprocated, however, if a person "works", without gain and return.

The internal type of organisation seen labour in a homestead reflect the hierarchical structure which is typical of the Mthwa homestead. At least the present senior generation in Caguba still enforces the "obligation" of "work." Furthermore, even if there are many heads of homesteads in Caguba, it is safe to say that, ideally speaking, one person is in control of the household and the homestead. The reason for this is to be traced to the traditional ancestor religion (see habitus 10). The male homestead head is entrusted with one type of power which he cannot delegate, namely ritual. Characteristically, ancestral power is often exercised in material, i.e., "work"⁽¹⁵⁾. The (ideally speaking) unbroken hierarchy, from the homestead head down to the youngest member, forms a continuum of authority and obedience which unites all members in a struggle about force which shares in a set of obligations which are carried out in the byre, in the fields and in the house.

In this context, the purpose of the homestead head is the highest position; his position cannot be challenged by anyone in the community, even his wife or kin. But his control of the labour resources is limited by the homestead boundary. Thus organised labour which

is under the control of the homestead head specifies, in fact, the range of Mthwa's economy as a homestead economy. Yet, there are many occasions when the work at hand is beyond the powers of the homestead-based labour force. The homestead head is thus forced to go out and look for assistance. Does this necessitate a change in the nature of homestead economy? Does the economic planning by the homestead head achieve, after all, an integration of several "homestead economies" - against his will, as it were? The answer to this question will be sought in the remaining part of this section which discusses other forms of labour organisation in Caguba.

(ii) Organised labour as "assistance" (*uncedo*).

I have mentioned the disproportion between land-holding and cattle-owning (see p. 206) and shown that most of the households are unable to provide to themselves the necessary span of oxen at ploughing and harvesting time. Such dependence on an outside labour force may be felt by the homestead head on many occasions, particularly when the benefits of an ongoing undertaking are at stake. For example, he may want to build a new house and would like to have half a dozen men joining him in going to the forest to cut poles. Or his wife may be about to go and cut grass for thatching the new house; she needs help as well, the work is time-consuming. Virtually any work related to the homestead can involve more work than the household's own labour resources can cope with. The homestead head and his wife (especially if it be women's work) have to make special efforts to mobilise a labour force from outside the homestead. People want to "speed up things" (*ukukhawulezisa*), as the popular phrase puts it. For this purpose a request for assistance (*uncedo*) will be made, that is to say, the homestead head will make efforts to organise a work-party which will "help" him (*ukunceda*) with the work at hand.

Workparties have often been mythcised as "typically African," supposedly

pressing the African's essentially "societal nature." It has been suggested that this nature compels him to make himself available for helping others. Sometimes this African societal myth is slightly modified. The author will argue that the alleged "societal nature" needs in addition an incentive to become operative. Thus a person will go and join a workparty to enjoy the beer that will be offered in the course of the work. It would require a lengthy discussion to dispel adequately this myth and the view of beer as an incentive to work. My argument here is that workparties are instances of organised labour which requires clear planning by an organiser, i.e. the homestead head. Only a few aspects of the argument can be put forward here.

To begin with, there are basically two types of workparty in Caguba: one is called in the vernacular *isitshongo* or *ummojisho*⁽¹⁶⁾; the other *ilima* (a noun derived from the verb *ukulima*, "to dig, plough, cultivate")⁽¹⁷⁾. The two types of workparty differ in three respects: the method of invitation, the differing function of beer as an incentive; and the size of the workparty. Since I am interested in the more common *ilima*-type of workparty, I shall not treat the *isitshongo*-type in any detail.

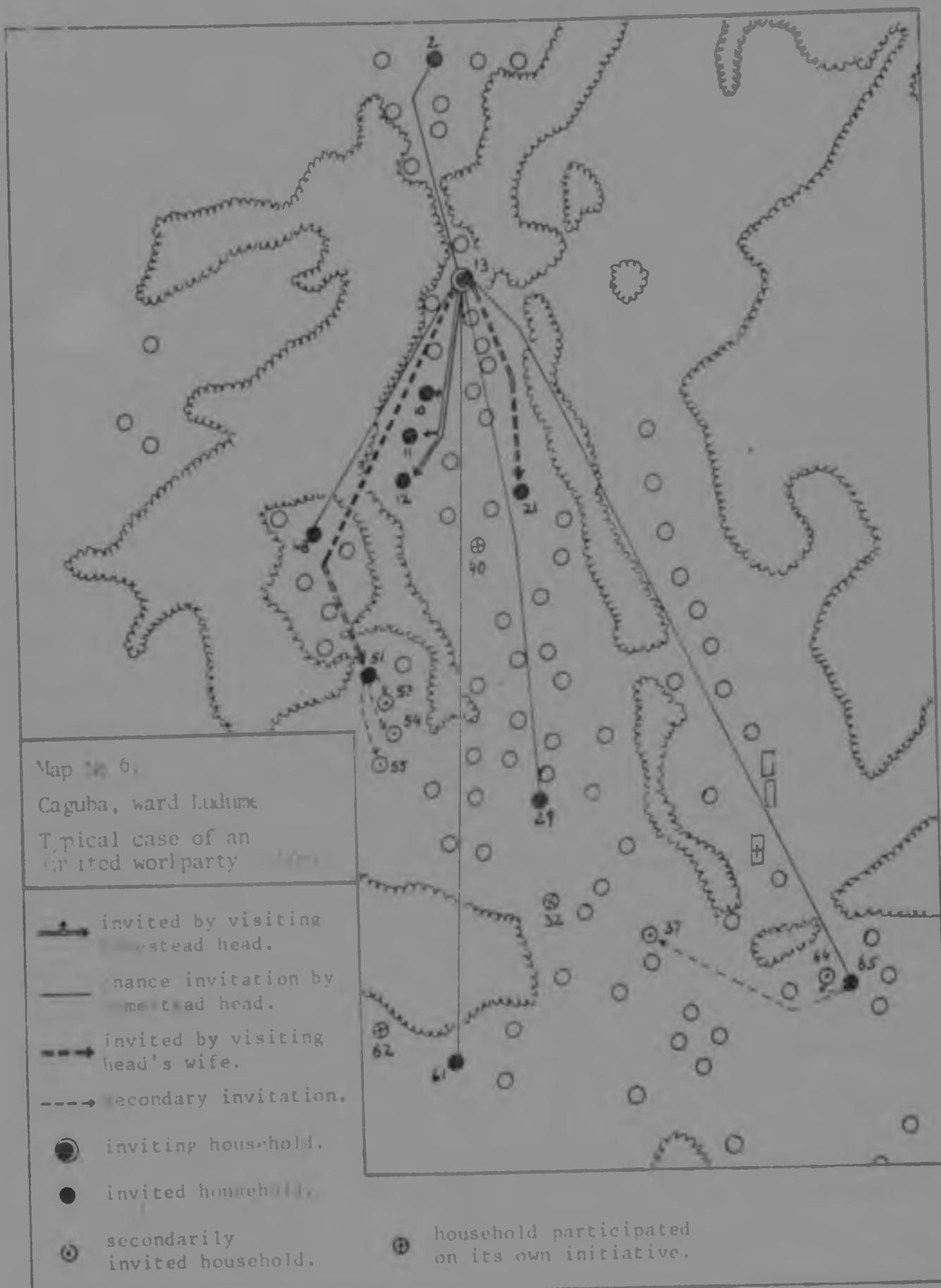
If a homestead head intends to organise an *isitshongo*-workparty, he will announce the forthcoming event at a suitable public meeting, such as a public celebration or any large gathering of people. Apart from the fact that the homestead head asks for help (*uncedo*) with respect to some work at hand, the very word *isitshongo* (alternatively *ummojisho*) indicates to the listeners that there will be plenty of "food" provided during the work in the field and afterwards in the organiser's homestead. Most commonly, the "food" consists of beer made of maize, and sometimes a bottle or two of brandy. Very seldom other types of food, like porridge or meat, are served (I have not observed a single case of the provision of meat) either in the fields or in the homestead.

Indeed, an *isitshongo* may attract up to about two hundred people, I have been told. The biggest workparty of the kind which I observed had about 75 participants. When the announcement of an *isitshongo* is made, the listeners take this to mean a lavish feast; for the homestead head it means that he wants to get as much work as possible done. However, such *isitshongo*-workparties are relatively rare. The people told me that they "do not like them." My own estimate is that the *isitshongo* requires great expenditure and in addition the work performance is of poor quality. Under the influence of too much alcohol, the workers become careless. On one occasion, the whole workparty broke into two competing groups. A maize field about the size of a hectare had to be hoed (*ukuhlakula*). At one stage, in order to increase the speed of working and to "win" the "competition," the groups changed to "rhythmic hoeing" (*unc-mcakidana*)⁽¹⁸⁾. Within a short time, the field had been hoed - but many maize plants had been chopped off.

It is far more common in Caguba to organise *anilima* (plural of *ilima*) type workparties. Unlike the above mentioned type of workparty, an *ilima*-workparty is very rarely (if ever) publicly announced. Instead, the homestead head (or perhaps his wife) will go and invite certain individuals to come and help; they will "ask for assistance" (*ukucela uncedo*). When the homestead head invites workers, he does not need to explain that food (i.e. beer) will be provided. It is common practice for beer to be served in the field, but generally speaking, less beer is served to an *ilima* than to an *isitshongo*-workparty. As for the *ilima*-workparties, beer functions hardly at all as an incentive for an individual to give the requested assistance. Finally, the more common *ilima*-workparty is smaller in number than the *isitshongo*-workparty; it has seldom more than 20 to 25 participants. Since the *ilima* is based on individual invitation, I shall use the term the "invited workparty;" and since the invited workparties far outnumber the "announced workparties" (*isitshongo*), it is the

Indeed, an *isitshongo* may attract up to about two hundred people, I have been told. The biggest workparty of the kind which I observed had about 75 participants. When the announcement of an *isitshongo* is made, the listeners take this to mean a lavish feast; for the homestead head it means that he wants to get as much work as possible done. However, such *isitshongo*-workparties are relatively rare. The people told me that they "do not like them." My own estimate is that the *isitshongo* requires great expenditure and in addition the work performance is of poor quality. Under the influence of too much alcohol, the workers become careless. On one occasion, the whole workparty broke into two competing groups. A maize field about the size of a hectare had to be hoed (*ukuhlakula*). At one stage, in order to increase the speed of working and to "win" the "competition," the groups changed to "rhythmic hoeing" (*meakidana*)⁽¹⁸⁾. Within a short time, the field had been hoed - but many maize plants had been chopped off.

It is far more common in Caguba to organise *anilima* (plural of *ilima*) type workparties. Unlike the above mentioned type of workparty, an *ilima*-workparty is very rarely (if ever) publicly announced. Instead, the homestead head (or perhaps his wife) will go and invite certain individuals to come and help; they will "ask for assistance" (*ukucela uncedo*). When the homestead head invites workers, he does not need to explain that food (i.e. beer) will be provided. It is common practice for beer to be served in the field, but generally speaking, less beer is served to an *ilima* than to an *isitshongo*-workparty. As for the *ilima*-workparties, beer functions hardly at all as an incentive for an individual to give the requested assistance. Finally, the more common *ilima*-workparty is smaller in number than the *isitshongo*-workparty; it has seldom more than 20 to 25 participants. Since the *ilima* is based on individual invitation, I shall use the term the "invited workparty;" and since the invited workparties far outnumber the "announced workparties" (*isitshongo*), it is the



former that are discussed here under the heading "organised labour as assistance (*uncedo*)."¹⁹ This clearly restricted meaning of organised labour as assistance must be kept in mind when I speak about other forms of organised labour; an understanding of this particular form of organised labour is central to my argument regarding the homestead economy in Caguba.

The preceding sketch-map (Map No 7, p. 219) indicates the way in which a particular invited workparty came about, i.e. how the various participants were attracted to the party. The sketch-map shows that, to begin with, the relative proximity of neighbours had only marginal significance for the homestead head of household No 13 (in the map) who was looking for assistance for a weeding-party. The map also indicates the variety of contacts on which the final membership in this particular workparty is based. First, there were those sought out by the homestead head himself, who went personally to certain other homesteads, as did his wife. The basis on which the homestead head and his wife went to those homesteads was longstanding friendship between the respective families. Secondly, the homestead head also took the opportunity, in a less formal manner, to get the cooperation of other villagers. Certain of them happened to pass by at his homestead, others he met at various places. What underlies both the formal invitations and the chance approaches is the selectiveness with which the homestead head goes about finding participants. He does not merely make a public announcement inviting all comers. Other members of the workparty were invited by some of those already approached by the homestead head. Beside these invited members of the workparty, there were a few others who had not been invited, but attended on their own initiative. One of them told me afterwards: "I saw the women carrying beer and asked whose party it was. Then I called my son and we went" (19). Thus the initiative of participating in the workparty comes largely from the homestead head who is interested in his homestead's material progress. On the basis of economic in-

21

terest, the homestead head organises his workparty.

No doubt, a single case does not establish representativeness. In fact, at least twenty-five other cases were studied in similar detail but space does not allow me to quote them here. Each of these cases reflected the tendencies evident in the single case I have cited.

At this stage the question arises: do clan- and mat-association-membership account for participation in a workparty? The following table (Table 14, p. 222) answers this question. Two things emerge from data given in this table: the relative insignificance of agnatic kinship and of mat-association membership, and the primary importance of invitation as the way of organising an *ilima*-type workparty.

The homestead head (of the example quoted in Table 14) belongs to the Ncamane local clan-section and is a member of the Gxovuza mat-association. Of those whom he and his wife invited only two were his agnatic kinsmen and four were fellow-members of his mat-association. Thus of those who had been invited, 20 % were from Ncamane and 40 % from Gxovuza homesteads. These figures are smaller than the figures by which the Ncamane royal clan and the Gxovuza mat-associations are represented in Caguba, namely 33 % and 53 % respectively (see Table 2, p. 25 and Table 3, p. 33). In other words, the two types of social group to which the homestead head (of the example) belongs are only partially significant for the organisation of the workparty. On one occasion when an *ilima*-workparty had been organised to erect the poles for a new house, I spoke to the homestead head. The workparty leader was his maternal uncle (*umalume*). I asked whether it was out of special respect that he had given his maternal uncle the leading role in the party. He replied, laughing: "If you go and invite someone to your *ilima* then you are not interested in whether

Hh No	Participants ¹⁾	Invited by head or wife	Indirectly invited	Own initiative	Clan ²⁾	Mat-Association
13	Phikatole ³⁾ Mazangwa				NCAMANE Ncamane	Gxovuza
2	MaNgwabeni MaGingqi	+			Wotshe Wotshe	Wotshe
10	Stamkok Nosizile Gobian	-			GCWANGULE Gcwangule GCWANGULE	Makete
11	Kweti	+			GCWANGULE	Makete
12	MaVundle	+			Gcwangule	Makete
21	Kwinqiza	+			JOLA	Dlova
29	MaMrhabe MaGwangule	+			Ncamane Ncamane	Gxovuza
32	Fafa			+	NCAMANE	Makete
37	Dyakalashe		+		NCAMANE	Gxovuza
40	Mabholoza Thembalakhe			+	GADI GADI	Gxovuza
48	Msiya	+			DUNA	Gxovuza
51	Mtshini Makhwaza	+			GADINI Gadini	Makete
53	MaVundle		+		Gadi	Gxovuza
54	MaGwangule		+		Ncamane	Gxovuza
55	Mzinani MaDlamini		+		NCAMANE Ncamane	Gxovuza
61	MaGingqi	+			Ncamane	Gxovuza
62	Santsabe			+	NCAMANE	Gxovuza
64	MaKh. malo		+		Ncamane	Gxovuza
65	Mzoxolo Nozolile	+			TSHEZI Tshezi	Gxovuza
Total		16	6	4		
1) There were three other participants from the neighbouring ward, whose form of invitation I did not discover. 2) CAPITAL letters indicate the clan name of the male homestead head; small letters his wife or a female homestead head. 3) Owner (Organiser) of the workparty and his wife both participated. Hh Household with number as indicated in the sketch-map, p. 219.						

Table 14. Composition of an invited workparty (*ilima*).

he is your kinsman, but whether he is able to do the work." When a man intends to organise a workparty, his consideration is primarily economic and not determined by existing social ties like clanship and mat-association membership. On what, then, does he base his choice when approaching certain individuals?

The second factor which emerges from the above table (Table 14, p. 227) is the primary importance of personal invitation in the forming of an *ilima* work-party. Out of 26 participants, 16 had been invited either by the homestead head himself or by his wife. A further six participants were invited indirectly, namely by certain people who had already been approached by the homestead head (or his wife). Only four participants came on their own initiative. The evidence at my disposal shows that if a person of the homestead other than the homestead head (or his wife) want to go and invite people to the workparty, he would most likely not find the support of those approached. In other words, in order to organise an *ilima*-workparty, not only is the fact of invitation important, but also the identity of the inviter. An invitation conveyed by a junior member of the homestead or of a child would not be acceptable. It must be conveyed by the homestead head himself. There must then be a special reason for a person's participation which (in a certain sense) must be independent of the mere fact of invitation. If therefore a homestead head goes out to certain people in order to win them for his forthcoming *ilima*, he is fully aware that neither kinship, nor mat-association membership, nor physical proximity as neighbours are, by themselves, sufficient reasons for the approached person to respond and give the assistance. What is the basis of his invitation and what is the basis of the assistance which he gains. My answer is a tentative one.'

The successful invitation (and thus the organisation of an *ilima*-workparty) depends on two quite different things. First, it depends on some kind of

friendliness, in a general sense, between the homestead head and other villagers; secondly, it depends on a basic tenet of Mthwa social life, namely that a person who is in need and asks for assistance should be helped.

The vague expression of "friendliness" is necessary here. Negatively speaking it means that there is no ongoing quarrel between the homestead head and the person whom he wishes to invite to the workparty. Positively speaking, the "friendliness" may result from kinship or mat-association membership, from a longstanding acquaintance that results from a shared boyhood, from common initiation, from a previous assistance rendered. In short, the decision by the homestead head, to approach one person rather than another, depends on some kind of face-to-face relationship. The persons of his choice belong to the homestead head's network of relationships in the village.

Yet the relationships *per se* are not a sufficient reason for gaining support; they do not of themselves trigger-off participation in a forthcoming workparty. Unless the homestead head, who has planned a workparty, goes (*ukuhamba ngeenya-wa*) and asks for (*ukucela*) help (*uncedo*), he cannot expect other people to come to his assistance, neither kin nor friend. In other words, with this second condition for a successful invitation to a workparty, we enter the sphere of moral life in Caguba. Each of the three vernacular expressions has a particular significance.

It was pointed out (see p. 176) that a man reaches social maturity when he has become a homestead head; with his homestead, he has established his own independence of all other people in the village. The homestead is, as it were, the symbol of his status in the village; he is in authority in the homestead and is an equal among other homestead heads. If anyone has a request of whatever kind to make of him, in a very literal sense he must "go" to the home-

stead head which means (at times: quite literally) "going on foot" (*ukuhamba ngeenyawo*). Thus whoever "goes on foot" to meet another homestead head, in a very definite (although symbolical) sense expresses the latter's independence. The visitor can arrive only as somebody who has a request. Indeed, the phrase "going on foot" is a colloquialism expressing a homestead head's independence particularly when it comes to drawing a line between brothers (sons of the same father) who are both homestead heads.

When the visitor has arrived at another's homestead, he will explain that he is left with a "problem" (*uxakekile*) which he is unable to solve by himself. Unable to demand on the basis of any social relationship, the visitor can only "beg" or "ask for" (*ukucela*). However, this word of *ukucela* ("ask for") bears a certain moral pressure, because whatever is rightfully "asked for" should be granted⁽²⁰⁾.

After a person has been "asked for" something, in principle, he remains free to grant or to refuse it; it is merely a moral principle. So also with respect to participation in an *ilima*-workparty. The participant does not render a "service" (performance of a duty, work done in obedience), he helps (*ukunceaa*). Such help (*uncedo*) would normally not be given in Caguba, unless a request were made. There appears to be no psychological compulsion to assist a struggling neighbour merely because he is struggling, neither as unconditional cooperativeness (based on a socially defined relationship) nor as charity (based on the conception of an active obligation). The general assumption, rather, is *umini'mai uyazi, thina asimazi* ("the homestead head knows what to do; as for us, we do not know his intention"). Unless there is an invitation, there is no social recognition of a need (economic or otherwise) in a given homestead. Assistance would not be forthcoming.

It appears then that in the case of an *ilima* workparty the inviter receives help unilaterally; the workers provide help without any expectation of reciprocity, particularly in the short-term. This is the basic economic assumption in mobilizing a labour force of the type described. It is understood that the result of the proceedings of the workparty is to the benefit of the inviter and that the invited households have no subsequent claim on the help which they have given. *Vice versa*, the inviting household has not committed itself formally to reciprocate an obligation (which results from the help). The concept of "claim" is quite foreign to economic interaction of this kind. The people in Caguba do not assist each other on formal expectations of reciprocity⁽²¹⁾. On the evidence presented here it appears to be conclusive that with respect to an invited workparty there is only one person who has an explicit economic interest, namely the inviting homestead head. The workparty is "economizing" (*ingqetsho*) in the exclusive interest of his own homestead. And yet, even for him, an *ilima*-workparty is not an exclusively economic affair since he must "go on foot and ask for help" (*ahambe ngeenyawo acele uncedo*); that is to say, he relies, in his calculations, on factors which are not economic *per se*, but social as well as moral. If labour is in Mthwa (as in any other society) an aspect of its economy, then the organisation of labour depends in Caguba on a man's relationships and, independently of them, on certain moral values. Thus Caguba's homestead economy is subject to other than merely economic rules.

With regard to the special efforts which the homestead head must make in order to organise an *ilima*-workparty and with regard to the problem-related "assistance" which he receives, the findings here are similar to those reported in a study of the Ndendeuli of Tanzania (Gulliver 1971). What is, economically speaking, a "workparty" in Caguba is, socially speaking, an activated network of relationships for a specific end. This is what Gulliver (*ibidem* p. 18)

Author Kuckeretz H

Name of thesis Authority structure and homestead in a Mpondo Village 1984

PUBLISHER:

University of the Witwatersrand, Johannesburg

©2013

LEGAL NOTICES:

Copyright Notice: All materials on the University of the Witwatersrand, Johannesburg Library website are protected by South African copyright law and may not be distributed, transmitted, displayed, or otherwise published in any format, without the prior written permission of the copyright owner.

Disclaimer and Terms of Use: Provided that you maintain all copyright and other notices contained therein, you may download material (one machine readable copy and one print copy per page) for your personal and/or educational non-commercial use only.

The University of the Witwatersrand, Johannesburg, is not responsible for any errors or omissions and excludes any and all liability for any errors in or omissions from the information on the Library website.