

THE TSHEZI OF THE TRANSKEI

An Ethnographic Study

by

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A Thesis presented for the Degree of  
Doctor of Philosophy  
in the University of the Witwatersrand,  
Johannesburg.

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I declare that this  
dissertation is entirely my own work and  
that it has not previously been submitted  
for a degree in any other university.

Signed. *Basil Holt*  
Date. *Jan. 9, 1970.*

Dedicated

In Memory

of

the Rev. and Mrs Samuel Holt,  
First Missionaries to the Tshenzi,

and of

Chief Tyelinzima ka Phali  
Who Granted them the Site for their

Mission Station

of

Mount Packard  
(Ngqakayi)

in 1897.



MAP OF THE TRANSKEI SHOWING TSHEZILAND



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## Preface

This work, provides an account of the origin and the way of life of the Tshezi tribe, who live on the Wild Coast of the Transkei about the resorts of Coffee Bay and the Hole-in-the-Wall. A number of references will be found also to the Mpondo, the Tshomane and the Bomvana, who live in contiguity with them and share a common cultural heritage. As the Mpondo and the Bomvana have already been studied by Hunter and Cook respectively, it has not been necessary to say much about them; I have said more of the Tshomane, about whom, as about the Tshezi, there is no previous literature, and whose customs are almost, if not completely, identical with those of the Tshezi.

In such a work as this it is necessary to make considerable use of vernacular terminology. The Tshezi speak Xhosa, but with adaptations of their own or acquired from the Kfengu and other peoples. If any such variations appear here, they should be recognised to be in fact variations and not be taken for mistakes. To accommodate Tshezi speech to that of the Xhosa entirely would be to misrepresent them. Thus the Tshezi say iquku for igqudu, a knobkerrie, and umfino for umfuno, an edible herb, and whereas a Xhosa would be apt to use phezolo to mean "last night" and izolo to mean "yesterday", a Tshezi would say phezolo for "yesterday" and izolo for "day before yesterday".

My use of the vernacular has greatly benefited by the scrutiny and suggestions of Mr Z.S. Qangule, B.Ed., Assistant in the Xhosa language to the University of South Africa, while Kinship Terminology has had the further advantage of being improved by Dr N.J. van Warmelo, formerly Government ethnologist. To both these gentlemen I tender my cordial thanks.

The spelling of Xhosa names is always a problem. On the one hand, one wants to abolish some of the more grotesque



forms used by Europeans in the past (e.g. "Unbosom Boser" for Tshaka's induna uMbozamboza); and, on the other, one does not wish unnecessarily to puzzle the English reader by offering correct spellings of Xhosa names, whose incorrect but comparatively innocuous misspellings have come to be generally accepted. One has to compromise. I have retained such forms as "Bashee", "Umtata" and "Pondoland" (rather than Mbashe, Mthatha and Mpondoland, or EMampondweni), but have felt free to substitute Rhili for "Kreli" and Thembu and Thembuland for "Tembu" and Tembuland".

Footnotes have been avoided as much as possible. Works cited are referred to in brackets in the text under author's name and year of publication; further details will be found in the Bibliography. Where a reference is given without any author's name or date, it is to be understood as alluding to another page in the present work.

#### Acknowledgements

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The United Christian Missionary Society, U.S.A., for encouraging me to undertake this work and for granting me all the leave of absence and the office help necessary to complete it;

The National Council for Social Research, Pretoria, and the Bantu Welfare Trust, Johannesburg, for grants-in-aid graciously given;

The Department of Bantu Administration and Development for permission to roam at large throughout Tsheziland (and anywhere else in the Transkei that I might wish to go) for a period of twelve months;

The Xhosa Development Corporation for renting me a house for two months at a reduced rental on one of their trading stations;

The Government of the Transkei for courtesies received through its head, Paramount Chief Kaiser D. Matanzima its secretary Mr W.D.D. Makohliso and various officials of its six departments;

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The Botanical Research Institute of the Department of Agricultural Technical Services, Pretoria, and the Department of Botany of the University of the Witwatersrand, Johannesburg, for help in the identification and classification of wild plants;

The Acting-chief of the Tshezi Tribal Authority, Danisile Gobidolo, his councillors and people for favours too numerous to recount;

Mr P.J.L. Botha, Magistrate of the District of Mqanduli (in which the Tshezi live) and members of his staff.

Besides the above organisations and their officials I am deeply indebted to many private people:-

Mr Knowledge Guzana, attorney-at-law in Mqanduli, and Leader of the Opposition in the Transkei Legislative Assembly, for information;

Mr and Mrs Hilton Trow of Qingqolo for kindly placing their camp cottage at Coffee Bay unreservedly and without charge at my disposal for four months;

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Mr and Mrs Ainslie of Ocean View trading store at Coffee Bay; Mr Ventriss and his sons of the Lagoon Hotel, Coffee Bay; and the staff of Zithulele Mission and Hospital; all of whom helped me in many ways.

Other persons to whom I am indebted are referred to in the text.

Last, but by no means least, I must thank Professor John Blacking of the Department of Social Anthropology of the University of the Witwatersrand for his splendid guidance and encouragement; and Mrs A.G. Barnard, my secretary, for her patience and efficiency in bringing order out of a very chaotic manuscript.

It is to be understood that any opinions expressed in this work are my own, and that none of the above persons is responsible for them.

## SUMMARY

### (The Tshezi of the Transkei)

This is an ethnographic survey of a tribe of 6,879 people, who live on the Transkei coast, just below the Umata river mouth in Lower Thembuland. Their territory forms part of the magisterial district of Mqanduli.

The work opens with a chapter on the history of the Tshezi, showing their beginnings as the righthand house of Zwetsha, Chief of the Bomvana, and showing also how this righthand house became the ruling house of both the Tshezi and the Bomvana peoples. The rise of the Tshezi in the Swazi-Zulu territories is traced, and their migration south-westward into Pondoland, and thence subsequently over the Umata river to the parts where they have lived ever since the eighteen-twenties. Sketch-maps are supplied to illustrate these movements.

Next the composition of the Tshezi tribe is shown, especially of the royal clans descended from Tshezi himself. Some alien clans, who migrated with or settled among the Tshezi, are discussed in a subsequent chapter on Kinship and Clans.

Danielle Gohidole is at present acting-chief of the Tshezi, the rightful heir being a minor. Tables are given showing the descent of the Tshezi and the family of Tyelinzima, Danielle's grandfather. Problems of the present chieftainship are discussed, both those that arise on personal grounds and those due to the chief's position as the head of the tribal political structure; also the difficulties of his intermediary position between the tribe and the Government. The new administration under the semi-independent Transkei Government, backed by the Government of the Republic of South Africa, is traced out, showing the integration of the Tshezi to the Transkei Government in Umata through tribal and regional authorities. A discussion follows of Tshezi law and of the judicial process as reflected especially in cases heard in the chief's courthouse.

Following chapters deal largely with matters of individual and social life. The development of the individual is shown through infancy and childhood. Rites of passage of both males and females to adulthood are treated at length, from the many cases personally observed, and their significance interpreted as far as possible consonant with scientific accuracy and

objectivity. Marriage is fully described in its different forms, and its concomitant practices of courtship, marriage payment, clan exogamy, marital avoidances (ukuhlonipha) and other customs are described and explained.

Kinship structure, taboos and terminology are discussed at some length and a full chart or table of kinship terms is supplied.

Family life is described and social feasts, dances, and beer-drinks fully treated; also the customs and problems that cluster about land and property rights, the rights of women, inheritance and the like.

A chapter is devoted to resistance and response to economic change. The erosion of tribalism and tribal ways by contact with western civilisation principally through missions, Government agencies and the gold-mines and other work centres of the Republic, is discussed, together with the natural conservatism of Beas, and reasons are given why the latter are unfavourable to what Whites regard as "progress". The tension between these two tendencies to conservatism and change is shown to have brought the Tshezi to the place where they are poised between two worlds, the old and the new, Red and School, the order of the simple, face-to-face society and that of a highly-developed technology.

With a discussion of reverence for the living and the dead, a study is begun of Tshezi "religion". Throughout the work the primacy of the elemental spirits is shown: God, the ancestral spirits, the "forces" of primal religion. Burial customs, sacrifices to propitiate the ancestors, the initiation of diviners, beliefs about the mysterious River-People, the sacred herd called oNdongolo "offered to the river" at Kukaphi in Pondoland, herbalists and their cures, witchcraft and sorcery, familiars, field-magic are all described and explained as fully as possible. Clan rituals and the function of kinship in determining who shall be present and who shall officiate at rituals are discussed, and the ambivalent attitude to tribal and hospital doctors shown.

Finally, there is a full treatment of the topic of Christianity in relation to the Tshezi and an attempt to face the question why after seventy years it has made so little impact upon them. It is suggested that missionaries were too



iconoclastic in their approach to the tribal religion; similarities between Tshezi religious beliefs and practices and those of the Judaeo-Christian tradition are elaborated; and suggestions are made for an amalgamation of the best elements of the local religion with that from overseas to form an indigenous Tshezi (or Xhosa) form of Christianity, just as there were Judaic, Hellenic, Roman, Byzantine and Protestant forms in the past. Similarly, problems of education (largely in missionary hands until lately) are discussed and shown to lie partly in the opposition of illiterate chiefs and Red parents who fear a diminution of their authority as a consequence of it.

Last of all, and by way of summing up, there is consideration of the question: "What makes a man a Tshezi? What makes him conscious of a separate identity to which he clings and of which he is proud?" The answer is found in such things as a separate history, a separate ancestry and especially a separate territory, which are "his own".

Rev. Basil Holt, M.A., D.D.(S.A.)

## Introduction

On many counts an intensive study of the Tshezi people should prove rewarding to an anthropologist. For a century and a half they have lived in a backwash of South Africa on the Wild Coast of the Transkei, where, until quite recently, they have hardly been disturbed by the tidal waves of social change that have swept over so much of the rest of the country. Proud of their heritage, they have contested every inch of ground against the encroachments of colonialism and western civilization. They have clung to their customs, their rituals, their whole way of life with a tenacity born of the conviction that nothing else could be right and good for them. Only now, after a couple of generations or so during which they have been driven by necessity to seek work on the mines and the other labour markets of the Republic, have they begun to yield their position. Even now their resistance to change is remarkable.

In my case there was an added and compelling reason for choosing the Tshezi country as my field of study. For it was my privilege to be brought up in the Transkei and to grow through childhood among these friendly and admirable people. My father was their first missionary. As I was an only child and the nearest other white children belonged to a trader who lived miles away, my early playmates were the Tshezi children. From them I learned to mould oxen out of clay taken from a river bank, how to frighten birds from the crops with pellets of mud hurled at them from the tip of a pliant stick, how to play at house-building in the long African grass. From them too I learned to speak Xhosa; nor have I ever forgotten it, not even after sixteen years of continuous residence in America. My first two years of schooling were in the mission school; where I was the only white pupil, the



schoolteacher was an African, and the medium of instruction was Xhosa. At the age of nine I was sent to boarding-school in Umtata, and thereafter had contact with my Tshezi friends when I went home twice a year for the long vacations. Opportunity for Xhosa speaking were almost as abundant around Umtata, however, as at home.

With the responsibilities of adulthood I passed to Cape Town and Johannesburg. Here I kept my Xhosa alive by talking to servants and filling-station attendants. In the long years of residence in America I read the Xhosa Bible and other Xhosa works I had brought with me. When I returned to Johannesburg in 1946, I was delighted to find myself still able to converse freely in the language. Forgotten words soon came back to memory with practice. In the ensuing twenty years I made several vacation visits to Tsheziland, which kept alive my interest in these people.

In 1968 a period of eight months was spent in actual field-work - not as long as is usually thought necessary, but in my case no time needed to be lost in acquiring the language. From the day after my arrival as much time as possible was spent in the closest contact with the people; in their homes, by the wayside, in the fields, at beer-drinks, and at rituals of all kinds covering the stages of life from birth to death. The chief welcomed me at his courthouse in a public meeting, and expatiated on the fact that I was the son of the founder of the mission opposite his court and had grown up under his grandfather, Tyelinzima. The Tshezi were for the most part most helpful. Not least, diviners answered my questions, welcomed me as a guest to their rituals and described in detail the experiences and processes by which they had entered on their profession. A number of young boys came to my camp in the mornings to tell me of initiation rites, marriage

rites, divination and other rites, and to conduct me to the homesteads where they were being held. Servants in the employ of traders and of a hotel-keeper at Coffee Bay were readily willing to give of their free time to answering my questions. Sitting in the cattle-kraals and courtyards of innumerable homesteads, often all day, I gleaned much from the casual conversation of those who had come together for some social or ritual occasion. I sat among the people, ate their meat and shared many of their experiences. I took census counts of their homesteads, and their administrative units. Dipping inspectors (all Africans now) and other officials opened up their books for me, so that I might transcribe the numbers of cattle and small stock owned per person.

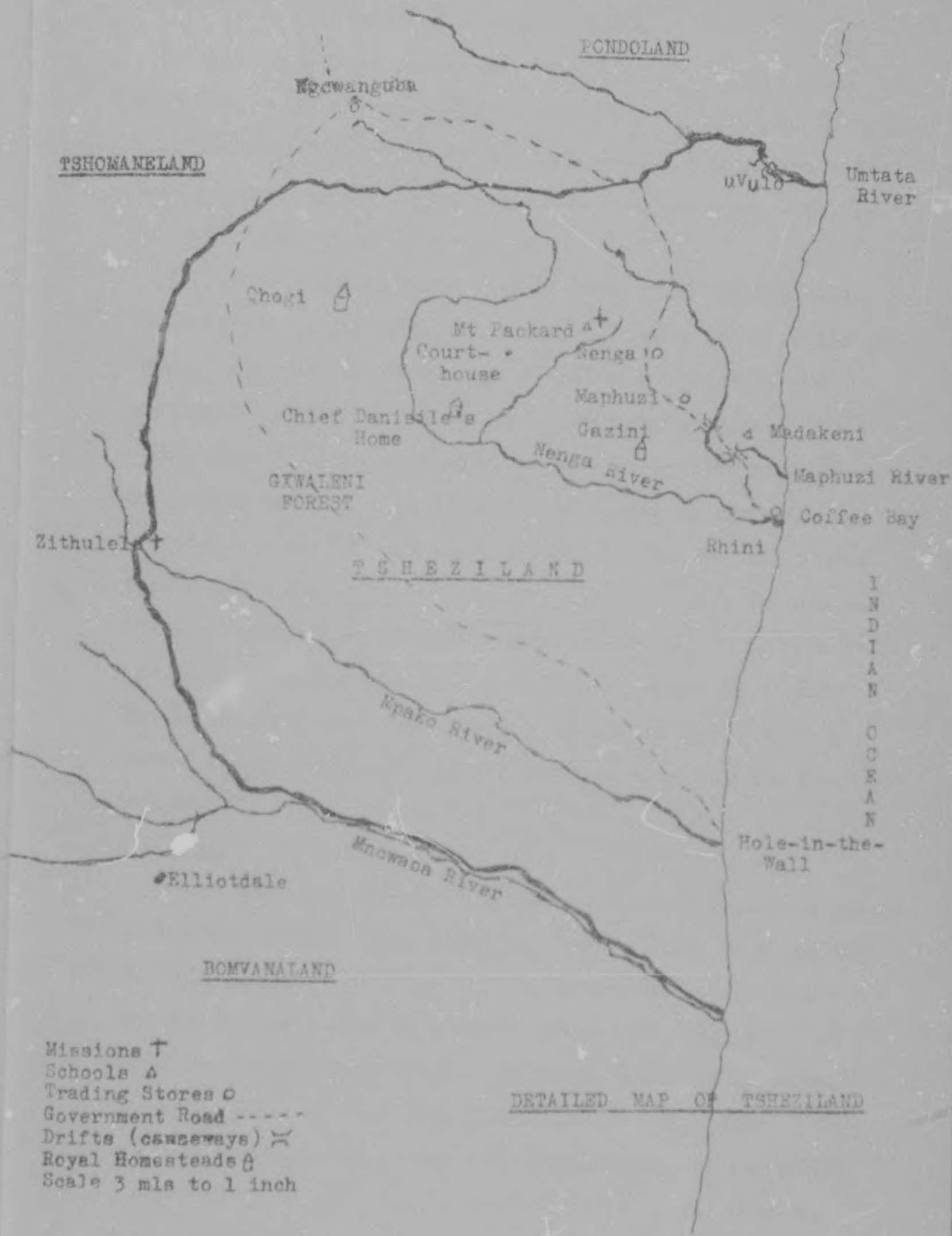
I examined records in the office of the magistracy of Mqanduli, relative to historical, economic, agricultural and other details; records of court cases in the archives of the Transkei Government in Umtata; and, most valuable of all historically, the records of the Mqanduli magistracy from the beginning preserved in the South African Government Archives Building on Victoria Street in Cape Town.

In dealing with an area of rapid social change the camera and the tape-recorder are of vital use in preserving sights and sounds that soon will be no more. The photographs and the tape-recorded songs, tales, speeches, conversations given in this work are but a modicum of the material obtained; and camera and tape-recorder preserve things as they were actually seen and heard, not as they were vaguely recollected afterwards "in moments of tranquillity", which process however conducive to the writing of poetry, is not helpful to anthropology.

My desire has been to present Tsheziland in its totality and actuality - the land, its tribes-people, as influenced

by its white traders, missionaries and government officials, and the customs of the people as they are today. Though sometimes referring to things past, I have studiously avoided any "reconstruction" of a fancied pure Tshezi-ism, as it "ought to be" if unaffected by social change, or as it "might have been" before Europeans came. I record what I saw and heard in Tsheziland in 1968.





CHAPTER I  
THE RISE OF THE TSHEZI

There can be no proper understanding of a people apart from their history. No tribe or group exists in a kind of timeless present. It grows, and it derives its national pride and the sanctions of its tribal behaviour from the past. What it has been helps to make it what it is.

Professor Philip Mayer rightly says: "For the Red Xhosa, the identity of the tribe in contraposition to other tribes is largely a matter of two things: a distinctive history and a distinctive, exclusive way of life. They are conscious of a common past (largely expressed in terms of descent from common ancestors) but also of a common present duty to maintain the distinctive way of life which history and the ancestors have sanctioned for them and them alone. In their eyes the Red way of life, handed down from the ancestors, is proper for the tribe, the whole tribe and none but the tribe." (Mayer 1961: 40). The Tshazi have their full share of this consciousness of a sacred legacy handed down from generation to generation for them to keep.

1. Nguni.

They belong to the Nguni branch of the Bantu-speaking peoples of Southern Africa. Soga distinguishes the Nguni from the Mbo and Lala peoples; but Krige, following Bryant, groups them all together as variations of abeNguni (Soga 1930: passim; Krige 1950: 3-4; Bryant 1929: 1-16). Of these "hundreds of tribes" (Schapera 1937: 45) the southernmost are the Cape Nguni. They are "the congeries of tribes, all patrilineal and practising a combination of pastoralism and hoe culture ..... from the Natal border in the north to approximately a line drawn just west of Port Elizabeth in the south". (Hammond-Tooke 1965: 143). One of the great tribes of Nguni were the Ngwane, or amaNgwana, who apparently lived in the region to the south of Swaziland and



the Transvaal and subsequently moved to the White Umfolozi river (Bryant 1929: 137; van Warmelo 1938: 5). They are connected genealogically with the Mpondo and the Mpondomise. About eighth in line from the earliest of their remembered chiefs was one named Bomvu (Soga 1930: 352). From him the Tshezi and the Bomvana trace their descent. "We come from Bomvu" (siphuma kuBomvu), the Tshezi say. Behind this chief's name in their traditions is only a blank to represent the impenetrable mists of antiquity.<sup>1</sup>

Old Mqhunuvana, whom I had known since we were boys together so that he was disposed to be communicative with me, is generally regarded by the Tshezi as the best authority on their own history. He reminded me of Vansina's formula for a good informant: "A good informant is someone who still lives the customary life, who recites traditions without too much hesitation, who understands their content but is not too brilliant - for if he were, one would suspect him of introducing distortions - and who is old enough to have acquired some degree of personal experience of his cultural environment" (Vansina 1965: 192).

Mqhunuvana gave me the following as the line of chiefs in succession from Bomvu to the present time:-

Bomvu, Somahashe, Mbhali, Mgweda, Bikada, Dibandlela, Zwetsha, Tshezi, Tyingana, Kanya, Mbhelu, Makhunzi, Phali, and Tyelinzima, who died in 1954 and was grandfather of the present acting chief Danisile.

To a Tshezi or a Bomvana such lists are not just rows of names. These are now the great ancestral spirits (izinyanya) of the tribe. In that other world, which is hierarchically constituted like this one, these chiefs continue in positions of superiority in relation to the spirits of lesser chiefs and

1. One aged informant told me Bomvu was the son of "Edward(!) and Eve, whom God placed in a garden", an amusing example of the effects of culture contact.

commoners (Cf. Krige 1950: 284; Kuper 1947: 187; Ashton 1967: 113). Moreover they continue to watch over their royal descendants and their subjects in this world too. They prosper them when they do well; but they punish them if they do ill, or neglect the customs originated by and handed down to them from these ancestral spirits.

## 2. Origin of the Tshezi.

As to where the Tshezi come from, their traditions are for the most part clear and uniform: "from Swaziland" (kwaSwazi). Occasionally one will say, "from Zululand" (kwaZulu) and if challenged, explain that after all the two countries are contiguous. The Swazi are also said to be descended from Bomvu but by a different line (Soga 1930: 358)<sup>2</sup>, so that Swazi and Tshezi are related.

As to when they emigrated, one says it was in the time of Somahashe, the successor of Bomvu.<sup>3</sup> Another would make it much later, for he says all the graves of chiefs before Tshezi are in Swaziland, while Tshezi's own grave is somewhere on the Tugela river (eluThukela). The latter view is supported by the fact that all Tshezi traditions point to the time of Tshaka<sup>4</sup> as that of their emergence as a separate people emigrating southward.

In the latter part of the 18th century all over Southern Africa Africa, various clans and clanlets were gravitating together to become tribes and nations under ambitious rulers. When the Dlamini clan came from the region of the present Lourenco Marques over the Lebombo mountains into the region now called Swaziland, they found various clans there of Nguni and Sotho stock. Most of these were incorporated into their own political structure,

2. Soga says the Swazi genealogy is represented by seven generations only. Dr Kuper (1947: 232) says "some thirty generations, but there is agreement on the order of the last eight rulers only."

3. But according to Soga (1930: 358) Somahashe came five generations after Bomvu.

4. Xhosa form of the Zulu "Shaka".

peaceably where possible, by force if necessary. Some of the clans avoided incorporation by moving away (Kuper 1947 : 12ff.; Cf. Bryant 1929 : 310ff.). Among these last may have been the Tshezi, not yet called by that name, who seem to have moved over into Zululand, before the region had acquired that name either. This would account for their origin being traced sometimes to Swaziland, sometimes to Zululand, and for Tshezi's grave being said to be in Zululand, while those of his predecessors are said to be in Swaziland.

### 3. The Tshaka Upheaval.

The greatest of all those who at this time made a name and a nation for himself at the expense of other clans was Tshaka.

History and tradition converge in the person of this extraordinary warrior and founder of the Zulu power. By the time of his death in 1828 he is said to have been responsible for the deaths of a million people, to have caused the disappearance of entire tribes, and to have set in motion migrations that were felt as far away as the present territories of Rhodesia and Malawi, whose peoples, the Matabele and the Ngoni respectively, were the creation of his conquests. The region of what was afterwards called Southern Natal, once populous, was denuded of its inhabitants, who fled southward before the onset of the conqueror (Omer-Cooper 1966 : 29 ff.).

Sobhuza I, of the Dlamini, sought to avoid conflict with superior forces by making marriage alliances with them. In pursuit of this policy, he gave two of his daughters to Tshaka; and the Zulu despot paid him the signal honour of coming to him once on a visit, when he was received with ostentatious hospitality. So Sobhuza escaped the military attentions of his ruthless son-in-law. It is true that Tshaka subsequently had both the Dlamini princesses put to death for the crime of becoming pregnant by him (he himself dreading the possibility of assassination by a too-ambitious heir), but Sobhuza took that in his stride. He left to



TSHEXI MIGRATION

Tshezi Route - - - - -

his son and successor Mswati (or Mswazi) a secure and well established kingdom, which this "greatest of the Swazi fighting kings" so organised militarily that he became "the terror of the north"; in return for which the Dlamini and their incorporated clans took his name and became amaSwazi (Kuper 1947: 14-18; Bryant 1929: 322-332). No doubt the Tshezi are thinking of this, when they say that, out of the welter of conflicts that swirled about Tshaka, the Swazi "emerged first" (baphuma kugala).

What of the Tshezi themselves? They did not fare so well at the hands of the Zulu potentate. The casus belli is obscure at this late date; but according to one strand of tradition the Tshezi had become part of Tshaka's kingdom. In fact Tshezi himself and his son Jalamba were two of his headmen. They, with the help of Zwetsha (Tshezi's father) and Nkiti (Zwetsha's great son), stole a favourite dog of Tshaka's called Khosa. When the Zulu king missed his much-prized animal and learned what had happened, he planned to punish them. Knowing what Tshaka's punishments were like, these people fled south. It must have been then that there took place an incident recorded by Soga. As the fugitives headed for Pondoland where Ipona had been established for generations they over-ran one of Tshaka's military depots called Khangela-mankengane ("Watch the rascals"), where they stole some of his cattle, including one of his dancing oxen. Khangela is identified by Soga with Corgella, a well-known section of Durban today. If Tshezi himself was one of the fugitives, of course, his grave cannot be beside the Tugela, but must be sought further south. Chief Tyelinzima said he was buried by the Kukaphi river in Pondoland (Cook n.d.: 126). What is certain is that the Tshezi arose in the Swazi - Zulu milieu and came south at the time of Tshaka. To this day the Tshezi speak of Tshaka with bated breath and glances of apprehension. They regard him as virtually the founder of their own and of surrounding tribes, as these exist today. As one of them said to me: "We here are



his son and successor Mswati (or Mswazi) a secure and well established kingdom, which this "greatest of the Swazi fighting kings" so organised militarily that he became "the terror of the north"; in return for which the Dlamini and their incorporated clans took his name and became amaSwazi (Kuper 1947: 14-18; Bryant 1929: 322-332). No doubt the Tshezi are thinking of this, when they say that, out of the welter of conflicts that swirled about Tshaka, the Swazi "emerged first" (baphuma kuqala).

What of the Tshezi themselves? They did not fare so well at the hands of the Zulu potentate. The casus belli is obscure at this late date; but according to one strand of tradition the Tshezi had become part of Tshaka's kingdom. In fact Tshezi himself and his son Jalamba were two of his headmen. They, with the help of Zwetsha (Tshezi's father) and Nkiti (Zwetsha's great son), stole a favourite dog of Tshaka's called Xhosa. When the Zulu king missed his much-prized animal and learned what had happened, he planned to punish them. Knowing what Tshaka's punishments were like, these people fled south. It must have been then that there took place an incident recorded by Soga. As the fugitives headed for Pondoland where the Mpondo had been established for generations they over-ran one of Tshaka's military depots called Khangela-mankengane ("Watch the rascals"), where they stole some of his cattle, including one of his dancing oxen. Khangela is identified by Soga with Congella, a well-known section of Durban today. If Tshezi himself was one of the fugitives, of course, his grave cannot be beside the Tugela, but must be sought further south. Chief Tyelinzima said he was buried by the Kukaphi river in Pondoland (Cook n.d.: 126). What is certain is that the Tshezi arose in the Swazi - Zulu milieu and came south at the time of Tshaka. To this day the Tshezi speak of Tshaka with bated breath and glances of apprehension. They regard him as virtually the founder of their own and of surrounding tribes, as these exist today. As one of them said to me: "We here are

all Tshaka's people", i.e. his creation. One very old, blind man, near the Umtata mouth told me, however, that from what he had heard, the Tshezi had had no quarrel with Tshaka, but had come south with his permission. The above relates the story of the emergence of the Tshezi as I received it from many of themselves. I talked at length to the chief and his councillors, to many old and respected individuals of the tribe, and I tape-recorded or wrote down their accounts, and checked and rechecked. But we shall probably never know now exactly what happened. Soga says there were two migrations of the Bomvana (from whom the Tshezi emerged), one of them a century and a half before Tshaka's time (Soga 1930 : 360-362). This may have been so, but I can only say I heard nothing of it from the Tshezi. In any case it is easily reconcilable with what is written here, if we suppose that when the Bomvana migrated at the earlier date and left some of their number behind in Natal to be driven south in the time of Tshaka, their righthand house of amaTshezi were among the latter. Tshezi tradition therefore would be full of the second migration in which they took part, while recollection of the earlier one has faded from their memory.

#### 4. Tshezi Identity.

Chief Tshezi was the righthand son of Zwetsha. Zwetsha's eldest son Nkiti, or Kiti, of his great house of amaNkumba, was a most parsimonious man. In the eyes of the Tshezi this is enough to damn any man, especially a chief. They say contemptuously: "he was stingy" (wavimba)! By some this is said to have been demonstrated in the matter of a bluebuck (iphuthi), presumably one killed on a hunt and appropriated by Nkiti all to himself.<sup>5</sup> Others speak of one of his own relatives being allowed to starve to death before the very door of Nkiti's principal hut (indlu). Such a man was not fit to be a chief. When to this was added,

5. "The beautiful little blue-buck has more than once been ..... the pretext for war". Soga op.cit.:329.

according to another tradition, that the men of his house were robbers and murderers (izigebenga), the die was cast. So Zwetsha's Bomvana people forsook his great house under Nkiti and went over in a body to his righthand house of Tshezi and made Jalamba (Tshezi's third son) their chief, Tshezi himself being evidently dead by that time. Jalamba was a fine, openhearted, generous man; in fact he was so distinguished that even the Tshezi themselves use his name as an isibongo, or clan name, saying: AmaTshezi! oJalamba, omqal' ongange nduku! (Tshezi! Jalamba(s), whose neck is long as a stick!) According to one old informant, the mother of Nkiti was Zwetsha's first wife, who was made "unclean" (mdaka), that is reduced in rank, and Jalamba's grandmother (Tshezi's mother) was elevated to be Zwetsha's great wife. It is tempting to believe this, for then the Tshezi would have become the great house of Zwetsha and this would conveniently explain why Tshezi chiefs today rule not only their own section but that of the Bomvana also. But perhaps it was the very convenience of it that gave rise to the explanation. Most informants say that the Nkumba are the great house of Zwetsha, but they were superseded by the Tshezi as the reigning house; and that has not infrequently happened among other South African tribes too.

As to what the people were called before Tshezi's time, it is usual to say: Bomvana. According to Soga, Bomvu's great son was Nyonemnyama, or "Black Bird", and through him were perpetuated the Bomvu people. Njilo was the righthand son of Bomvu and became the progenitor of the Bomvana, whose righthand house in Zwetsha's time were the Tshezi (Soga 1930: 352, 360). When I discussed this with Mqhunuvana, however, he exploded: "There is no such thing as Bomvana! This name of 'Bomvana' - when we came this way, it was said: 'Who are you? Where do you come from?' We said, 'We come from Bomvu'. This is a term of derision, this of 'Bomvana'. It was said: 'these little bits of Bomvu' (lama Bomvanana)!" I was not able to get this confirmed by others,



except in the general sense that they were disposed to confirm anything Mqhunuvana said, "because he knows." Chief Danisile and his councillors put him forward as their prime authority on the history of the tribe.<sup>6</sup>

However there is corroboration of Mqhunuvana's testimony on this matter, I think, in the Diary of Henry Francis Fynn (Stuart and Malcolm 1950 : 111). In 1825 Fynn says, that while in Pondoland below the Umgazi river, he stopped at the home of "a petty chief of the Red Kaffir tribe". Now the Tshezi did reside in Pondoland for a while, as we shall see. Fynn's editors have placed in brackets, after his words "Red Kaffir", the name Bomvana. But this means "Little red ones", and Fynn did not say "Little". He said simply "Red", the proper equivalent of which would be Bomvu.

It may be, therefore, that all members of this tribe before Tshezi were called amaBomvu, and that amaBomvana was acquired as a nickname after they came down to the region in the Transkei where they now dwell. In any case it is a minor point, for, as has often occurred in the case of derisive nicknames, the appellation has stuck, and has even been accepted by those to whom it was given. "We are all amaBomvana", say the Tshezi now.

But that does not mean that they regard themselves as a mere appendage of the Bomvana - far from it! For in the last two hundred years they have grown to become a self-governing and respected tribe of people. They have progressed from a house (the righthand of Zwetsha) through an assemblage of lineages to a clan and a tribe (amaTshezi, independent of Bomvana); and finally they have become a component part of a nation (the Xhosa) with a Legislative Assembly of its own in Umtata, in which their

6. Mqhunuvana himself gave me his own descent as follows: son of Mtetelwa, of Mantshaula, of Mdushane, of Mkamza, of Ceza, of the righthand of Tshezi.

chief Danisile sits.<sup>7</sup>

As for the great house of Zwetsha, the Nkumba, they are living on the banks of the Mncwasa in reduced circumstances, little better than commoners among the Bomvana; while all the people from the Bashee to the Umtata rivers (whether you call them Bomvana or Tshezi) are ruled by chiefs of Tshezi's great house. And when the Tshezi between the Mncwasa and the Umtata, (about whom I write particularly, for they are the main body) reflect that the Bomvana are ruled by descendants of the third son (Jalamra) of Tshezi's great house, while they themselves are ruled by descendants of his eldest son (Tyingana) of that same house - why, then they swell with pride and exclaim: "we are on top (singaphezulu):!"

All this must have taken place long ago, while they were still in Natal or Zululand, if not indeed in Swaziland. Then they came south (seza nena), to arrive in what is now called the Transkei and "sit down" among the Mpondo. They and the peoples whom they passed through must have suffered much from Tshaka's ruthless devastations. "In my first journey from Natal to the Mtata in 1824", says Fynn, (Stuart and Malcolm 1950 : 122) "I witnessed very awful scenes. Six thousand unhappy beings, having scarcely a human appearance, were scattered over this country, feeding on every description of animal, and driven by their hungry craving in many instances to devour their fellows." The Tshezi-Bomvana were migrating here at this very time, for it was in the following year that Fynn stopped at one of their homesteads by the Umgazi.

7. "I use the word nation for a number of tribes owing allegiance to a central authority; tribe for a group composed predominantly of kin and under the leadership of the dominant kinship group; clan for the furthest extension of kinsmen traced either through the father or the mother; lineage for a subdivision of a clan, the lineage members being able to trace genealogical relationship with each other." Kuper 1947, 11. Cf. also Hammond-Tooke 1965 and 1968.

5. Migration from Pondoland.

In Pondoland fresh troubles awaited them. They became embroiled in disputes with the Mpondo. In a battle at the Dangwana, south-west of the present Port St Johns, they killed the paramount chief Ngqungqushe. This earned them the hatred of the great Mpondo chief, Faku, Ngqungqushe's son and successor. It became evident that they would have to move once more.

Gambushe had succeeded his father Jalamba as chief of his portion of the tribe. A woman of his house (sister or daughter) had been taken to wife by Hintsa, the powerful Gcaleka chief and paramount of all the Xhosa, who lived below the Bashee. Between that river and the Umtata river (the Pondoland boundary) was a fertile No-man's-land, which had once been occupied by the Xhosa in their southward migration and to which they still laid claim. Gambushe now sent an emissary named Nogaya to Hintsa, his relative by marriage, asking permission to settle in this area. Hintsa agreed and even provided warriors to protect him during his escape from Pondoland. Gambushe is said to have paid Hintsa forty-two head of cattle for the region where he settled, between the Mncwasa and the Bashee. All indications are that this must have happened in the eighteen-twenties.<sup>8</sup>

The other Tshezi followed Gambushe, but not all of them. Some of them never left Pondoland, and still reside there today, among the Khonjwayo section of the Mpondo, in what is now the lower Ngqeleni district. There are large concentrations of them in the administrative areas of Gazini, where the Ntshilini trading store is, and Tshani at the Umtata mouth. The headman of the latter area is a Tshezi. The Ntshilini trader told me that in the Gazini area, whose headman is an Mpondo, the store divides Tshezi to the south-west from Mpondo to the north-east. These are always at loggerheads with each other. They were not, at the time, allowed by the headman to attend each other's beerdrinks,

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8. Personal informants and Soga 1930 : 362 ff.



because so often hostilities broke out. So the old Tshezi-Mpondo feud continues to this day.

6. Arrival in Tsheziland.

The Tyingana Tshezi and others crossed the Umtata river at Luvulo drift in the wake of Gambushe, but turned inland and settled about the heights of Wilo.<sup>9</sup> From there they spread down to the coast, in pursuit of wild game it is said, and occupied the region between the Umtata river and the Mncwasa, below which Gambushe's people were settled. Here the Tshezi have been ever since; and it is now that we come upon the first historical record of their name.

The Reverend Stephen Kay tells how one day in August 1830 he set out on horseback from the Wesleyan mission of Morley at Wilo, founded in April of that year, to ride toward the sea. Passing along the Maphuzi river, he came upon numerous bones of the "Amachess". These grim relics had been left by the retiring warriors of the Tshezi's old foe, Tshaka. The Zulu impi had swept right through Pondoland into what had become Tsheziland, and had left again only a short time previously (Kay 1833 : 327, 341, 345). If we allow five years from the time the Tshezi crossed the Umtata river to the time they established themselves on the coast, where Tshaka's impi raided them in 1828, (Kay 1833 : 344; Bryant 1929 : 621-625) this would give 1823 as the date of their crossing the Umtata; but admittedly the date is conjectural.

Gambushe's people had crossed the Umtata and the Mncwasa earlier still. But they were to have no peace from Faku. He kept following them and raiding them, till they went south over the Bashee and settled down among Hintsa's Goaleka. Here they found peace at last. They took care, though, to leave a few people behind them to make it clear that they were not relinquishing the territory altogether. Eventually they returned there and settled

9. Personal informants and Cook n.d. : 5, who, however is wrong in saying the Morley mission already existed there.

down permanently, after the Cattle Killing Delusion of 1856-57.<sup>10</sup> As the Gcaleka joined in this folly while the Tshezi-Bomvana would not the latter again found themselves viewed with disfavour. They escaped back over the Bashee to settle down in the territory which Hintsa had given them between the Bashee and the Mncwasa rivers, where they have been ever since.<sup>11</sup> This is the region which came to be called "Bomvanaland" by white men, and which now forms the Elliotdale district.

So now the Tshezi were in three geographical areas. There were those who remained behind among the Khonjwayo Mpondo in Pondoland, in the present district of Ngqeleni. These I shall call the Ngqeleni Tshezi. Then there were those who crossed over and settled between the Umtata and the Mncwasa. These I shall call the Mqanduli Tshezi. Then there were those between the Mncwasa and the Bashee, living among and ruling over those descendants of Bomvu whom we know now as Bomvana. These I shall call the Elliotdale or Bomvana Tshezi. Ngqeleni, Mqanduli and Elliotdale are three magistracies, which were founded by the White Government of the Cape in 1894, 1876 and 1878 respectively, and under one or another of which the Tshezi were subsequently registered and taxed, when the Government took over these areas.

By 1863, the paramount chief of the Thembu tribe was Ngangelizwe (Soga 1930: 482). He extended his boundaries to the sea. As the Tshezi tradition picturesquely puts it: "Now the house of Ngangelizwe arose - they arose from up yonder [i.e. inland] and went to wash. 'To wash' means to extend your boundary to the sea."<sup>12</sup> The Tshezi had been in Ngangelizwe's area at Wilo in the time of his predecessors. Either then or now they are said to have

10. Under the influence of a diviner, Mhlakaza, the Xhosa-speaking tribes destroyed their cattle and corn in anticipation of their ancestors rising from the dead, bringing a superabundance of cattle and food, and sweeping the white man into the ocean. Cambridge History of the British Empire, Vol. VIII 1936: 403-404.

11. Personal informants. Cf. Soga and Cook in loc., also Theal in Blue Book on Native Affairs, 1885.

12. Wasuka kekonje umzi kaNgangelizwe, wasuka ngapha wayokuhlamba. Ukuhlamba kukuma ngolwandle.

paid cattle to the Thembu for the privilege of settling under them in their country.

In 1875 Ngangelizwe, who found himself threatened with destruction by the Gcaleka Xhosa to the south-west for certain misdemeanours against them of which he had been guilty, requested to be taken over by the Government with all his people. This was done, and in the Ninth Frontier War (1877-78), which broke out, the Thembu fought as allies of the British against the Gcaleka. Thembuland was divided into magistracies, one of which, Elliotdale, embraced the Bomvana people. These under their aged Tshezi chief, Moni, had also asked to be taken over in 1878. Another of these magistracies was Mqanduli, formed, as we have seen in 1876 in lower Thembuland, which included the territory of those subsequently to be the Mqanduli Tshezi. They were now living under their chief, Phali. According to tradition he was a restive man, who at first was loth to come under White rule: "he said he would never be ruled by boys". This was in reference to the fact that the Europeans did not practise circumcision, by which alone in the eyes of a Tshezi a male can graduate from the status of an immature "bcy" (inkwenkwe) to that of an adult "man" (indoda).

#### 7. Phali and the White Government.

Phali might have gone back across the Umtata to Pondoland, whence his people had come in the days of his father, Makhunzi, and his grandfather, Mbhelu, and where the Khonjwayo Tshezi still lived. This he did not want to do, probably because he feared the Mpondo. So he too, in time, began to petition that he might be under the Government magistrate at Mqanduli (C.M. 15/79, Government Archives). The difficulty was that he refused to recognise the Pondoland boundary of the Umtata river. He maintained that those Tshezi who had remained north-east of that river among the Mpondo (the Ngqeleni Tshezi) were his people, and that the ground which they occupied was part of his territory. This was Mpondo country; and had the Government sided with him, it would have been



involved in injustice against the Mpondo, who were a free and independent tribe.

Meanwhile Phali continually exploited the situation to suit his own ends. He made depredations against the Mpondo (as, for that matter, he did also against his other neighbours, the Tsho-mané). Then he sat back and enjoyed immunity from reprisals, because he was living in part of Thembuland, and Thembuland now belonged to the White Government, which would treat any invasion by the Mpondo as an act of war to be sternly punished. At the same time, since Phali and his subjects had never been placed under a magistrate and registered, they paid no hut-tax in exchange for such security. The Mpondo loudly complained to the Government about this state of affairs. Plainly the matter had to be resolved.

Phali had been told that he must either remove himself from Government territory by returning to Pondoland, or must conform to authority and pay tax, as the other peoples of ceded Thembuland now did. He asked for time to consider the matter and was told he would be granted a "reasonable" time. When, after four years, in 1886 he still showed no sign of doing one or the other, Major (afterwards Sir Henry) Elliot, Chief Magistrate of Thembuland, came down from Umtata.<sup>13</sup> Accompanied by the resident magistrates of both Mqanduli and Elliotdale, he had also fifty Cape Mounted Riflemen with him. On May 30th of that year at a great meeting near Coffee Bay, attended by Phali, his headmen and about 500 of his people, Major Elliot told him the time for parleying was past. He had come to tell him the commands of Government. He was to be registered under the Mqanduli magistrate, as he had in fact requested, and was in future to be a British subject with all the privileges, but also with all the responsibilities, appertaining thereto. Phali then acquiesced. He and his people were registered and started to pay the hut-tax; and Phali relinquished all

<sup>13</sup>. What follows is recorded in the Umtata Herald, August 17 and September 21, 1886.

claims to sovereignty over any part of the territory and people of Pondoland. His rule would henceforth be confined to his own people of the Mqanduli district (Umtata Herald, August 17, September 21, 1886).<sup>14</sup>

Though the people on both sides of the Umtata mouth are Tshezi, the political severance between them is complete. When I visited the Ngqeleni Tshezi and asked them if they felt they owed any allegiance politically to the Mqanduli Tshezi, I received a vigorous NO! But Chief Danisile and his secretary, Jongezweni, say that though there may no longer be political ties, social ties remain close. "They are Makhunzi's people. When we have anything special on, we call them. They are our relations: we do not intermarry with them, just as we do not intermarry with the Bomvana. We are all one people."

Jongezweni said some of the Tshezi had fought with the Khonjwayo people among whom they lived in the Ngqeleni district, and that was why a Khonjwayo headman had been set over them.<sup>15</sup> From information I obtained elsewhere I judge that they are a thorn in his side still.

The Tshezi are accustomed to administration by Europeans. After being ruled for many years by the British Government through the Government of the Cape and later of the Union of South Africa, they are now ruled by the Government of the Republic of South Africa through the Transkei Legislative Assembly. This is an all-African parliament composed of 64 hereditary chiefs and 45 elected members, which was constituted in 1963, and which has its own parliamentary buildings and departmental offices in Umtata. Of this important Assembly Danisile, the chief of the Mqanduli Tshezi, is a member by hereditary right, and so is the Tshezi chief of the Bomvana, Zwelenqaba Gwebindlala. The Ngqeleni Tshezi, however,

14. See Appendix, Note A.

15. Their headman in 1968 was Kholofana Gwadiso.

are simply an alien clan among the Mpondo, by whom they are ruled.

So the Tshezi are proud that they have maintained freedom and self-government under their own chiefs through all these years, and have even spread the blanket of their chieftainship over their parent body, the Bomvana. And if it is true that they had to relinquish authority over a section of their people living in Pondoland, well, this was all they relinquished. They are brothers of the blood still; and until recent years the Mqanduli Tshezi and the Bomvana continued to return and pass through the territory of these Ngqeleni Tshezi to offer their great national sacrifice at the Kukaphi river in Pondoland, which made all Tshezi hearts beat together with a sense of kinship.<sup>16</sup>

#### 8. Chronology.

The question of a chronology of Tshezi history is a vexed one, as it always must be for a pre-literate people. In the absence of records, one must rely on lists of chiefs recited from memory. Here is Mqhunuwana's list again (checked here and there with others), and which I tabulate side by side with Soga's for comparison (Soga 1930 : chart opp. 360).

<u>Mqhunuwana</u>	<u>Soga</u>
1. Bomvu	1. Bomvu
2. Somahashe	2. Njilo
3. Mbhali	
4. Mgweda	3. Mgweda
5. Bikada	
6. Dibandlela	4. Dubandlela
7. Zwetsha	5. Zwetsha
8. Tshezi	6. Tshezi
9. Tyingana	7. Tyingana
10. Kanya	8. Kanya
11. Mbhelu	9. Mbhelu
	10. Mtshu
12. Makhunzi	11. Makhunzi
13. Phali	12. Phali
14. Tyelinzima	13. Tyelinzima

<sup>16.</sup> This sacrifice of sacred oNlongolo cattle will be explained in the section on religion.(pp. 265-275).



Soga lists only thirteen chiefs against Mqhunuvana's fourteen. He omits the latter's Mbhali and Bikada, but includes one, Mtshu, whom Mqhunuvana does not mention. Mqhunuvana likewise did not mention Njilo, who, however, figures prominently in the isi-bongo or praise-poem of the Tshezi; so perhaps Mqhunuvana's Somahashe is Njilo, being one of his other names. Hunter gives the name of a Tshezi chief, Takani. (Hunter 1961 : 259), which is not mentioned by either Soga or Mqhunuvana. Again this may be another name of one or another of the chiefs they do mention.

The period of possible reliability of Bantu traditions is variously assessed by Theal as "ten or twelve generations", but then only in respect of the genealogies of the great chiefs (Theal 1910 : 248-249); by Bryant as "about eight generations back" (Bryant 1929 : 31); and by van Warmelo as about "three hundred years" (Schapera 1937 : 44).

But even if we could establish an accurate list of Tshezi chiefs from Bomvu to the present, there would remain an equally difficult problem: how long to allow as the average of a chief's reign.

Soga who seems to equate "reign" with "generation" reckons twenty-five years (Soga 1930 : 101). Bryant feels eighteen years would be a fair average (Bryant 1929 : 31). Johnston, whom Bryant cites, reckons fifteen years as the average for thirty-six kings of Uganda (Ibid.). And Jeffreys thinks "one may say that the average length of an African ruler's reign prior to the Pax Britannica was fourteen years" (Jeffreys 1945 : 136).

Following is a table of Bomvu-Tshezi chiefs to Phali listed by Soga and Mqhunuvana combined with the dates when their reigns ended according to these four averages:-

Table of Bomvu-Tshezi Chiefs

(N.B. Dates are those of end of reign).

Names	Average Length of Reign:			
	25 yrs.	18 yrs.	15 yrs.	14 yrs.
1. Bomvu	1570	1661	1700	1713
2. Njilo (Somahashe?)	1595	1679	1715	1727
3. Mbhali	1620	1697	1730	1741
4. Mgweda	1645	1715	1745	1755
5. Bikada	1670	1733	1760	1769
6. Dibandlela (Du-)	1695	1751	1775	1783
7. Zwetsha	1720	1769	1790	1797
8. Tshezi	1745	1785	1805	1811
9. Tyingana	1770	1805	1820	1825
10. Kanya	1795	1823	1835	1839
11. Mbhelu	1820	1841	1850	1853
12. Mtshu	1845	1859	1865	1867
13. Makhunzi	1870	1877	1880	1881
14. Phali	1895	1895	1895	1895

The one fixed date we have in Tshezi history by which to test the above is 1828, the year of Tshaka's foray into Tshezi-land as part of his Mpondo campaign, when according to Kay the Tshezi were already established there (Kay 1833 :345). If we accept the uniform tradition of the Tshezi that they began to migrate over the Umata river in the time of Mbhelu, then column 2 of the table, (based on Bryant's reckoning of 18 years to a chief's reign) seems most accurate, as it gives 1823 as the year when Kanya died and Mbhelu succeeded to the chieftainship. Both columns 3 and 4 are too late, while column 1 would be rather early - especially if the Tshezi are right in their other uniform tradition, that they emigrated from Zululand in the time of Tshaka, c. 1816-28 (Bryant 1929, 68, 661).

## CHAPTER II

### THE ROYAL CLANS

From Chapter I, Section 4 it will have been seen that the Tshezi originated as the righthand house of the Bomvana (or Bomvane)<sup>1</sup>, and moreover that they have long since displaced the Nkumba clan and become rulers over the great house of Zwetsha as well as their own house. They hold sway over all the descendants of Bomvu through Njilo and Zwetsha (whether they be called Bomvana or Tshezi), except the Ngqeleni Tshezi.

Now Tshezi, though himself a righthand son, also had his own great house and righthand house. In his great house were born four sons. The eldest was Tyingana, his heir; then came Matshoba; after him Jalamba; and finally Thembu.<sup>2</sup> All of these became founders in turn of considerable clans. The Tyingana clan predominates among the Ngqeleni and Mqanduli Tshezi and is the house of the reigning chiefs of the Mqanduli Tshezi.

After the Tyingana come the Matshoba people, who are known as amaXutsha after Matshoba's successor, Xutsha. One hears very little of them, however. "They are on the inside" (bangaphakathi), people say. That is to say, as the descendants of the second of Tshezi's three greatest sons, they are, as it were, "in the middle" - lost, undistinguished.

Next are amaJalamba, descendants of Tshezi's third son of the great house, renowned and well-beloved Jalamba, who displaced Nkiti in the chieftainship of the Bomvana. So great was this chief in the esteem of the people, that, as we have seen, his name became a sort of second clan-name for all Tshezi. The Jalamba have in turn produced two clans that have survived oblivion: the Ngezana

1. Some African words are commonly pronounced with either final "a" or final "e", e.g. umkhuluwa or umkhuluwe, umninawa or umninawe. So also with some names, e.g. Mathiwana or Mathi-wane, Bomvana or Bomvane. The tendency among Xhosa scholars now is to standardise the final "a" in such cases, but that practice will not be followed in the present work, because the Tshezi commonly pronounce "e" for "a" at the end of such words.

2. No connection with the Thembu tribe of Thembuland.



and the Mbhelu (Soga 1930 : 360 chart).

So much for Tshezi's great house. Of his fourth son of that house, Thembu, one hears as little as one does of Matshoba.

Tshezi's righthand son was Ceza (or Cezwa). The people of his clan are called amaKham after his mother (or his wife) and the part of Tsheziland where they live is kwaKham. One of my best informants described Kham (Nokham) as one of the "lesser wives" (umfazi omncinci) of Tshezi. Perhaps Nokham was only the iqadi (or support) of the righthand wife, and her son was placed in the righthand house to be its heir, because it had no son of its own. However it was, she must have been a remarkable person for the clan to have taken her name. It is not usual for clans to be named after women (For a few other examples see Soga 1930 : 374).

The Tshezi praise in its longest form was given me by Nobaza, the informant referred to above. She is a woman of about 60 - 65, a Tshezi who has been resident all her life in Tsheziland, and is generally admired for her knowledge of the people and their customs. She recited as follows:-

Njilo, Njilo! mfazi belaye. waphesheya kolwandle! mgal' ungangenduku! hlavatha obomvu! (Njilo, Njilo! Woman with one breast from across the sea! Neck as long as a stick! Hlavatha, the red!)

I afterwards heard the same praise, except for the last two words, used by others, including an African Presbyterian minister addressing a gathering at the chief's courthouse on the occasion of a visit to it by Paramount Chief Kaiser Matanzima.

As usual, most people can no longer tell you what it means. They simply say, "We no longer know - it already existed in that form before we were born". I shall, therefore, attempt an elucidation based on other evidence.

Njilo certainly seems to refer to the ancestor after whom the Tshezi are still sometimes called amaNjilo, and who according to Soga was the founder of the Bomvana, out of whom the Tshezi

came. Hlavatha obomvu is either a reference to a person, "Hlavatha, the red", or is a reference to a caterpillar or grub that attacks maize, and is called hlavatha. The penultimate phrase, umgal' ungangenduku, "neck as long as a stick", occurs also in a praise of Jalamba and may refer to a physical feature of his own or perhaps of Nokham's. This leaves the second phrase, mfazi belenye waphesheya kolwandle, which means "woman (or wife) with one breast from across the sea".

I heard many references to this mysterious one-breasted woman. Who was she? Nokham, was the usual answer. A man of the amaKham said he had always heard from the old people, that the ancestress of his clan was a white woman from across the sea, who had been cast ashore in these parts from a wreck. Mqhunuvana, a member of the Kham clan himself, said they used to praise their oxen in this manner:-

Iinkomo zikaMvukuze, umfazi obelenye waphesheya kolwandle, umlungukazi, iinkomo zikaMbomboshe. (The cattle of Mvukuze, the woman with one breast from across the sea, the white woman, the cattle of Mbomboshe).

She and "Lizabet", he said, came out of the same wreck at Lambazo in Pondoland with a man called Mbomboshe.<sup>3</sup> "Lizabet" was "Bessie" the white queen of Pondoland, whom the people called Gquma, and from whom the Tshomane chiefs are descended. Mbomboshe was the "Bomboss" of whom Stephen Kay was told that he was a brother of Bessie. (See Kay 1833 :356 ff.). Mbomboshe was not her brother, it seems, but a black man, probably a slave or servant from the wreck. Mvukuze was the home or childhood name (igama lasekhaya) of the woman who, when she married, was given the wife's name (igama lobufazi) of Nokham. According to Mqhunuvana, however, she was not Ceza's mother but his wife.

3. For more about this wreck and its survivors see Kirby 1954, and an article of my own: "Transkeian Tribe that Sprang from Mysterious Shipwreck Survivors" in The Sunday Times (Johannesburg), May 6, 1956.

Mantuhamba, an old man of the abeLungu clan among the Tshomane, said the woman with one breast was uNozisali the wife of Bhayi. Both these people were white and came off the wreck at Lambazo. If this identification is correct, then we must suppose that Nozisali either became a widow or left her white husband and was taken to wife by Tshezi or Ceza under the name of Nokham.<sup>4</sup>

As to her deformity, some said she was born with only one breast. Others said she was "eaten by fishes" while swimming ashore from the wreck holding on to a "plank" - possibly a shark attack.<sup>5</sup>

Sigwinta, a leading umLungu man among the Tshezi, said she was a white woman and, since Kham is not a very characteristically African name, he suggested it was a corruption of the English word "Come" which the white lady kept using to call the people among whom her hapless lot was cast.

All Tshezi, then, claim descent from one common ancestor - the chief Tshezi in the eighteenth century. Tshezi is said to have had seven wives. By his great wife, as we have seen, he had four sons. By most, if not all, of his other wives he would in all probability have had sons too. All these, if they came to maturity, would have married a plurality of wives, would have been chiefs, and would have headed extended families, which in turn would have become clans. Some of these might have died or disappeared as identifiable groups under the stress of war.<sup>6</sup> Others would have persisted and grown and divided into sub-clans. Yet all these clans, even when their members came to number thousands, would have been related and would have practised exogamy, because they considered themselves of one stock and regarded inter-marriage

4. Nobaza had always understood that Nokham was a black woman. She was the only one who said so, though. All other informants said Nokham was white, and the testimony of the praise-poem seems decisive in this direction.
5. One Tshomane woman thought that all European women had only one breast and was quite surprised when I told her otherwise!
6. Just as the Mfengu ("Fingos") are a group made up of the remnants of many clans scattered in Tshaka's wars. Vide Ayliff, and Whiteside 1912, passim.



as being therefore incestuous. So it has been with the Tshezi. I obtained a number of clan names - Jalamba, Nkosi, Wangu, Nzwi, Ngoko, Gxobo whose praise-poem is umGxobo omnyama, into zikaNotshinga kaTshezi (Gxobo the black, those of Notshinga of Tshezi) - but there are no doubt others, because Soga gives four more: Wezashe, Nqayiya, Ngezana and Mbhelu (Soga 1930 : 360 chart). All these are inter-related and descended from the one common ancestor Tshezi. This is the core of the Tshezi tribe. These are the real or "pure" Tshezi people. Their paramount chief is Danisile Gobidolo, descendant of Tyingana, Tshezi's heir. Other chiefs (iinkosi), or in Government parlance "headmen", of these clans are his relatives, near or distant.

But resident among these Tshezi clans are also alien clans, who have either come to settle among them or else, having been previously incorporated among them, had moved down with them in their southward migration. Chief of these in size is that of amaNanga, who occupy the area of Nzulwini, which is on the road from the Ngcwanguba trading store to the Hole-in-the-Wall. They are under their own headman, who however acknowledges Danisile as paramount. The Nanga are an Mpondo clan. Then there are the Tshutsha. This is an Mfengu ("Fingo") clan, existing mostly among the Tshezi with others of them among the Tshomane. There is a concentration of Gcaleka (Xhosa) people near the Nenga store, from which the locality is called kwaGcaleka or emaGcalekeni (at the place of the Gcaleka). Many of them are of the Tshawe, the royal clan of the Gcaleka. There are also many individuals of other clans (Nyawuza, Tshomane, Khonjwayo, ~~Ntshu~~, Majola, Nzila, Ntshilibe etc. etc.) who have settled and married among the Tshezi and acknowledge Danisile as their chief. All these persons of alien origin, whether individuals or clans, speak of themselves as amaTshezi by residence and allegiance, though they remember that by blood and origin they are Mpondo, Thembu, Mpondomise or whatever else. They are commoners of the Tshezi tribe.

So the Tshezi tribe is a composite but close-knit unit, consisting of a central core of clans all descended from a common chief, and around which revolve other clans and individuals of alien origin, submissive to them. The accompanying diagram gives their descent.

From the royal clans as a whole, let us turn to the reigning family of the Mqanduli Tshezi. The last of the great chiefs of the line of Tyingana, Tshezi's heir, was Tyelinzima, who ruled for more than half a century. His heir was Dalilanga, who however predeceased his father. Dalilanga's heir was Siwili, and Tyelinzima, because he was old and feeble, handed over to him (wakhuphe-la kuye) his authority. That was at the end of 1949. Siwili, however, also predeceased Tyelinzima in 1952; so the old chief called on Mgwebi a younger son of his great house to act as regent because Siwili's heir Ngqungelisamana was an infant only four months old. Mgwebi ruled until 1955, the year following Tyelinzima's death, when he was rejected by the people; and Ngweyinkunzi, Tyelinzima's son of a junior house, was put in his place and ruled until January 1960. He was followed by Dubulingqanga, a brother of Siwili, until 1964, when this chief was arrested on a charge of being implicated in the murder of his secretary and was committed to prison for some years.<sup>7</sup> Before his arrest he appointed one Basophi to act in his absence, which he did until 1966. Then the tribal authority rejected Basophi, because he was a commoner. They appointed instead Danisile, a grandson of Tyelinzima, who continues in the chieftainship at the present moment. All these men since Siwili have been only acting chiefs or regents for Ngqungelisamana. He is now a teen-age lad at school (at Baziya near Umtata, it is said).

"What will happen when he comes to manhood?" I asked at a Tshezi homestead.

"Oh, he will become chief", they said.

"And Danisile: what will happen to him?"

7. Information by letter dated September 29, 1969 from the Secretary, Department of the Chief Minister and Finance, Transkeian Government.

"That will depend on Ngqungelisamana", they replied. "If he likes, he may take a portion of the tribe and place Danisile over it, and ask the magistrate to confirm it, so that he may still have some place. Otherwise he will become just like one of the people."



# THE DESCENT OF THE TSHEZI

Mafulu, or Momafu<sup>1</sup>  
(AmaNgwana)

(Gt. House) Bomvu (Rt. hand House)

Nyonemnyama

(B  
O  
M  
V  
A  
N  
A)  
(Njilo)<sup>2</sup>  
Somahashe  
Mbhali  
Ngweda  
Bikada  
Dibandielela  
Zwetshu

(Gt. House)  
Mkiti  
Mkumba  
(AmaNkumba)  
(B  
O  
M  
V  
A  
N  
A)

(Rt. hand House)

Tshezi

3. Jalamba

(Rt. hand House)  
Cezwa  
(AmaKham)

(Gt. House)

1. Tyingana  
Kanya  
Mbhulu  
Makhunzi  
Pheli  
Tyelinzima (? - 1949)  
Siwili<sup>3</sup> (1949 - 52)  
Ngwebi (1952 - 55)  
Ngweyinkunzi (1955 - 60)  
Dubullingqanga (1960 - 64)  
Basophi (1964 - 65)  
Danisile (1966)

1. Mbili  
Ngezana  
(AmaNgezana)

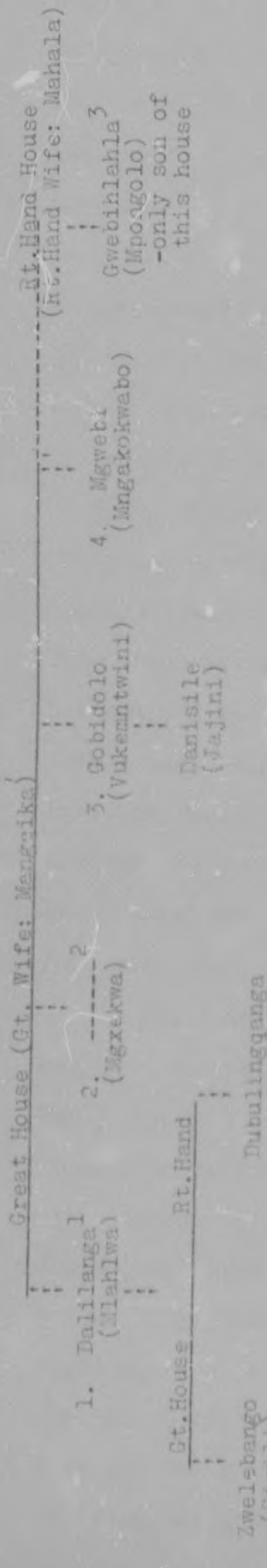
2. Gambushe  
Ntshunqe  
Moni  
Langa  
Ngonyama  
Gwebindlala  
Ngubezulu  
(C  
h  
i  
e  
f  
s  
o  
f  
B  
O  
M  
V  
A  
N  
A)

1. See van Warmelo 1938: Par. 451; Soga 1954: 360.

2. So Soga, but Cook n.d.: 7, places Njilo after Ngweda. My informants did not mention Njilo at all, though he is in the isibongo.

3. All succeeding chiefs from Ngwebi to Danisile have been acting during the minority of Siwili's heir, Ngqungelisamane. I do not think that the fact that there were five of these in fourteen years (1952 - 1966) militates against my argument in favour of eighteen years as the average length of a chief's reign; for "acting" chieftainships would tend to be less stable than regular ones. Also against this rapid succession of acting chiefs must be set the fact that one regular chief Tyelinzima reigned for well over fifty years (i.e. from 1897 at the latest, when he granted a mission site to the Reverend Samuel Holt, until 1949, when he delegated power to Siwili, though he himself lived on as a chief in the minds of the people until his death in 1954). Admittedly, however, the average length of African chiefs' reigns is problematical.

# TYELINZIMA



Other sons of Tyelinzima were: Vulindlela (Somnathu), by his first wife; Ngwe(yi)nkunzi (Thyolcni), by his fifth wife; and this does not exhaust the list. Tyelinzima had nine (some say ten) wives.

1. Each chief's name (igama lobukhosi) is followed in brackets b. i. e. childhood or home name (igama lasekhaya).
2. Mxekwa died before attaining manhood and receiving a chief's name. He professed Christianity and was baptised Arthur, being then known as Arthur Phali. Phali was his grandfather.
3. Some give this name as Gobihlahla.
4. Heir to the chieftainship, but at present a minor.

## CHAPTER III

### THE CHIEFTAINSHIP

Tshezi society is both socialistic and hierarchical. The rights of the individual are merged in the interests of the community (the clan or the tribe), and the authority and wealth of the community exist for the enrichment and the protection of the individual. It is a commonwealth in which one is for all and all for one.

Authority is exercised, however, through a gradation of office-bearers, the offices of some of whom are hereditary. At the apex of this hierarchical pyramid is the Chief of the whole tribe. Next comes the headman of what the Administration calls an "area". Below him is the sub-headman of a "locality", a sort of ward. These areas and localities correspond to political realities antedating the European Administration. Then come the heads of families whose homesteads (imizi) make up the locality. The hereditary principle is much more rigidly guarded in the highest and the lowest rungs of this authoritarian ladder (to change the metaphor) than in the other two. Councillors, for instance, will talk of making or appointing someone as a sub-headman but never of making someone head of a family. They will even "appoint" someone acting-chief during the minority of the rightful heir, but the heir when of age reigns of right.

A chief in the old days usually had many wives. Tyelinzima had nine according to some informants or ten according to others. Until the time came to marry his "great wife", a Tshezi chief chose his own wives, his parents and other relatives assisting him. In the selection, due regard was paid not only to the chief's desire, but also to the value of cementing relations with other tribes by marrying daughters of their chiefs, - though a chief might marry a commoner too, if he wished. Until the time came for choice of the great wife who should bear the heir, his first wife was the principal woman of the chief's homestead. But choosing the great wife was such an important matter to the tribe,



that it was never left to the chief and his relations. The great wife was chosen by the councillors, and the ikhazi cattle were subscribed by the whole tribe. Among the Thonga this woman was called, very appropriately, "the wife of the country" (Junod I 1962 : 368) and among the Sotho "mother of the tribe" (Ashton 1968: 194). Whereas the other wives of a chief might be commoners, the great wife was usually chosen from the daughters of neighbouring chiefs. The councillors would consult their own chief as to whether he had any preference in the matter, and, if they approved his choice, would conduct the negotiations for him.

As soon as the great wife had been installed, the first wife was reduced in rank, or "blackened" (wenzwa mdaka). Zweliwile, sub-headman of Rhini locality, is a grandson of Tyelinzima, by his first wife, who was "made black" (as he explained to me) when Tyelinzima married his second and great wife Mangqika, of whom Danisile the present chief is a grandson. But no animosity was felt by Zweliwile towards Danisile on that account. "It was the custom". But it is not the custom any more. Now the chief's first wife is always the great wife, as with commoners. The old custom died with Tyelinzima, for, said both Danisile and Zweliwile to me, "it was not good and was a source of trouble - that the first wife should be supplanted by a later wife".<sup>1</sup> It had been done to obviate an heir growing to manhood during his father's lifetime and wresting the chieftainship from him. In the case of Tyelinzima, when his first wife was reduced she became the supporting wife (iqadi) of the great wife, which is to say that if the great house had not had a son, one from her house would have been placed in it to be the heir.

In the appointment of chiefs, heredity, selection, and the use of force may all have a part.

Heredity and primogeniture are the all-important principles. The chief should be the eldest living son of the great house of

1. There has been the same change of custom among the Sotho. Ashton 1967 : 193-4.

the chief who preceded him.

Selection comes in when the great house does not have an heir, and the chief takes a son of the supporting house and places him in the great house to fill that role. If the supporting house should not have any sons either, then he should select one from one of the other minor houses. He does not usually choose one from the righthand house, because that is an important house in its own right, and it usually moves out to form a new clan.<sup>2</sup>

Selection also operates when the heir is a minor and the tribal councillors choose among the royal sons one to hold the chieftainship (ukubamb' utukhosi) until the young man comes of age.

This, in turn, may lead to the use of force to obtain the chieftainship. The regent may not want to relinquish his position to the proper heir, when he comes of age. If he (the regent) has ruled well, he may have a considerable following to support him, though usually the majority of the people will side with the heir on principle. Even during a regency someone may try to wrest that office from the acting chief. This allegedly happened in 1964 among the Tshezi. Dubulingqanga, right hand son of Dalilanga, Tyelinzima's deceased heir, was acting as chief for his nephew, Ngqungelisamana, Dalilanga's grandson, who was a minor. It was suspected that his "secretary" (umbhali, writer) was trying to obtain the acting chieftainship for himself. This man's name was Mpondo ka Khiti, or Samson Khethi. One day near the Nenga store Mpondo saw some young men with assegais coming for him. They chased him past the store and murdered him just inside the fence.

In pre-colonial times strife sometimes arose about the succession, because in a pre-literate society records were not kept.

2. Some years ago the chief of the Tshomane (a tribe adjoining the Tshezi) was Zwelibanzi. Apparently he had no heir, for he was succeeded by his younger brother Dalingozi, the present chief. Dalingozi then placed his son in the great house of Zwelibanzi to be the latter's "son" and successor. Of him the people say they do not know his name, asikaliva ("we have not heard it yet"), i.e. it has not yet been formally announced.

Now all sons of a chief are registered at birth at the magistrate's court. This is one thing that is brought up by tribesmen as being to the credit of Government.

The Tshezi Tribal Authority chooses its own chief, and if this is the proper recognised heir, the approval of the authorities will be a formality (Transkei Authorities Act 1965 : 41 (4), 48 (1)). But it will be something more than a formality in other cases, as, for instance, if the proper heir should have a criminal record, which makes him unwanted by the tribe, but he should try to use the argument of primogeniture to force himself on them; or if the heir should be a minor and a regent has to be chosen from among his quarrelling brothers. Here the authority of the Transkei Legislative Assembly coming down on the side of the wiser councillors of the Tshezi Tribal Authority will help to decide the issue and preserve the peace.

On an appointed day in the presence of the people the new chief is installed by one or more representatives of these authorities to the accompaniment of speechmaking, praising (ukubonga) and feasting. He is given, then or later, his letter or certificate of appointment, together with a copy of the regulations governing his duties as a chief.

In general there is no difference between the outward semblance of a chief and that of his people. He is supposed to be like the people, to move among them as one of them, and not to let such distance develop between himself and them as to incur criticism of being too remote from his subjects. Danisile is a young man of 28, of pleasing appearance, with a Standard IV education, which is as high as the main school of his tribe goes. He rides about on horseback, like other Tshezi, or goes on foot, usually accompanied by a number of others, but occasionally by a single individual. He wears European clothes, neat but not noticeably superior to those of other better-dressed men among the "school" people of his tribe. He always wears good suits



when attending sessions of the Transkei Legislative Assembly in Umtata.

He has two homesteads, one for each of his wives. One of them is in the eLaleni locality on a high hill overlooking the Nenga river; the other is in the emaGcalekeni locality on the Mount Packard Mission side of the same river and not far from the mission. But neither of them is distinguishable in any way from the other homesteads around. Indeed they are smaller than many others, though while I was there he improved one of them by erecting a rectangular house (uxande).

The chief was formerly recognised by his great wealth. He received death dues, cattle captured in war or as the result of raids on neighbouring tribes, also the property of people "eaten up" on charges of witchcraft, tribute from aliens coming to reside under his protection, and gifts from people when he visited various parts of his tribe. Many of these sources of wealth have dried up, either because they are in conflict with the standards of European civilization and so are forbidden by magistrates, or because of economic stringency. So the erstwhile chief's "great place" has shrunk to an ordinary homestead (albeit dignified by the addition of a courthouse at a distance) and there is no need of great kraals to receive his stock.

Now his wealth consists of salary and emoluments from the Transkei Government. The salary is R192 per year, with the addition of an annual parliamentary allowance of R1,000. He receives a further R4 per day for expenses while the Legislative Assembly is in session, and 13c per mile travelling allowance to attend it in Umtata. At other times when moving about in connection with his duties or for medical reasons, he is allowed 5c per mile, if using motor transport, or 2½ cents if he goes on horseback. As no one else in the tribe enjoys such privileges, his status as a man of means above the commonalty is sufficiently preserved.

Hammond-Tooke has said of Bhaba chiefs: "The reverence accorded a chief stems from three main sources: his ritual position,

his status in the social structure, with its emphasis on primogeniture, and his symbolic quality, the fact that he is the embodiment and centre of all those values and attitudes with which the Bhaca imbue their tribe" (Hammond-Tooke 1962 : 175).

As to ritual position: the Tshezi chief, as the head of the royal house, is the prime intercessor for the tribe with its most influential ancestral spirits. In the old days he was the principal rainmaker or intercessor during droughts; and he also conducted or promoted tribal rites of war, hunting, and agriculture; and especially, in the case of the Tshezi, he was responsible for tending and sacrificing cattle of the sacred oNdongolo herd. But most of this is gone now. The chief no longer tries to make rain - he appoints a day of prayer for rain to be observed in the churches instead. Hunting as a tribal pursuit has been outlawed by Government game laws. The last tribal doctor (itola) who "doctored" the army and the chief was uNgozi, who died in Tyelinzima's time. Agricultural ceremonies on any national scale, like the feast of First Fruits, have become things of the past (Cook n.d. : 141). Like so many other things they probably ended in the days of Tyelinzima's vigour. In his old age he could no longer attend to business as before, and since his death all chiefs have been merely regents. Besides, European civilization continually advances and undermines old customs.

Yet much remains too, especially of the spirit that animated these customs. Practices are modified, but the ethos remains. It is doubtful if any real change has come in the belief in ancestral spirits, for example. "Secure at the domestic level", says Mayer, "the Xhosa ancestor cult has successfully survived the collapse of the political structure and the transformation of Xhosa tribal chiefs into mostly Christian employees of the Native Affairs Department" (Mayer 1963 : 29). And when a Tshezi looks at his hereditary chief, even though he may be critical of him, he considers that after all, this is the greatest living representative of the tribal ancestors. In his veins flows the blood of Phali,

of Makhurzi, of Kanya - even of the great Tshezi himself. He glories in Tshezi chieftainship, even though he may argue that this or that chief is unworthy - just as a Catholic reveres the Papacy, even though he deplores the sins of individual Popes. So that Lord Harlech is right when he says: "The Chief is ex officio tribal intercessor with the spiritual and supernatural powers on behalf of his people. We must therefore appreciate that the Chief is even more important as the visible and effective head of a 'church' as well as of the State. His person is 'sacred' and the sanction behind his authority is in the Bantu mind mystical and not merely political" (Harlech n.d.: Sect.3).

As for the chief's status in the political structure, he is the male head of the senior lineage of the tribe. Even if he is only a regent, he is in loco parentis to his nephew, who will be the head on attaining his majority, and he acts in his place. He is also the liaison between his tribesmen and that mysterious authority represented by the magistrate and the police, uRulumente (the Government). Thus he negotiates to avert from his subjects not only the wrath of the ancestors, but also the displeasure of that other menacing power, white men, whose ascendancy is largely attributed to their possession of superior magic.

A chief is often styled simply "Tshezi", the living symbol of his people, to whom he is also considered to have great obligations. He is the father of his people, as his great wife is in a sense their mother. His homestead must be open to all his subjects, when they want to see him on any matter related to their welfare. In the old days any man having a complaint against his neighbour for which he could not obtain satisfaction through lower courts, approached the chief's great place and, while still at a distance, shouted "I am astounded" (ndimangele) i.e. at So-and-so's conduct towards me: he has done me an injury.<sup>3</sup> He was

3. Cf. Kropf-Godfrey: Xhosa Dictionary, under uku-Mangalela and uku-Mangala.



then encouraged to draw nearer and state his case. Nowadays he brings his complaint to court, saying to the offender, "I shall bring a case against you in court." (ndiya kukumangalela eOfi-sini). But people may still repair to the chief's homestead as well, to talk things over, to seek redress, to pour out their woes, to beg for help.

It is not for nothing that, in the vernacular, "thank you" and "chief" are the same word (nkosi). When old Mdepha of the adjoining Tshomane tribe said in 1839, "I should like to have the opportunity of thanking you today", he was not merely being an adroit beggar, as Europeans thought (Backhouse 1844 : 260). He was also treating them as chiefs by asking to receive something, so that he could say to them "nkosi" (thank you), for it is part of the honour or distinction of a chief to evoke the gratitude and praise of his people by the services he renders them. Europeans are often irritated by the constant begging of rural Africans, and it must be admitted that many of them carry importunity toward Whites too far. But it may also be done by a man with dignity, as a compliment to one who has immense wealth in comparison with himself.

The chief is obliged to provide land for his people for their occupation as homesteads and fields. When he cannot do so; it is a shame to him, and he is embarrassed.

When I went to do my field work among the Tshezi, I thought it would be a great advantage if I could live right with them. But I gave up the idea of asking for a small site on which to build a temporary hut, not only because of possible embarrassment to the Administration which might fear to create a precedent, but more because of embarrassment to the chief, who had to refuse his own people sites sometimes, because of the shortage of land.

The chief, after consulting his councillors, abrogates obsolete laws and substitutes others that will better promote the welfare of the tribe. He grants permits to cut wood in tribal

forests (but not in Government forests). He works for his people's interests through his seat in both the Dalindyebo Regional Authority (Thembuland) and in the Transkei Legislative Assembly. He seeks to shield them from unnecessary harassment by petty officialdom and is expected to interpret little-understood enactments. He should honour prominent feasts and other ceremonial occasions in the homesteads by his presence. In general, it is to his interest so to act that people will want to live under his shadow rather than to move away.

European government has brought additional obligations. Danisile is forever going on business to Mqanduli, seat of the magistracy, 35 miles away, and to Umtata, seat of the Transkei Legislative Assembly, 56 miles away. Registration books must be obtained by all adult members of his tribe; tribal money must be transferred to the Tshezi Tribal Authority account in Mqanduli; taxes must be collected; births and deaths must be registered; court cases involving murder, theft or rape must be transferred to the magistrate's court, with such information as the chief may have gathered from preliminary investigations; liaison must be maintained with the Kwaaiman police station some 13 miles away and various police behests attended to; the approval of the magistrate must be sought for grants of land made by the chief; aliens cannot simply move into his tribal area and settle there with his consent as before, but application must be made on their behalf to the magistrate with the recommendation of chief and/or headman.<sup>4</sup> All these and other similar matters connected with the maintenance of law and order, as the central government directs, keep the chief a busy man.

Along with his obligations, however, the chief does have privileges. In former times he received many of the fines paid by those adjudged guilty by his court. Today these are expected

4. From application form obtained in magistrate's office, entitled "Application To Remove To Mqanduli District."

to go to the tribal treasury.<sup>5</sup>

The fines may amount to a good deal. In one morning I heard the chief fine a woman R2, a man R40 (the maximum allowed<sup>6</sup>), and a group of men eight head of cattle. The fines are not always readily paid, however. In the case of a man who was ordered to pay two sheep, the fine was still outstanding seven weeks later, and the chief was threatening to raise the number of sheep to be paid. Perhaps some fines are never paid, though that obviously cannot be allowed to happen very often or authority would be undermined.

But fines are (or were) not the only source of income. It is traditional that the chief should receive gifts from his people or impose levies on them. In the old days if a man had many cattle he gave some to the chief, lest he should incur jealousy, or, worse still, be accused of increasing his herd by witchcraft and then be "eaten" (ukutyiwa). It is still customary to give presents, especially if anything is wanted from a chief.

Today large numbers of men are constantly away at work in the cities of the Republic and on the mines. Since a chief is denied the services of these subjects while they are away, it is considered not improper that he should benefit from their earnings in the way of gifts, though many will escape giving if they can (cf. Hunter 1961 : 428). Then too, wages are sent home by registered letter, and since it is necessary for a chief sometimes to be called to the little store-cum-post-office to identify some woman as the proper recipient of a registered letter

5. Transkei Authorities Act (1965) Sect. 9 (2).

6. According to the Regulations of the Minister of Justice in conferring on a chief civil and criminal jurisdiction in terms of the Bantu Administration Act, 1927. A copy is sent to the chief with his letter of appointment from the Department of the Chief Minister and Finance. It states inter alia: "In the exercise of this jurisdiction you may not inflict any punishment involving death, mutilation, grievous bodily harm or imprisonment or impose a fine in excess of Forty Rand or two head of large stock or ten head of small stock or impose corporal punishment save in the cases of unmarried males below the apparent age of thirty years."



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(for which as an illiterate she cannot sign), he may claim a part of the money received as remuneration for his trouble.<sup>7</sup>

A chief may also lay claim to the labour of his subjects. I saw Danisile scribble a note in his courthouse, summon a man from among those who were listening to the cases, and tell him to take it to a sub-headman, whose home was five or six miles away. The man went off at once, without murmur. In the building of his homesteads and the ploughing and reaping of his fields a chief expects, and usually receives, much help.

A chief also often receives beer, meat and other food as gifts, and expects it.

While the Tshezi do not approach their chiefs in a crouching posture or on hands and knees,<sup>8</sup> the more important of them are expected at least to be deferential towards him and the less important even to be obsequious. The Tshezi exist in a state of tension between autocracy and democracy. It would be wrong to say that the chiefs generally are autocrats, or dictators, for their powers are circumscribed by their tribal councils and traditions. Yet the fulsome and obsequious behaviour the Tshezi and many other tribes display toward their chiefs on occasion, seems to white people to border on the odious. Nor is the dichotomy resolved altogether by differentiating between their attitude to chief and to chieftainship - the incumbent and his office - though respect for the latter may account for much of it.

The usual form of address to the chief is to pronounce his isibuliso (lit. term of greeting), that is the name he was given on reaching man's estate, and to preface it with a long-drawn "A" - "A-a-h, Danisile!" or if one is greeting him when surrounded by councillors and courtiers, "Ah, Danisile nebandla" "Hail, Danisile and community (or following)". Yet this is a comparatively new importation, the result of culture contact. Fifty

7. A store-keeper's wife told me of one occasion when R4 came in a letter to a woman and the chief received R1 of it.

8. As people did the old Zulu chiefs, for instance: Krige 1950 : 239.



Years ago one never heard anything as a form of address to chiefs and Europeans but "Heh!" followed by name or title. This was said with right arm upstretched and the first two fingers extended in a "V" sign.

Bayethe! is another importation - from the Zulu (Bayede) whose royal salute it has always been. But it was never heard among the Tshezi fifty years ago. Now it is common. However among the Tshezi it is certainly not appropriated solely to the chief.<sup>9</sup> It is used to petty chiefs and headmen, and even as a polite form of address to any important man whose goodwill one wishes to win.

Practical Problems of the Tshezi Chief. It will not seem strange, if one remembers the distinction between a man and his office, that individual chiefs should sometimes be in danger from their followers. Danisile is criticised and disapproved of by some of them. One hears mutterings and threatenings at times; and once at least he is said to have asked his magistrate for protection.

If he considers the recent past, he will find good reason to be apprehensive. His elder brother, I was told, was killed about 1947 by men of an alien clan living under the Tshezi. This brother was wont to go to their administrative area to attend beer-drinks. One day he did not return. Jealous and resentful of him, certain men killed him and dragged his body deep into a forest, where they hid it. Next day his father, Gobidolo, came on horseback looking for him, as others were searching in other parts of Tsheziland. The men of the area in question said, in answer to Gobidolo's inquiry, "Draw near, Chief, we cannot hear" (ngawusondele, Nkosi, asiva). When he rode up to them, they killed him too, as he sat on his horse. This is said to have led to a big faction fight, in which all the men of the

9. Schapera 1937 : 177: "... and he alone, in the Nguni tribes, is entitled to the royal salute bayede".



Nenga administrative area, where Gobidolo and his son lived, went and fought with the men of the hostile area and killed many. The fact that Gobidolo was a chief of Tyelinzima's great house did not save him or his son.

Tshezi chiefs have always suffered from ambivalence in their status. (Cf. Gluckman, Mitchell, Barnes 1949 : passim). On the one hand they have their personal relatives and favourites among the people, who expect the chief to show partiality toward them; on the other, they are the chief representatives of tribal government and authority, and as such are expected to be objective and disinterested dispensers of justice. They must often have felt tensions like that experienced by the Zulu chief Mpando, who was once obliged to decide a case adversely against one of his favourites, and then resolved the difficulty by sending men to wipe out the successful litigant's family, so that the decision could not be implemented (Gluckman in Fortes and Evans-Pritchard 1940 : 33). There are further tensions between the wishes of various individuals within a group, and between the interests of minor groups within an inclusive society, which are apt to come to focus in the person of a chief.

After the Cape Colony had incorporated the Tshezi into its political system, the intercalary position of the chief (between individuals of his tribe and its own social and political order) was given an added dimension when he became the liaison between all his people and the Administration (Cf. Gluckman 1963 : 171-177). Kinship ties were "a constant threat to the civil service norm of disinterestedness" (Fallers 1955 : 301). The chief found himself poised between two systems of belief and communication, both of which he strove to accommodate within his own person, till the tendency arose to uphold whichever value or belief seemed most advantageous in a given situation (Fallers 1955 : 302).

Danisile tries to be a good chief, but he has a difficult

task. Endeavouring to satisfy alike his Administrative superiors and his tribal subjects, he finds their desires conflicting. A rising tide of nationalism among the Tshezi, as among other Africans, and indeed across the world, has to be reckoned with. A chief must not let his people think he has forsaken them to become a mere tool of the Administration. On the other hand, some white men and educated Africans think the chief is not sufficiently concerned to promote among his people the advances appropriate to the twentieth century. It is impossible always to please both sides.

Chiefs for the most part have been loyal servants of successive Administrations and have rendered excellent service alike to Government and to their own people.

I think of Tsheziland as I grew up in it over half a century ago. The only law-enforcement officers were the one or two white policemen and their African assistants at Kwaaiman; and these were responsible not only for the Tshezi but for the Tshomane tribe as well, the two together numbering many thousands. They could not possibly patrol all parts of these large areas. Perforce they had to depend largely upon native authorities. Yet murder and faction fights were kept to a minimum (they seemed fewer then than now), we rose up in the morning and lay down again at night in perfect security, we slept with open windows, and our property was safe wherever we left it. It is very largely so still, and while much of the credit belongs to the chief, his headmen and sub-headmen, even more is due to the essentially law-abiding character of the people. Of course now, if there were trouble, the Kwaaiman police station could summon to its aid police reinforcements who would arrive by the lorry load from Umtata and other places, or even by helicopter; but they are not often needed.

A great part of the reason for this peaceful state of things is to be found in the democratic aspect of Tshezi tribal

government and the nature of their social order - not so much in the control of the chief as in the self-control of the tribesmen, the balance of their society due to a communalistic economic system and mutual-aid kinship groups, and the cooperation and relatively equal standards of living which make for harmony and reduced tension. It required a long, hard struggle for a people like the English to arrive at a constitutional monarchy. For as long as we know anything about them the Tshezi and other Bantu tribes have been democratic, and their chiefs constitutional rulers, who presided over committees of councillors. Tyrannical dictators (like Tshaka among the Zulu) were the exception.

The intercalary position of the chief has been greatly eased now that the Administration to which he is immediately responsible is composed of people of his own race. Yet behind the Transkei Legislative Assembly, as everyone knows, is still the all-White Government of the Republic of South Africa. Logic points to the necessity for a solution of this problem some day, whether by granting complete independence to the Transkei, or in some other way.

What is the future of chieftainship among a people like the Tshezi? It has suffered grievous buffeting already. European administration has removed the chief's power to make war, to organise public hunting, to inflict grievous penalties for witchcraft or for personal injuries to the chief, to oppress (when all an aggrieved subject has to do is to carry his complaint past the chief to the magistrate). When we come to study land tenure, we shall find that new systems have affected this basic level of economic relationship between the chief and his subjects too. Above all, the inexorable march of events (the migrant-labour necessities which take so many away to cities and mines, and the ambitions which constantly lead many of the younger generation to settle elsewhere permanently) is bringing about the



breakdown of tribalism and the substitution for it of a new cosmopolitanism in which the chieftainship is an anachronism. This is in spite of all that the Republican Government and the Transkei Legislative Assembly are doing to try to bolster up the tottering fabric of chieftainship. In the world of the twentieth century the common man is less and less willing to submit to someone's authority because of his heredity. He asks instead that he be a worthy and competent man. Education and Christianity also produce the same trend among the Tshezi and their neighbours. In a world in which so many monarchies have toppled and only those have survived which have accommodated themselves to the democratic imperative, it is unthinkable that the Tshezi or the Tshomane or the Bomvana should forever make humble obeisance to some semi-literate scion of an antique stock; especially when the lineages of chiefs are being so completely disregarded and forgotten, that one has to hunt up a few very old men to inquire what they are, and then listen while they contradict themselves. How often the probings of an ethnologist are greeted with that indulgent smile that indicates that "Gallio" no longer "cares" for any of "these things"!<sup>10</sup> Many Tshezi have gone away and left their Tshezi-ism behind them in these modern days. There is even a word for it, ukutyhipha or ukutshipha, to abscond from one's tribal home, to sever all social ties with it and be swallowed up and lost in some cosmopolitan, urban community.

What then should chiefs do? Should they accept the position of constitutional monarchs, as chiefs have done (willingly or reluctantly) in Lesotho, Ghana, Nigeria and other countries, thus retaining prestige while forfeiting power? Should they be content to grace the tribe and leave those who are competent, to govern it? Should they aim to get all the education they can and

10. Acts 18: 17. "And Gallio cared for none of those things" (i.e. "words", "names" and disputes about Jewish "law"). Of course Gallio was a foreigner, but so, practically, in the tribal milieu, are many "school Natives".

to live so as to be worthy of the affection and respect of their people, so that, as the chief once stood out as the wealthiest man in his tribe, he should now be conspicuous as the best all-round man among them in his general knowledge and behaviour? If he still hankers for power and has aptitude and training for politics, he could be elected to parliament upon the suffrages of his people. His would then be a double honour.

Danisile sits in the Transkei Legislative Assembly as a member of the ruling Transkei National Independence Party, which is committed to conserving and glorifying the body of hereditary Transkeian chiefs. Some observers believe they are right - at least for the present. They think that so long as many Transkei citizens remain illiterate and traditionalist, the chiefs are an asset and nothing should be done to alter their position. Many Transkei citizens themselves, however, believe that chiefs should not be members of a law-making assembly. They think that the low level of education, if not the complete illiteracy, of many chiefs disqualifies them for such a role. Nevertheless they agree that chieftainship (whatever may be said of some incumbents of the office) is worth preserving, because it is traditional and because it is conducive to communal solidarity. They propose to solve the dilemma by creating an upper house of chiefs of limited legislative powers like the English House of Lords. The opposition Democratic Party in 1966 engaged in spirited debate with the ruling party over a motion for "an upper house for chiefs and a lower house for elected members". The motion was lost and a contrary amendment carried by 62 votes to 41. (Transkei Legislative Assembly Debates 1966 : 224-243).

I am aware that there may appear to be an element of contradiction in what I have written here: that at one moment I may seem to suggest that the chief makes the laws, at another that he is merely the mouthpiece of his councillors. The fact is

that the ambivalence is really there, in Tshezi life. One does not wish to make a "reconstruction" from a fancied past of what Tshezi administration ought to be, and then close one's eyes to differences that exist. It is preferable to describe the Tshezi as one actually saw them and as they do in fact behave today.

In the debate of the Transkei Legislative Assembly referred to, those who wished to transfer the chiefs to an upper house maintained that they were never law-makers. On the other side Chief Mdutshwa said:

It is not correct .... that the counsellors are the law-makers. If there is one district in these twenty-six where the counsellors make the laws I shall be glad to hear about it from the House. There is no court which does not require the presence of a chief ..... Then the chief will say what is to be, but he will say it together with the counsellors. (T.L.A. Debates 1966 : 231 -232).

Another speaker (the Minister of Agriculture) said flatly: "The chiefs were the original law-makers of the tribe". But he went on to say that there were very few laws made, in addition to what was the custom of the tribe (T.L.A. Debates 1966 : 235).

The truth seems to be that regulations are made by the chief-in-council; and the chief plays a greater or lesser role according to whether his personality is dominant or recessive.



## CHAPTER IV

### THE ADMINISTRATION

The Tshezi Tribal Authority is a local authority of the Government of the Transkei. To understand how it functions, it is necessary to know something of the political structure of the Transkei as a whole, and to understand how these smaller tribal units are comprehended in it.

#### 1. The Transkei Government.

Until 1963 the Transkeian Territories were administered directly by the Government of the Republic (previously the Union) of South Africa. The United Transkeian Territories General Council, familiarly known as the "Bunga",<sup>1</sup> served as a local body to assist the South African Government, mainly in an advisory capacity, under the authority of the Chief Magistrate.

When it was felt that the time had come to give Africans a measure of self-government and the power to vote - especially since they were not allowed a share in the all-White government of South Africa - the Transkei Constitution Act (Act No. 48 of 1963) was passed. This also provided for a Transkei flag to be flown beside the South African flag; for the recognition of Nkosi, sikelel' i-Afrika (Lord, bless Africa) as the Transkei national anthem; and for the recognition of Xhosa as an official language beside English and Afrikaans. At the request of the Transkeians themselves, all Transkei citizens continued to be nationals of the Republic of South Africa. All Transkeian taxpayers over the age of 18 and all other Transkeian citizens over the age of 21, not subject to certain disqualifications,<sup>2</sup> became

1. Properly iBhunga, originally a chief's council, hence any committee. From ukubhunga, to confer together.
2. Such as conviction of a crime or crimes and imprisonment therefor, the period of which has not expired or the order ceased to be operative for at least three years; or conviction of corrupt practice under the laws regulating elections; or being of unsound mind. Transkei Constitution Act, Sect. 28.

entitled to register as voters. Under the Act, Transkeian citizenship is limited to Africans and includes citizens living outside the Transkei, who are also entitled to register as voters. At the time of the second general election in the Transkei (October 23, 1968) there were some 908,000 voters, and about 809,000 votes were cast.

There is a Transkei Legislative Assembly at Umtata, the capital, consisting of 64 hereditary chiefs as members ex officio and 45 elected members. Bills passed by the Assembly are subject to the assent of the State President of South Africa.

The first Assembly met at the end of 1963. Paramount Chief Kaiser D. Matanzima, B.A., was elected first Chief Minister of the Transkei. He and five other Ministers administer the following departments: (1) Chief Minister and Finance (2) Justice (3) Education (4) Interior (5) Agriculture and Forestry (6) Roads and Works.

The Transkei Legislative Assembly can make laws regarding the following matters: the registration of voters; direct taxation; agriculture and forestry; protection of life; persons and property; deceased estates; municipal institutions and tribal authorities; welfare services; liquor; markets; pounds; fish and game preservation; lower courts; justices of the peace; commissioners of oaths; trading; births, marriages and deaths; land settlement; roads and works; labour; collection of revenue; and many others.

Some of the most important matters, however, are still reserved to the Government of the Republic, such as: defence; external affairs; internal security; posts and telegraphs; railways; harbours; customs and excise; currency; immigration; national roads; and amendments to the Transkei Constitution Act.

The Transkei Legislative Assembly is an all-African "parliament", and the heads of the six Cabinet Departments are all Africans. As, however, there are still too few Xhosa available

to the Transkei with either a university education or a technical school training, a number of Whites have been seconded by the South African Government to fill various administrative and technical posts. Thus each of the six Departments has a white secretary, serving under the African cabinet minister who heads his Department. A European stenographer records the Legislative Assembly debates for Haisard. The magistrates of the 26 districts into which the Transkei is divided are mostly white. The Transkeian Government Service has an African staff of 3,400 permanent officers and 14,000 temporary employees, the latter being low-graded staff such as labourers, and some 300 Europeans seconded from the Republican Government. These last are subject to replacement by Transkei citizens, as soon as circumstances permit.<sup>3</sup> The first African magistrate, Mr L.H.D. Mbuli, was installed at Flagstaff in 1968 (East London Daily Dispatch, March 30 and April 1, 1968). A second African magistrate, Mr D.S. Stofile, was later installed at Tsomo (Horell 1969 : 144). The number of Whites in the Transkei's Civil Service was reduced from 455 to 365 between the end of 1963 and the end of 1967, while the total number of posts on the fixed establishment increased from 2,446 to 3,394 (Horell 1969 : 144).

## 2. The Regional Authority.

The Tshezi are integrated into the Transkei Government through tribal and regional authorities. These in the main conform in names and boundaries to the old alignments that obtained before the Whites came.

The area of the Transkei, excluding "white spots" like Port St John's, is about 13,320 square miles (Horell 1969 : 138), and it is divided firstly into Regions. These are: Dalindyebo, Emboland, Emigrant Thembuland, Fingo, Gqolizka, Malutni, Nyanda,

3. See the Transkei Constitution Act, 1963, Sect. 63 (4); and the Transkei Annual 1968 : 33, published in Durban "with the full approval and co-operation of the Transkei Government" ibid. : 3.



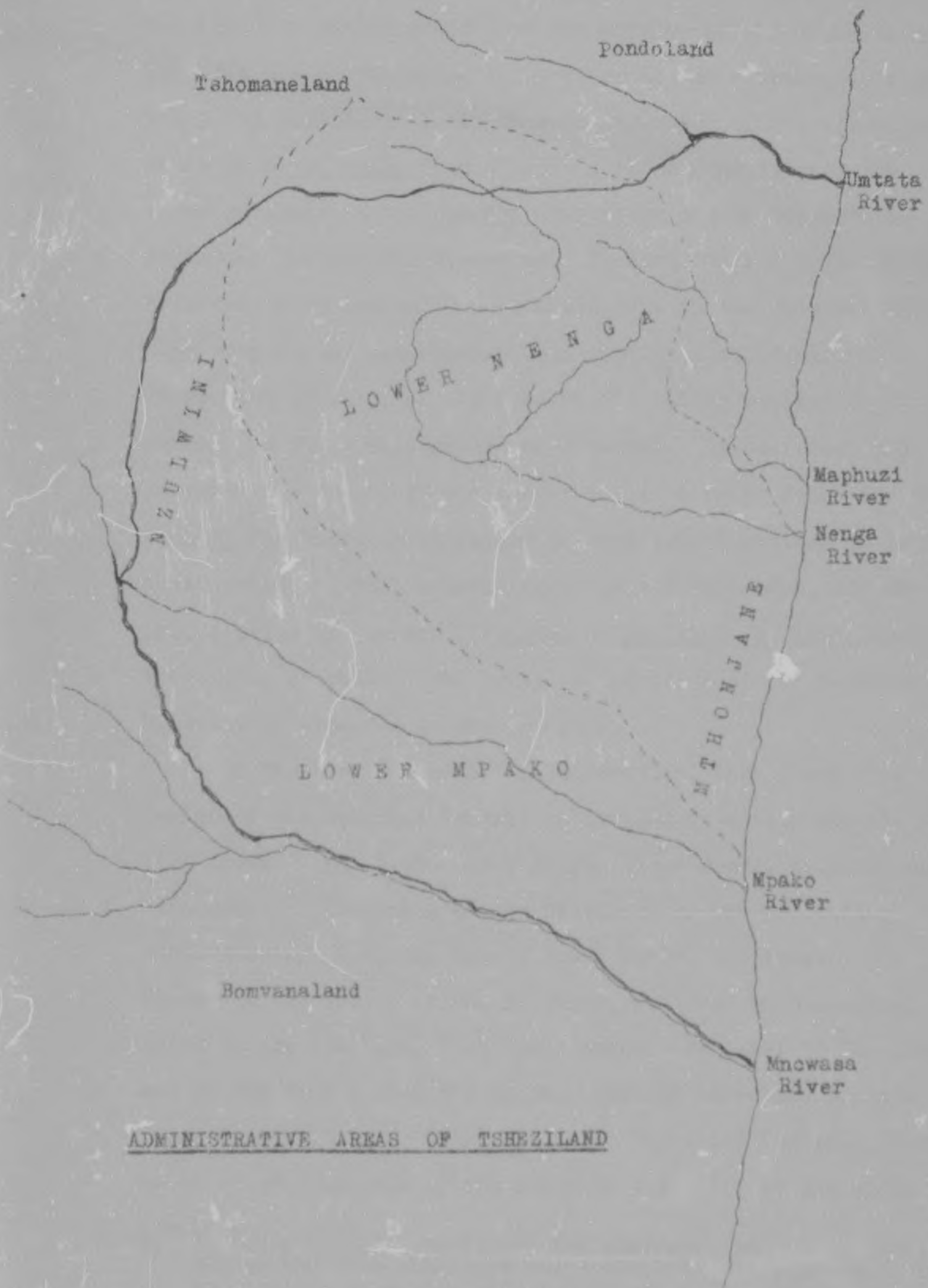
Qaukeni and Umzimkhulu. Each region is administered by its own Regional Authority. A Regional Authority consists of all the chiefs or other heads of Tribal Authorities in the region, ex officio; one councillor from each district in the region, elected by majority vote; one councillor appointed by the head of the Regional Authority (the principal chief of the region); and three councillors nominated by the Transkei Government (Transkei Authorities Act 1965, Sect. 10 (1)).

The Tshezi fall under the Dalindyebo Region (Thembuland). Their chief, Danisile Gobidolo, (acting for his nephew, Ngqungelisamana (-e)), is a member of the Regional Authority, and also has a seat in the Transkei Legislative Assembly at Umtata. The head of the Regional Authority is the paramount chief of the Thembu, Sabatha Dalindyebo. His great place is at Sithebe near the railway siding of Bhityi ("Bityi"). He is the lineal descendant and heir of that Thembu chief from whom, long ago, the Tshezi obtained their right to settle in Thembuland. Danisile thus recognises Sabatha as paramount, and Sabatha has the right to visit the tribe at any time and take precedence over him. This, however, seems to be a right seldom if ever exercised. The Tshezi are not Thembu except by residence, but the Act does provide that a regional authority shall, subject to the provisions of the Act, "exercise a general oversight over, and assist in the administration of, the affairs of the tribal authorities in the region (Transkei Authorities Act 1965, Sect. 12 (1) (a)).

### 3. The Tribal Authority.

A tribal authority consists of every chief and headman<sup>4</sup> of the tribe, and of councillors appointed or elected with the approval of the relevant Minister of the Transkei Government.

4. The Act recognises only paramount chiefs, chiefs and headmen. These receive salaries from the State. Every son of a chief is regarded as a chief by tribesmen, and every headman has sub-headmen to assist him, but these are not officially recognised by the Government of the Transkei.



Pondoland

Tshomaneland

Umtata  
River

LOWER NENGA

NZULWINI

Maphuzi  
River

Nenga  
River

LOWER MPAKO

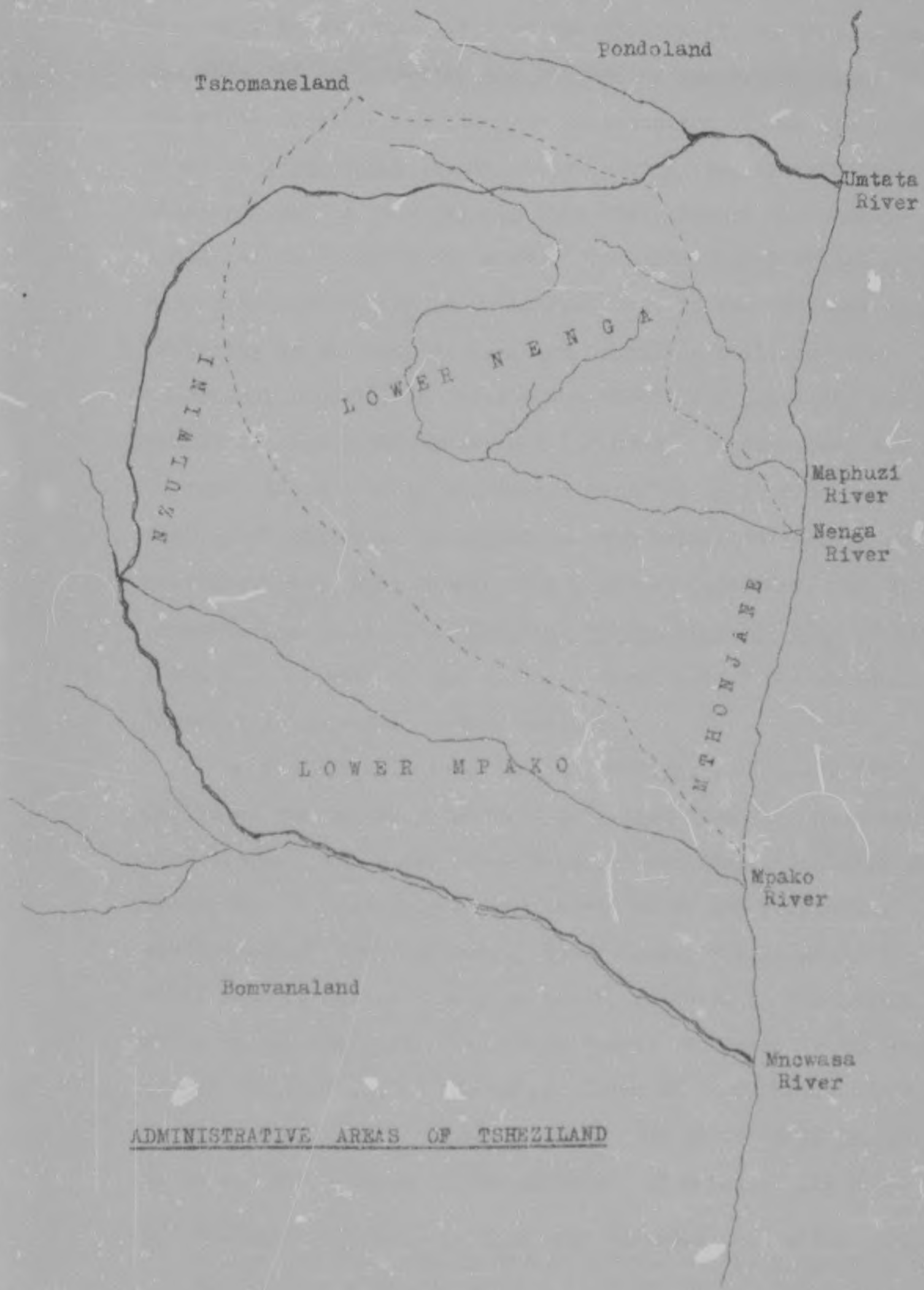
MTHONJANE

Mpako  
River

Botswanaland

Mncwasa  
River

ADMINISTRATIVE AREAS OF TSHEZILAND



ADMINISTRATIVE AREAS OF TSHEZILAND



The chief presides. In general the tribal authority assists the chief in administration of the affairs of the tribe within its area and in promoting the welfare of the tribes-people in every way possible. It is thus an extension of the old chief's court of amaphakathi (councillors), which used to meet for these purposes in the nkundla (the space before the cattle-kraal) of the chief's homestead. In particular a tribal authority considers and makes recommendations to the relevant higher authority on the establishing and providing buildings for Government schools, on old-age and disability pensions, and on arable and other allotments and licences. It exercises and performs the functions and powers assigned to it from time to time by the Minister in regard to such tribal matters as land administration, soil conservation, animal husbandry, and the preservation of forests (Transkei Authorities Act 1965, Sects. 3 and 4). A table of the tribal authorities of the Mqanduli District is appended to this chapter.

For the convenience of administration, Tsheziland (the region of the Mqanduli Tshezi) is divided into four administrative areas.<sup>5</sup> These are Lower Nenga, Lower Mpako, Nzulwini and Mthonjane.<sup>6</sup> Beginning at the Umtata river and proceeding south-westward down the coast, Lower Nenga, the largest of these administrative areas, is first, followed by Mthonjane, which is the smallest, then Lower Mpako. Nzulwini is the only one of the four not on the coast. Each of these areas has a headman, except Lower Nenga, in which the chief Danisile lives: he is at once headman of the district and chief of the whole

5. Formerly called "locations" and numbered, but which terminology has been abandoned now because of its suggestion of an African slum adjoining a European city. Similarly, since self-government came to the Transkei, "native" has been replaced in Government circles by "Transkei citizen".

6. Notice No. 315 of 1906, dated March 3rd, of that year. From a volume entitled Statutes in Force in the Native Territories in the magistrate's office, Mqanduli. I have brought the spelling of the names up to date and I have put Nenga first, as the largest and most important.

tribe. Of the other three, Ndlembula Ngubenambi (or Gobinambe) is headman of Mthonjane, Zwelivumile Sigidi of Lower Mpako, and Zwelebango Natshiki of Nzulwini. The following gives the relevant facts in diagram form.

Fig. 1

ADMINISTRATIVE AREAS (TSHEZI)			
Area	Size	Headman	Population <sup>7</sup>
Lower Nenga	37 sq. miles	Chief Danisile	3,876
Lower Mpako	15 " "	Zwelivumile Sigidi	1,451
Nzulwini	9 " "	Zwelebango Natshiki	924
Mthonjane	6 " "	Ndlembula Ngubenambi	628
	67		6,879 (total)

These administrative areas (iilali) are not arbitrary creations of the European government. They conform to areas of authority recognised by the people themselves, and their boundaries were determined long ago in consultation with them. In reading the description of the limits of these old "Locations" in the Government records one is conscious of listening to a group of old greybeards long ago patiently explaining these topographical details to some magistrate or government surveyor: -"on the ridge above Ntunyana's Kraal, thence in a straight line into the Mabungane Stream and down the stream into the Mpafa, down the Mpafa ..... then along the ridge taking the southern face as marked by the line of rocks passing south of Spani's and Joloza's Kraals".

The Tshezi Tribal Authority consists of the chief, the three headmen under him and a number of councillors. Everything has been made to conform as much as possible to traditional ways. The Transkei Authorities Act, it must be remembered, is an act of the all-African Transkei Legislative Assembly, on which the

7. Population figures are those of 1960, supplied by Mr P.J.L. Botha, magistrate of Mganduli. The number of square miles in each area is also copied from the District Record Book in his office.

Tshezi, in proportion to their size and status, are as fully represented as the other tribes.

In 1966 the Tshezi Tribal Authority consisted of four ex officio members (the chief and the three headmen) and fourteen councillors, five of whom were appointed by the head of the tribal authority (i.e. the chief) three by the paramount chief (i.e. the chief of the Dalindyebo regional authority, chief Sabatha Dalindyebo), and six by the registered voters.<sup>8</sup> In 1968 the number of councillors was eleven.<sup>9</sup>

These three orders of Chief, headmen and councillors are recognised by the Assembly and its parent body, the Government of the Republic of South Africa. But there is a lower order of assistants, appointed entirely by chiefs and headmen. Though these enjoy neither recognition nor emolument from the higher powers, they are of great use in maintaining order and supporting the political structure of the tribe. They are the sub-headmen. Each administrative area is sub-divided into smaller localities, also called illali, and over each such locality is appointed a sub-headman (ibhodi, from English "board"). He is responsible, first of all to the headman of the administrative area of which his locality is a part, and then through the headman to the chief. It is his duty to know all that goes on in his locality, to maintain order, and to report malpractices to the authority or authorities above him.

Although the sub-headman does not receive a salary, he gets certain emoluments in kind and in money too. People who want his help make him gifts and he imposes fines.

The principal activities of the Tshezi Tribal Authority which I observed over a period of seven months were: (1) the calling of public meetings and (2) the trying of cases according

8. District Record Book (item 3), Mqanduli: Cf. Transkei Authorities Act, 1965, Sect. 3 (1) (b).

9. Information from Mr W.D.D. Makohliso, Secretary of the Transkei Legislative Assembly, Umtata, who stated that the councillors are appointed for 5 years.



LOCALITIES (Iilali) AND SUB-HEADMEN OF LOWER

NENGA, UNDER DANISILE

<u>LOCALITY</u>	<u>SUB-HEADMAN</u>
1. Kohlo	Phongomile
2. EmaGcalekeni	Mqhunuvana
3. Bongweni	Phatshu
4. Conyeni	Msakeni
5. Sizinda	Gudela
6. Lower Sizinda	Gungubele
7. Gazini or Bonga	Bambilanga
8. Madakeni	Fanyana
9. Rini	Zweliwile
10. Lalini	Khaliphile
11. Ngogo	Mthintsilane
12. Lutshini	Madeshane
13. Kham	Ngubephamba (Jongiramba)
14. Jonga	Andamvimbo (Mvimbo)
15. Qoghi	Jongezweni

to tribal law. These were the things done formerly at a chief's homestead in the open air. Now they are done mostly indoors at what is popularly called iofisi (the office), or ibhodi (the board), a small rectangular hall at or near a chief's abode, erected for the use of the tribal authority by the Transkei Government. That of the Tshezi is a neat structure, purely functional and without ornamentation of any kind. At one end is a safe for keeping certain documents and other articles of value. At the other are a table and a chair, where the chief sits with his "secretary", or chief assistant, on his left. Both the chief and his secretary have had primary school education. Behind the chief is a wall with a door leading to a small room, which serves as an office for the magistrate when he comes down, and as an ante-room and a store-room for the tribal authority when he is not there. This is all there is to the little building, which has a cleared space in front of it, where people sit or recline while waiting their turn to go inside on business, or where public meetings are held if they are too large to be accommodated within.

One such public meeting which I attended took place, by an adjournment of the court, on a Wednesday, on which day the court is usually in session. A plainclothes police officer warned the group of headmen and people of the activities of terrorists seeking to infiltrate South Africa. He asked the people to supply information on any strangers of this sort, who would probably hide in the forests and store guns in pits there.

Another was addressed by the Chief Minister from Umtata, the Honourable and Paramount Chief K.D.D. Matanzima who was greeted by his name as a chief (igama lobukhosi): Ah, Daliwonga! An African clergyman led in prayer first and spoke to the people, beginning with the praise-poem: "Tshezi, Njilo-Njilo, oJalamba, with neck as long as a stick."

Meetings may be held on any day at the request of the chief. He announces at his courthouse that he wants his people to come

to discuss an important matter or to listen to some visiting official. His headmen and sub-headmen take the news back to their respective areas and localities, and it is spread abroad at beer-drinks and other functions. Unless it is something very unusual, however, the turn-out is seldom large. For the Chief Minister's visit about fifty were present out of a tribe of nearly seven thousand.

The other major activity of the Tshezi Tribal Authority, namely the hearing of lawsuits, will be discussed in the following chapter.



THE MQANDULI MAGISTERIAL DISTRICT

TRIBAL AUTHORITIES	ADMINISTRATIVE AREAS	POPULATION	CHIEFS
TSHEZI	Lower Nenga	3,876	Danisile Gobidolo
	Nzulwini	924	
	Mthonjane	628	
	Lower Mpako	1,451	
TSHOMANE	Ngcwanguba	3,050	Dalingozi Gwebin- dlala
	Naphuzi	1,641	
	Ncenduna	530	
	Upper Nenga	499	
	Upper Mpako	1,146	
	Ntsitshana	677	
	Luchwechwe	1,307	
NQABE	Qingqolo	674	Dalikhwezi Mrazuli
	Ntlangaza	3,089	
	Mbozisa	1,764	
	Wilo	2,209	
	Lwandlana	1,143	
	Mncwasa	727	
HEGEBE	Zanci	631	Bazindlovu Holo- misa
	Ngqungqu	1,691	
	Ncanasini	795	
	Mahlamvu	603	
	Thungwane	915	
	Mahlungulu	442	
QIYA	Kwenxura	2,006	Jongulwandle Duma- lisile
	Kalalo	827	
	Gengqe	2,248	
	Xhorana	1,525	
	Upper Tyholo	578	
	Lower Tyholo	1,825	
	Roza	462	
HALA	Rara	795	Ngcawezulu Mtirara
	Darabe	518	
	Cacadu	1,055	
	Cezu	1,450	
	Zibhodla	1,130	
XHESIBE	Ngqwara	3,177	
	Qokolweni	1,067	
	Jixini	424	
NQANDA	Magombe	434	
	Hlabatshane	1,149	

Note: Figures for Tshezi areas supplied by Magistrate, January 17, 1968. Other figures from District Record Book in Magistrate's office, but no year indicated.

LAW AND THE JUDICIAL PROCESS

The most pronounced and consistent activity at the courthouse, is the hearing of cases. The Tshezi love speech-making, conferences, debates and litigation of all kinds.<sup>1</sup> At the appearance of a knotty problem of tribal law, or one involving nice distinctions between what is permissible and what is reprehensible, eyes gleam in councillors' faces, bodies lean forward, lips are parted in excitement. The questions are fast and furious. "Kahle! kahle!" (wait a little! wait a little!) says one with lifted hand, anxious to enter the fray; and sometimes the chief has difficulty in calling them to order.

I. Procedure at Court.

The recognised day of the week for trying cases (amatyala) is Wednesday unless the chief has some special reason for hearing a case on a different day or there is some other special event on Wednesday, such as the visit of Chief Minister Matanzima mentioned in the previous chapter. There is no fixed time for court to commence. Early comers sit out on the grass and await the arrival of the chief, whom they greet with an upward wave of the hand and the usual Ah, Danisile! or Bayethe, Nkosi! (Hail chief!). The chief's secretary arrives a little earlier to open the door of the courthouse. There may be further delays, awaiting the arrival of litigants and witnesses. At last, about 10 a.m., all is ready for proceedings to begin. If it is an easy day, cases will go on until about one o'clock, but, more usually they continue until late afternoon, or even until sunset.

1. Lord Harlech n.d.: Sect. 12. "The African is a litigious person, and the public courts play a prominent part among his greater interests in life"; Hunter 1961: 416: "Pondo love talking cases, and attending the chief's court is a favourite diversion." It is quite otherwise with the Nuer of the Sudan. "In a strict sense Nuer have no law .... I lived in intimacy for a year with Nuer and never heard a case brought before an individual or a tribunal of any kind ...." Evans-Pritchard 1940: 162.

The chief takes his place at a little table. Jongezweni, his secretary, is on his left. To left and right are benches along the wall for the chief's councillors. In front of the table are cross-benches, row on row, to accommodate those who wish to attend, including relatives and friends of those involved in litigation. Immediately in front of the chief's table is an empty space, bordered by the councillor's benches at the sides and the first of the cross benches in front. Here the plaintiff and the defendant take their places, squatting on the floor. Chief and councillors are clad in European clothes, the neat suit of the chief being smarter than the odd assortment of well-worn garments in which his councillors appear. Men in the courtroom or outside on the grass wear trousers and shirt, with the traditional blanket draped over their shoulders. Women (except a few School people) wear the customary red-ochred blankets, skirts and breast-cloths.

There is neither a prosecutor nor counsel for the defence, nor any formal reading of a charge. The chief's secretary, or if he should be absent, one of the chief's brothers sitting beside him, or even one of the councillors, will ask the complainant to state his case, even though it may be known already from previous report. The man does so in calm measured tones, presenting it in as favourable a light as possible. Some of the councillors may ask questions or encourage him to elaborate some points. Then the defendant will be asked, "What do you say to this?" whereupon he presents his side. Then the councillors from their seats to left and right ply the two principals with questions, examining and cross-examining again. In this verbal free-for-all the truth emerges. Either the complainant or the defendant ties himself in knots, or is finally obliged to break down and acknowledge himself the guilty party, and to ask for the mercy of the court. Then the chief gives judgment: he may impose a fine - one or more sheep, goats, oxen, or an amount of



money - or order one party to compensate or make restitution to the other.

## II. Traditional Law.

The laws of the Tshezi and of neighbouring Xhosa-speaking tribes have never been written down fully or codified. Succeding European governments have resisted suggestions that this should be done in the Cape Province, as it has been done in Natal, because they have felt that this would stereotype laws that were in a state of flux and needed improvement, and would render permanent a system they preferred to think of as temporary (Hunter 1961: 425). But long-continued custom has made the commonalty familiar with most of the laws, while it is precisely the function of the councillors to guide the chief and his people on the finer points.

Radcliffe-Brown has suggested that much of the confusion consequent upon the attempt to apply to preliterate societies the European distinction between civil and criminal law could be avoided by speaking instead of the laws of public and private delicts. "In any society a deed is a public delict if its occurrence normally leads to an organised and regular procedure by the whole community or by the constituted representatives of social authority, which results in the fixing of responsibility upon some person within the community and the infliction by the community or by its representatives of some hurt or punishment upon the responsible person." (Radcliffe-Brown 1952: 212).

Among the Tshezi such delicts included crimes of "blood" (assault and murder) rape, witchcraft and slander; because in these the chief was the complainant and prosecutor, who was held to have suffered injury through the harm done to the persons or reputations of his subjects (Cf. Hunter 1961: 417). The chief might (as an act of grace) have shared some of the fine with his injured subject or his or her relatives. Rape, being a crime of violence against the person of a subject, fell

under the law of public delicts as an insult and injury done to the chief; but seduction and illicit intercourse did not. These constituted an injury to the parent or guardian of the girl, whose value in the marriage market had been reduced in consequence, so that her "dowry" cattle would be fewer.

On the other hand, in a case of private delict some person or group of persons which has suffered injury or infringement of recognised rights refers the matter to a properly constituted judicial authority, and that authority finds some third party guilty and orders it to make restitution to the plaintiff (Radcliffe-Brown 1952: 213).

The law of private delicts leads among the Tshezi to lawsuits concerning status, contracts, succession, inheritance, fields, marriage, property and the like. Most cases in the Tshezi court today are of such a nature; for indeed criminal cases now go to the higher courts of the magistrate or the Circuit Court to be dealt with, not by Tshezi law at all, but by the common or statutory laws of the country. However, the chief can continue to deal with such minor injuries to himself as accrue from slights or insults, disobedience to his regulations, refusal of gifts and hospitality, resistance to his messengers, or failure to render him reasonable help.

It must be emphasised that chief and headmen can adjudicate only in cases between Transkei citizens or other non-whites. As soon as a European is involved, the matter must go direct to the magistrate's court as the court of first instance. Even where Transkei citizens have been appointed magistrates, they may not try cases involving Europeans. Such cases must be transferred to a white magistrate's court. Furthermore, the subject of another chief should as far as possible be tried by his own chief. Thus when a man complained in court that while he was in hospital, his wife's father had taken his wife and given her in marriage to another man, because he had not yet paid the full

number of cattle of her bride-price, the Tshezi court, learning that he was from Bomvanaland, ordered him to take the case to the chief there.

### III. Cases in the Tshezi Court.

A number of cases I heard tried in the Tshezi court illustrate the principles just mentioned. I give some of them here in the categories of (1) public, and (2) private delicts.

#### 1. Public Delicts.

- i. Dismissal of a Sub-Headman. A murder having been committed in the Kham locality, the police had come and arrested several youths, but one had escaped. Chief Danisile and his secretary had gone to apprehend him a few days later. They were mobbed by a group of armed men, who did not hesitate to set on the chief himself and push him about. At length he had been obliged to flee for his life on foot, holding his revolver pointed at his pursuers and, in his haste, leaving his horse behind where it was tethered.

The chief now summoned the men from that locality before him, and the sub-headman had not reported the murder to the chief in the first instance, as was his duty, and when Danisile had gone there with the police at the beginning, the sub-headman had hidden away. The chief announced, as the decision of his court, that the sub-headman was dismissed (sub-headmen being appointees of the tribal authorities only, not of the Government), and told the men to go out and select a new one. When they returned and reported their choice, Danisile, approving of the man, appointed him and enjoined him regarding his duties.

Furthermore, those involved in the murder were young men fresh from the initiation rites. The chief declared they had not been circumcised properly - he himself had seen that only a small length of the foreskin had been removed. This was why their passage through the initiation rites had not benefited them; and those in charge of the circumcision were to blame. He therefore ordered that it be done again, and the men meekly agreed.

- ii. Beer withheld from Sub-Headmen. A sub-headman charged two men of his locality (ilali) with not bringing him his share of beer when their women brewed. The chief and his court, he said, had made a law that people must thus serve (ukubusa) to the sub-headman of the locality in which they lived, whenever they brewed beer at



home; but these two men had been sending the beer to the sub-headman of the locality in which they had formerly resided. They said they would give their beer where they had been wont to give it in the past.

The men were found guilty and were each fined one barrel of beer.

Another sub-headman, of royal blood, was told in similar circumstances to try the guilty persons himself, and, if they would not pay the fines he imposed on them, then to bring them to the chief's court.

- iii. Beer sold without Permit. A woman was charged by the chief with having brewed beer for sale without permission. (Anyone may brew beer but to sell it requires permission of the headman, or the chief). One Mtipha had the licence of the court to do this in a hut he rented from the woman. But, shortly before, he had appeared before the court to relinquish his permit for a couple of months while he built a hut of his own for the purpose of running his "coffee shop" (ikofshophu, but often mispronounced ikopushophi) as it is called. Then the defendant had continued to brew beer and sell it, pretending she was acting for him and under his instructions.

She was fined R2 and forbidden ever to brew beer for sale again.

- iv. Wife of Uncircumcised Youth Denied Field.

A woman charged a man with ploughing a field that was hers. As she was questioned, it transpired that her husband was away working on the goldmines and that he had never been circumcised. This made him a mere "boy" (inkwenkwe) in the eyes of the court.

Immediately she was told with indignation that she might not continue to have a field at all. (In their eyes she was a mere nka-zana, a girl of her father's homestead, to be fed with produce from her mother's field). The field would be taken from her, and she must go up to Mqanduli to have the matter adjusted in the magistrate's records.

Sometimes what had seemed to be only a private delict ended by having public implications.

- v. Public Abuse. A man brought witnesses to charge that time after time another had sworn at him and abused him publicly at beer-drinks. Once he had kept it up for three days.

The defendant said he had only been joking, but he could produce no witnesses in his favour, so the case went against him and he was found guilty.

The chief fined him the maximum fine allowed to a tribal court by Transkei regulations, namely R40, "for wanting to promote an uproar - because that is what

starts battles (iimfazwe)".

- vi. Resisting Authority. A sub-headman charged a young man with subverting his authority in that, when he had shut up some boys in his hut to arrange for them to undergo circumcision rites, this young man had appeared in his absence and broken open the door, saying he wanted one of the boys who was from his home.

The defendant denied having any knowledge of the matter.

The chief ordered the case transferred to Kwaaiman (the police post thirteen miles away, visited by the magistrate for hearing of cases). He dispatched a man on a bicycle to the Nenga trading store, where there is a telephone for a police van. Till the police came to fetch him (which they soon did) the young man was held in the small room at the back of the courthouse.

- vii. A Sub-Headman Exceeds His Authority. A woman charged a sub-headman, who had quarrelled with her son who had since gone to work on the gold mines, with ordering her out of his locality where she had her home, telling her she must go back to the locality from which she originally came.

The defendant, a member of an alien clan who had settled in Tsheziland, admitted the charge.

The court informed him that he had no right to expel people in Tsheziland. He was only a subject himself and did not have power to "destroy" (ukuchitha) anyone apart from the authority of the chief.

The defendant threw himself on the mercy of the court, which ordered the matter held in abeyance (the woman remained in her home), pending the return of the woman's son with whom the sub-headman had had the quarrel in the first place.

- viii. Contempt of Court. The men of the Thokazi locality near the Umtata river were charged by the chief with contempt of court, because when summoned by the chief they would not appear, and furthermore they neglected to have their boys circumcised as ordered. (There was a drive on by chiefs throughout Thembuland in 1968, under the command of the paramount, to have all boys conform to the initiation rites).

As the case proceeded, the sub-headman declared that he no longer wished to be a part of the Thokazi locality, on account of the quarrelsome nature of the people there; an elderly and very contentious Thokazi man rudely stalked out of the court; and the rest manifested a rebellious and stubborn spirit.

The judgment was that, if they were not prepared to be amenable to the Tshezi

Tribal Authority, they could come and get a letter of dismissal and go back across the Umtata river to the place they came from (Pondoland). Or let them move anywhere else they wished if they could. Otherwise they would be "killed" any day they liked to name.<sup>2</sup> If none of these things was done, they would be placed under a different sub-headman and their present locality dissolved as a tribal administrative sub-unit.

All those who had uncircumcised sons were fined one beast per son, a total of eight beasts for the group.

## 2. Private Delicts.

### ix. "The Delict of the Cattle" (Itiyala leNkomo).

A woman charged her father's brother, as her guardian (her father being dead), with failure to provide her with the necessary medicines and wearing apparel for her to become initiated as a diviner, in spite of the fact that he had "eaten up" two lots of her bridewealth cattle (ikhazi) she having been twice married.

The defendant replied that he had asked her to wait and he would take care of these matters. He now asked for a week's grace to do it.

The court granted his request.

The woman's husband was not responsible to provide her with these things (medicines, white beads, white blankets, etc.), because the spirits which were making her "sick" to become a diviner were not his but those of her own people.

Significantly, this was dubbed "the delict of the cattle", emphasising the fact that a woman's father or her guardian is obliged to provide for her in these and certain other matters, in return for the bride-price received for her.

### x. A Divorce Petition. A woman petitioned the court for a divorce. Four years before, she had been accused in her husband's home of "having a Thikoloshe" and being a sorceress. On these grounds she had been beaten by uncircumcised youths and driven out, while her husband made no move to protect her. So she had been obliged to return to her own people. In all these years her husband had not shown the least concern for her, nor contributed to her support. Now she asked to be "washed off by her husband" (makahlanjwe yindoda),

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2. A threat that would probably not have been implemented.



because he and his people believed the accusations against her.

Her husband, who said it was now the sixth year since the trouble began, claimed that he had tried once to get her back. Her mother's brother, who had looked after her, had demanded an ox as compensation. He, the defendant, had refused to pay it. He declared he wanted her back, and said he would build her a home in a different place, since she was afraid of being beaten again by the youths. Besides, the position taken up by his family was that she had never been "smelt out" (akanukwanga) for having a Thikoloshe.

The court decided in favour of the wife. The chief gave the man three months to bring his wife home. If he did not do so by then, he was to be taken before the magistrate, so that his wife might obtain her divorce.

The custom of paying bride-price or bridewealth is one of the most common causes of litigation. The cattle are received by the girl's father or, if he is deceased, by his heir, the girl's brother or half-brother. They may be used to provide, in turn, the bride-price for a wife for the latter, or for one of the other brothers. In return, the family are responsible, as mentioned, to provide for their daughter in certain ways. For instance they must provide her with new clothing and household equipment for her marriage; they must receive her back and care for her, if her husband beats her or deserts her; and they must provide for her the sacrifices and rituals demanded by her own ancestral spirits.

xi. A Petition for Recovery of Money and Cattle.

A young man charged his elder brother with refusal to surrender four cattle belonging to him, and also a sum of R60 which he owed him. The money had been lent to enable the older brother to get home, after he had been taken ill on the mines. The cattle had been purchased with other money which the complainant had sent home from the mines from time to time with instructions that the cattle should be bought and kept for him. Now that he wanted to move out and establish his own homestead, the older brother refused to surrender money or cattle.

The defendant said: "I shall not return anything to him, because I provided him with bride-price cattle to the number of twelve."

The complainant said: "The cattle for the bride-price were those we received when our sister was married."

The defendant rejoined: "You have no rights in the bride-price cattle of our sister, because I am the heir, being the eldest."

The judgment of the court was, that the elder brother must restore the four cattle and the R60 of his younger brother, and recover the bride-price cattle in some other way, perhaps when the younger brother received cattle for his daughter.

No less productive of litigation are disputes over land, especially fields. Land is assigned for occupation, as will be explained later, and every such assignment has to be recorded in the office of the magistrate. Nevertheless fields are regarded by the people as negotiable for money in some sense, as the following shows:-

xii. Right to a Field. The mother of X- of the royal family complained that she had borrowed R90 from another woman and given her a field as security. Now, when she wished to return the R90 and get her field back, the defendant refused.

The defendant said she had bought the field by agreeing to let the complainant keep the R90 and by adding to it two head of cattle, an amount of R14, then another of R16 and finally a sheep. She also at different times had further "served" or "paid court" (ukubusa) with three bottles of brandy, an amount of R5 and another of R10. In return for all this, the complainant had agreed that she might keep the field.

The complainant said that of all these things beside the R90, she received only the R14 amount. All the rest were received by her son.

The defendant replied that she had nothing to do with the way these things might have been distributed among the family; as far as she was concerned, she had dealt throughout with the complainant now before the court.

The case was held over to the following week, and the son was ordered to appear then also.

When the case was resumed a week later, the son did not appear. But the complainant and the defendant had resolved their differences in the meantime and were now on the best of terms. The complainant explained that she had been misled by a nephew of hers, who had said to her: "it cannot be that something belonging to our homestead should pass to an outsider. Give the woman back her R90, and give me the field for which I

shall pay you this R101. But when the complainant had come to reconsider the whole matter, she had realised that this would not have been treating the defendant fairly at all. The field was rightfully hers - this she now recognised. Instead she wished to return the R101 to her nephew - and she produced it there and then and laid it before the court.

The money was counted and found to be correct. The court ordered it to be returned to the nephew and the field to be given to the defendant, the matter to be adjusted with the magistrate.

An amusing example of tribal justice with regard to fields occurred at the chief's court one day.

- xii. A Pig in a Garden. A man charged another with having killed a pig of his, which had entered his garden. The defendant replied that the complainant's pigs were continually wasting his garden. The complainant then pointed out that according to tribal law the owner of a garden was supposed not only to fence it as the defendant had done, but also to watch it against small stock like pigs making their way into it. But the defendant, after planting his garden as usual that season, had moved his homestead elsewhere, and had left the garden without anyone to watch it.

The defendant maintained that since this garden was far from his new home, it was no longer to be classed as a garden (igadi) at all, but as a field (intisimi); and therefore it was not subject to the law about owners watching their gardens. Moreover it was fenced, which an intisimi was not even required to be.

"Very well!" said the court. "We accept your judgment that the garden is now your field; go ahead and plough it; but we take from you your other field, that you inherited from your father, and we shall give it to someone else, for you may not have both!"

This may be compared with case No. iv, where the woman who brought the charge was dispossessed of her field on the ground that her husband, being uncircumcised, was not a man but only a boy, and therefore was not entitled to a wife or a field. This is the old orthodox position, but girls are no longer so fastidious about marrying uncircumcised youths. In the present case (xii) a man was trying to hold on to two fields, when he was entitled only to one.

I did not observe that the decision in either of these



cases (iv and xii) was unpopular, though that of No. iv must have been distasteful to the considerable and growing minority of people who are opposing, or at least neglecting, circumcision.

Observations of the Tshezi judicial process leaves one with the following clear impressions.

There is in their minds a norm of reasonable and customary conduct, born of centuries of tradition and practice, adaptable in minor points but fixed in essentials, to which all persons are expected to conform. Repeated deviations from this norm, and toleration of lapses, should not blind us to the fact that the norm exists. It is heavily weighted towards corporate social responsibility.

Four principal safeguards of law and order are recognised: (1) The elders of the family or lineage, meeting in consultation at home - the "moot" as Bohannon has it (Bohannon 1957, 160 ff.); (2) the sub-headman's court of a locality; (3) the Chief's court of the tribe; and (4) the Commissioner's court of the district.

The Tshezi being pre-literate and their laws not codified, there is no suggestion of anything given in evidence being either inadmissible or irrelevant, if it helps the councillors to effect reconciliation of the parties and to preserve the cohesion and the amity between different individuals of a corporate body. This preservation of goodwill and right relationships between members of a kinship group, or between Chief and commoners, is considered the main purpose of the courts. But even to restore relationships, councillors will not countenance flagrant wrong-doing.

Impartiality is an essential virtue of court procedure. Both sides must be fully heard. Witnesses for both parties must be called, and cross-examination allowed. There is no jury. This function and those of prosecution and defence are

all performed largely by the councillors who conduct the case. The chief's aptitude is shown by his ability to gauge the consensus of opinion of these leaders, and to express it at the end as his own judgment and pronounce sentence accordingly.

The absence of writing prevents their application of the laws from becoming a forensic science (cf. Gluckman 1967: 362), even though, at the present time, chiefs' courts at least keep some written records, though I did not observe them looking up records to weigh precedents. The absence of historical records prevents the meticulous citing of former decisions, and makes for flexibility. Equity, justice and morality, as conceived at the moment and checked against remembered usage, count for more than legalistic exactitude and puristic consistency. Customary life and conduct are as important as precedent.

Yet - as to basic principles and logic - I should say of the Tshezi as Gluckman does of the Lozi, that "the judicial process corresponds with, more than it differs from, the judicial process in Western society" (Gluckman 1967: 357).

In twenty-two cases at the Tshezi court, the results were as follows:

Fig. 2

RESULTS OF TRIALS IN THE TSHEZI COURT			
	Cases	Per-	cent.
Accused convicted	16	72.72	
Accused acquitted	1	4.55	
Transferred to other courts	3	13.64	
Charges dropped	2	9.09	
Total	22	100 %	

Thus nearly 73% of the cases ended in conviction of the accused. This accords with Kuper's finding, that among the Kgalagari "the overwhelming majority of cases end in conviction or in the upholding of the claims of the complainant" (Kuper 1969: 45). He attributes the rarity of acquittals to smallness of scale within a face-to-face community, where almost everyone

knows beforehand what has happened, and to the fact that decisions are rarely made on merely technical points.

#### IV. Sanctions.<sup>3</sup>

Powerful influences operate upon the Tshezi to enforce obedience to their laws.

(a) There are the diffuse social sanctions begotten of long-continued custom and tradition. No one wants to be the first to break the chain of habit that binds the present social order to that of long ago. Even when a few have led the way, the great majority are slow to follow. They speak contemptuously of those who are converted to the new ways of school and church as amagqobhoka, "punctured ones", that is those in the wall of whose traditional ways a breach has been effected through which the sea of foreign influences has poured, and who themselves in consequence now constitute a breach through which these influences are inundating the whole tribe. When one of their number embraces the Christian faith and eschews tribal feasting and dancing, rituals and ancestor worship, the conservative Reds shake their heads and say, ugqobhokile, "he has been breached."

Some of these diffuse sanctions are of a negative sort. The vocabulary reveals things that are not countenanced in a descending order of disapproval.<sup>4</sup> An act is "not good" (ayilunganga), or is "bad" (imbi), or it is "wicked" (ikohlakele), or a "disgrace" (ilihlazo), or, finally, it is of the order of things "vile and unclean" (ngamanyala), like incest. Negative sanctions are the strongest; and it is not so easy to find

3. See Radcliffe Brown 1952: 205-11, to which I am indebted for my classification of sanctions.

4. This does not imply any sort of codification or "grade" system, but only that they recognise some forms of social misbehaviour as more reprehensible than others.



terms expressive of positive sanctions, but there is an ascending order of approved deeds from those which are "good" (zilungile) to those which are "beautiful" (zintle) and, finally, those that are "pure and holy" (zingcwele). Positive sanctions urge children to respect their elders; youth to undergo the circumcision rites and the intonjane rites of the young women; a wife to honour (hlonipha) her husband and his male relatives in the ascending line; men and women to keep to their respective sides in the huts; and so on.

(b) Diffuse sanctions develop into organised sanctions when they are supported and enforced by a constituted authority, like the chief and his advisory tribal council. A deviate from approved behaviour may suffer the contumely of public reprobation; or ridicule expressed in the open court; or the punishment of a fine; or that of dismissal from his position of headman or sub-headman; or banishment and destruction of his property (ukuchithwa, "to be destroyed or overthrown"); or even, as in the case of one convicted of sorcery in the old days, death.

A man is "destroyed" for contumacious behaviour, such as refusing to obey orders of the chief or his court, or to pay a fine, or for being of a quarrelsome nature and causing continued trouble. Formerly when a man was "destroyed" by the chief, the latter simply sent men to kill him. If it was a case of the people not wanting him, they would notify him of the fact by placing a "monkey-rope" (Rhoicissus digitata) and a stout stick on the ground immediately before the threshold of his hut. This was a threat of death by strangulation or by cudgelling. They put these things there at night. If he did not depart betimes, they would return another night and again place these things before his door. If after the second warning he still did not depart, they would come one morning and kill him.

Ukuchithwa still goes on sub rosa apparently, but does not always work. A man near Coffee Bay was thus threatened. He sent his family away, but he himself would not leave. When the people came for him, he escaped on horseback, riding bent low down on the offside of the horse. At other times he fought off his attackers. He was a tall powerful man, and the people feared him. At last they gave up the attempt to get rid of him. Today he is in good favour again and prominent in the tribe's affairs.

Organised positive sanctions formerly included honours bestowed in war, like the right to wear feathers or other insignia, and the right at any time to wear the ivory arm-rings (umxhaka) which were seen among the Tshezi fifty years ago, but are now gone.<sup>5</sup>

Though many of these old sanctions have disappeared under White government, others have been introduced by that government, including, among negative ones, imprisonment, strokes and hard labour.

(c) Religious sanctions operate powerfully. This world is believed to be under judgment by the world unseen, where the Supreme Being and the ancestral spirits jealously watch our every action, ready to apply positive sanctions like health and prosperity in return for our doing good, and negative sanctions - drought, blight of crops, cattle-sickness and other misfortunes - as punishments when we do wrong.

(d) Retaliatory sanctions were permitted in the old days, as when witches and sorcerers could be "smelt out", tortured, and put to death if they did not confess; and adulterers, if caught in flagrante delicto, could be killed by the offended husbands. But now under the Administration such measures are prohibited, and if applied must be concealed.

5. Cf. Alberti 1968: 33, 83. He, however, speaks of as many as "nine or ten" being worn on the left upper arm. I never saw more than one.

## CHAPTER VI

### INFANCY AND CHILDHOOD

My purpose in ensuing chapters is to trace out the relationships and inter-actions of the Tshezi as they live together in families, lineages and clans. I shall describe individual development from the birth of a baby through childhood, adolescence and puberty to marriage. Here such matters as clan exogamy, kinship and family life will be discussed. Then will follow the occupations and diversions of maturity which have not yet been described. Finally will come customs related to old age and burial.

#### 1. Mother and Baby.

What follows is a description of birth among the Red Tshezi, so that references to "doctor" and "medicines" are to be understood as referring to tribal doctors with their medicinal roots and herbs.

When a woman is pregnant she visits her own favoured doctor, who gives her medicine mixed with water to drink. He continues to treat her throughout pregnancy, the medicines being designed to prevent excessive labour pains and to make delivery easier. Hunter mentions that among the Mpondo the woman is given a plant to grow in water, and that instead of ordinary water she drinks the water in which this plant grows, or in which portions of it have been boiled. She is made to kneel naked to the waist in a hut before this plant and to confess all her dreams and evil deeds, especially if she has committed incest. I did not hear of these practices among the Tshezi, though they are one with the Mpondo in believing that if an infant will not take the breast, this is a sign that the mother has committed incest, and that she must then confess it.

For her first confinement a woman may be permitted by her husband to go to the home of her parents. On the other hand this is not necessary. Many women have their first baby at the



husband's home. Among the Ngqeleni Tshezi, Hunter found that husbands objected to their wives going to their parental homes for this purpose, saying that if they did so they would have labour pains all the way (Hunter 1961: 150). But an old umLungu man who had lived all his life among the Elliotdale Tshezi told me: "The first child is always born at the homestead where the mother herself was born." This is usual also among the Bhaca (Hammond-Tooke 1962: 74). It is expected that all births after the first one, however, will take place at the husband's home.

If the birth is to take place at her parental home, a woman's midwives are her "sisters", biological or classificatory; but her own mother may not be present or assist at the birth. "Your own mother must not enter the hut when you are in labour, because her presence will hinder labour." Why exactly this should be so, I have not been able to discover to my complete satisfaction. One is tempted to see in it the ritual significance of lineage relationship. By birth a new member is being added to the lineage. Therefore none must be present but lineage people; and one's mother is not a member of one's own lineage. This applies only to the birth of the first child, and is a sort of final claim of a wife's lineage upon her: in subsequent births at her husband's homestead, she is attended by women of his lineage..

The midwives do all the cooking for the expectant mother, because she "must not go near the fire with a child in her womb." However, among the Bomvana, according to Cook, the mother "cooks and eats alone" (Cook n.d.: 47), so this rule may not be strictly applied.

During pregnancy oranges, sweets and honeycomb are avoided as food, "because they make wild creatures (izilo) [tapeworms?] inside the baby", but there is much variation among informants as to what should or should not be eaten. One woman mentioned that during her pregnancy she ate wild greens (imifino), meat

## BY

EXPLANATORY NOTE

"By birth a new member is being added to the lineage."

Of course the child is of its father's lineage, but as it is a firstborn child the mother's lineage is of some consequence too. As stated, this is "a sort of final claim of a wife's lineage upon her". But the maternal grandmother, not being of the child's mother's lineage (nor of its father's either, for that matter), is a rank outsider and is therefore excluded.

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...the first one, however, will take place at  
...the birth is to take place at her  
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...but her own mother may not be present or  
...  
...because her presence will hinder labor."  
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and milk, but no calabash milk (amasi) "because it is sour". These things seem, nowadays at least, to be largely a matter of choice.

The common posture in delivery is on the knees and bent forward.

After birth mother and babe are washed with warm water and soap.

A purgative (isihlambezo) of water infused with icakathi, Cape Honeysuckle (Tecomaria capensis (Thunb.) Spach), is used to combat constipation in the infant. Sometimes it is mixed with cow's milk.

As each succeeding confinement draws near, the husband appoints two women to act as midwives. They may be women of his own family - his sisters or his aunts. Opinions differ among Nguni people as to whether the husband's mother may attend the birth. Among the Mpondo, "The husband's mother must keep in the background because her presence makes labour more difficult, since the baby will 'avoid' .... its grandmother. If the child appears and vanishes again in the womb the husband's mother is sent out of the hut...." (Hunter 1961: 150-151). Hammond-Tooke says that among the Bhaca too, the mother-in-law must keep away from the confinement hut, as her presence is believed to make delivery more difficult (Hammond-Tooke 1962: 74). Cook found that the Bomvana "nowadays" admit the husband's mother to the hut, but that some women thought it should not be allowed (Cook n.d.: 48). The Swazi (and it is to be remembered that the Tshele claim to have arisen among them) allow the average woman to be assisted "more especially by the mother-in-law" and also by co-wives and friendly neighbours, though in the case of royal births the queen mother may not be present (Kuper 1947: 74). One of my informants said that one difference between having a child at your own home and your husband's home was that, whereas in the latter case your mother-in-law could be one of the midwives,



in the former case your own mother could not be. On the whole, it seems that the mother-in-law's presence is permissible at Tshezi births.

Though a woman, after her marriage may not drink the milk of her husband's cattle until certain rituals have been observed, this, as will be explained in the section on Marriage, may take place early, or even at the conclusion of the marriage ceremony (uduli) itself, before she has given birth to her first child (Hunter 1961: 200; Hammond-Tooke 1962: 119). However, whenever she gives birth, she returns to the hlonipha custom of avoiding the milk of her husband's cattle for a few days, until the umbilical cord falls off. Nor may she eat meat of her husband's cattle at that period, should there be a ritual or other killing.<sup>1</sup> According to an old Bomvana informant, this is one reason for a woman having her first baby at her father's homestead. She does not have to observe these avoidances at her father's home. "She does not hlonipha her own people, she hlonipha's here at her husband's home." For the same reason at her husband's homestead she may not expose her head and breasts, as she may at her parents' home: she must wear a headcloth (ighiya) and a covering (incebetha) over her breasts.

Men may not enter the hut in which a woman is in labour. This includes her husband, who may not enter until the umbilical cord has dropped from the infant. If he has any communication to make, he must make it through the doorway.

Births among the Tshezi sometimes take place in the fields or even by the wayside. If a woman is overtaken with labour on the way home from a trading store, for instance, she kneels by the side of the road and gives birth. After severing the umbilical cord, she wraps the rest of the cord and the afterbirth

1. Tshezi do not ordinarily kill cattle just for meat - there has to be a contributing cause, e.g. a sacrifice or other ritual, or the animal is judged too old to continue living.

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