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UNIVERSITY OF THE WITWATERSRAND

A F R I C A N S T U D I E S I N S T I T U T E

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Title: Continuity and Change in Ciskei Chiefship.

by: J B Peires

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Continuity and Change in Ciskei Cheifship. J.B.Peires.

The conventional wisdom of South African ethnologists, whether liberal or conservative, has been dominated by the idea that African politics operated according to certain fixed rules ("customs") which were hallowed by tradition and therefore never changed.[1] A corollary of this is that if these rules were correctly identified and fairly applied, everyone would be satisfied and chiefship could perhaps be saved.[2] It is, however, fairly well established that genealogies are often falsified, that new rules are coined and old rules bent to accommodate changing configurations of power, and that 'age-old' customs may turn out to be fairly recent innovations; in short, that "organisational ideas do not directly control action, but only the interpretation of action".[3] The conventional wisdom was successfully challenged by Comaroff in his important article, 'Chiefship in a South African Homeland', which demonstrated that by adhering too closely to the formal features of traditional government and politics among the Tswana, especially those concerning succession, the Government wrecked the political processes which had enabled the Tswana to choose the most suitable candidate as chief.[4] And yet Comaroff's article begs a good many questions. Let us imagine that the Government ethnologists read the article, and as a result allow Tswana chiefs to compete for office as before, permitting "consultative decision-making and participation in executive processes".[5] Would this prevent the Tswana chiefship from dying? Can we, in fact, discuss chiefship in political terms alone without considering whether the material conditions in which it flourished still exist? The present article will attempt to situate the question of chiefship in a somewhat wider framework than that usually provided by administrative theory or transactional analysis.

The Ciskei - Historical Background [6]

The last effective Paramount Chief of all the Xhosa (not to be confused with the Mpondo, Thembu, Mpondomise, Mfengu, all of whom are today lumped together as Xhosa) was Phalo (reigned c. 1715-1775). By the time of his death his kingdom stretched from east of the Mbashe river to west of Fort Beaufort and the Bushmans River. The various chiefs of the royal Tshawe clan competed with each other for followers and prestige subject to his loose authority. During Phalo's reign, a quarrel between his sons, Gcaleka (d.1778) and Rharhabe (d.1782) laid the foundations of a split which divided the Xhosa into two great sections, the amaGcaleka of the east and the amaRharhabe of the west. Yet another dynastic quarrel split the amaRharhabe into the amaNgqika a the amaNdlambe (War of Thuthula, 1807-8). During the frontier wars of the early nineteenth century, a political and territorial wedge was driven between the amaGcaleka and the amaRharhabe. In 1847, the Rharhabe territory was annexed as 'British Kaffraria', the forerunner of the modern Ciskei, whereas the amaGcaleka, who were driven across the Kei, were eventually incorporated into the Transkei. A corridor of white settlement (comprising modern East London - Stutterheim - Queenstown) kept the two apart. As a result, the Rharhabe chief (sometimes called the Ngqika chief), became recognised as a second Paramount, junior to the Gcaleka Paramount. The position was further complicated when, at the end of the Frontier War of 1878-9, the Colonial Government drove all the amaNgqika into the Kentani District of the Transkei, leaving the Ciskei to the Mfengu and to other ama Rharhabe (such as the amaNdlambe) whom it considered politically more reliable.

The other ethnic group in the Ciskei, usually called the Mfengu (a name they generally dislike), is actually composed of several distinct Nguni-speaking peoples, the most important of which are the Bhele, the Zizi and the Hlubi. They fled Natal at the time of Tshaka's wars (1818-1828) and entered

Xhosa country, seeking service. As a client group, they were certainly not treated on an equal footing with the Xhosa, and the Colonial Government was able to play on their grievances to draw them into an anti-Xhosa alliance. The Mfengu played no small part in the eventual European victory, and the Xhosa remember with special bitterness that the Mfengu helped discover the hidden grain-pits which sustained the Xhosa fighters in the long drawn-out Frontier War of 1850-3. As a reward for their collaboration, the Mfengu were granted large tracts of Xhosa land. Since the Mfengu alliance was cultural as well as military, they acquired the Western skills and education which enabled them to dominate the better-paid jobs such as teachers, clerks, traders and clergymen. The Xhosa have not yet caught up, with the result that their historical grievance has acquired social and economic dimensions.

The Xhosa Chiefdom in the PreColonial Period

W.D. Hammond-Tooke calls Xhosa chiefdoms "tribal democracies". Inasmuch as this quaint term indicates that there was no chiefly despotism, that the councillors retained considerable power, and that decisions were usually taken by consensus, he is correct. However, it is important to appreciate that this desirable state of affairs did not arise from the fact that the Xhosa were more enlightened or more humane or had better political theorists than anyone else. Rather it was the product of the balance of forces at the particular conjuncture of a struggle in which the chiefs were endeavouring to extend their control over all spheres of their subjects' lives. The institution of chiefship was not part of the original dispensation among the Nguni. The people were at one time organised into clans (kinship groups, or what L.H. Morgan might have called phratries). At some time before 1600, certain clans came to dominate others, subdued them and turned them into commoners under their chiefship. Subjection was acknowledged through the payment of tribute, and the chief was entitled to certain services, mostly judicial and military,

from his subjects. There was a limit to what the chief could demand from his subjects, however, and these limits were circumscribed by two crucial determining factors: relative abundance of land and its converse relative scarcity of population; and the low level of technology required for pastoral production. It was impossible for the chiefs to secure their domination by purely economic means, and their political position was also not very strong. The nucleus of a chief's personal following was made up of the men who had been circumcised with him, and of young men who came to serve at his Great Place in return for their bridewealth cattle. Since land and cattle were readily available, the ease with which a poor man could set himself up as an independent homestead-head prevented the emergence of a permanent client force. In order to obtain a substantial following, the chief had to win the support of the influential commoners known in the ethnographic jargan as clan-section heads. Most of the commoner clans had broken up, but their senior members (clan-section heads) still commanded the hereditary respect and obedience of their kinsmen. They were the link between the chief and the vast majority of homestead-heads who, despite the nominal ownership of the chief, were the true possessors of the land and cattle of the country. (Once the chief had accepted the homestead-head as his subject, he could not impede his access to the land, and he could not, except in special circumstances, appropriate his property.) It was the clan-section heads who executed the chief's orders, collected his tribute and furnished him with warriors. They are usually known as councillors because they sat on the chief's council but their power depended on their own followings and not on the favour of the chief. The influence of the councillors was enhanced by the numbers of chiefs looking for subjects increased every generation. Dissatisfied councillors could desert singly or en masse, taking their cattle to a rival chief. Even headstrong chiefs usually backed down in the

face of such a threat. The councillors could even dismiss the chief from office.

This last statement may seem rather startling to those who are accustomed to believe that chiefs were born not made, and it therefore seems necessary to discuss this point in some detail: The ascriptive nature of hereditary office-holding inhibited but did not eliminate competition between chiefs. On the surface, the rules are clear enough: all sons of chiefs are chiefs, and they are ranked according to the rank of their mother. The heir to the chieftainship is the son of the Great Wife, who is usually a Thembu. The bridewealth for the Great Wife is paid by all the people, and her status is publicly proclaimed. Yet despite the clarity of the rules, it was possible to circumvent them. This was made easier by the fact that the Great Wife was often married late in life, and that sons often died young, through illness or war. The political situation was at its most fluid after the death of a chief. The superior rank of the Great Wife could be challenged by a subsequent bride. It might be alleged that the chief was not the real father of the Great Son, or that he disowned the heir-apparent's wife before his death. A contender could be eliminated through a witchcraft accusation. It was even possible to depose a recognised chief, and once this was accomplished a reason could always be found. Chiefs have been deposed or superceded for being 'cruel', 'stingy' or even 'stupid'. It is impossible to know to what extent such reasons are simply rationales. In oral societies even more than literate ones, it is the victors who record the history. Genealogies, for instance, are less accurate chronicles of genetic relationships than indexes of relative political standing. To give two examples from Xhosa history: the chief Mdange, born a minor son, is today remembered as a Right-Hand Son, and the upstart Mhala is regarded as the Great Son of Ndlambe. Political competition of this nature permitted the most capable chiefs to rise to the highest positions and reduced the likelihood of well-born incompetents holding office for very long. Even more

important is the fact that it was the most important weapon which the councillors could use against the attempt of the chiefs to expand the sphere of their domination.

Since chiefs were unable to retain their position through economic or military means, they relied largely on ideologicalsanctions and political manipulation. The chief played a vital role in the first-fruits (fertility) ritual, was doctored with exclusive magical medicines, and commanded the support of the diviners ("witchdoctors") - no chief was ever smelt out as a witch. On the political level, they manipulated the competition of the councillors for their favour and benefitted from their internal dissensions. They made sure that the councillors shared whatever tribute, gifts or booty was collected. They also exhibited a sense of group solidarity which limited the extent to which their internal squabbles damaged their group interests. Chief Ndlambe once told his victorious army not to pursue his mortal enemy Ngqika because, in his words, "That is a chief, and you are only ordinary black men." All chiefs exacted tribute, which meant that although a commoner could escape a particular chief, he could not escape being dominated by the chiefs as a group.

There can be no doubt that immediately before the Colonial conquest, the chiefly group was on the offensive. The effect of the Mfecane (Tshaka's Wars) was to reverse the material conditions which had weakened chieftainship. Land was no longer sparsely populated, as people clustered together for defence, and inter-chiefly rivalry within individual polities was severely curtailed. Chiefs such as Tshaka and Mswati took advantage of these circumstances to expand their control over production and even women (the means of reproduction). For instance, they appropriated and redistributed cattle, land and women, something the Xhosa chiefs were never able to do. Yet there are signs that the Xhosa were moving in the same direction, and aggressive and enterprising

chiefs such as Mintsa and Ngika succeeded in increasing their political prerogatives at the expense of their councillors. Nevertheless, by the time the precolonial period came to an end, the power of the chiefs among the Xhosa was by no means as fully established as it was among the northern Nguni, and the chiefs usually had to obtain consensus support from the councillors for measures that they wished approved.

The assult on chiefship

When the Ciskei ('British Kaffraria') was annexed in 1847, it came under the sway of British liberalism. Regardless of shifts in politics and policies, and regardless of whether the Government of the day was 'pro-native' or 'anti-native', the basic objects of its policy were remarkably consistent. These were enunciated as follows by Charles Brownlee, perhaps the most widely-respected of Native Administrators and Minister of Native Affairs in the first responsible Cape Government: "whatever tends to elevate the Christianize the Natives, whatever tends to diminish the power of the chiefs, whatever tends to increase the immovable or not readily movable property of the Natives."[8] The close connection between ideological, political and economic factors was very clearly perceived, and every opportunity was taken to induce a taste for European goods, private property and elected representation. This policy achieved its most mature expression with the Glen Grey Act, which Rhodes, then Prime Minister of the Cape Colony, exultantly described as a 'Bill for Africa'.[9] Economically, the main effect of the Act would have been the division of the people into two classes, one of smallholders holding their plots on individual tenure, and the other of landless labourers, created by a clause which provided that the plots could not be divided among male heirs. A further clause, providing for a labour-tax, may be dismissed as a short-term expedient since it allowed for only three years compulsory labour. The Act roused so much antagonism among Africans that the Government feared an armed rebellion. Moreover, it was found that it was not particularly effective

in securing the supply of labour. As a result, the policy was not persisted with, and died a slow death.[10] The Native Trust and Land Act of 1936 marked the final rejection of individual tenure, and the acceptance that a suitably modified version of the pre-colonial way of life would be established in the reserves.

The political counterpart of the attempt to replace communal tenure with individual land-holding was the attempted substitution of elected headmen for hereditary chiefs. At first headmen were appointed, and the Government was always careful to ensure that all headmen remained well-disposed towards them. Of necessity, however, many 'headmen' were in fact chiefs and continued to be regarded as such by the people. Even commoners who were appointed to headmanship hereditary.[11] The Glen Grey Act attempted to circumvent this difficulty be creating councils that were of superior authority to the headmen, elected by those who held land on individual tenure. The intention was that educated men, who had attained their position on merit, should be elected as appropriate counterparts to the emerging class of smallholders whom they were representing. The councils were also intended to provide an alternative to direct representation of Africans in the South African Parliament and they proved so useful in this regard that they were retained and extended long after the other Glen Grey provisions had been quietly dropped. The extension of the council system to areas which were still under communal tenure increased the proportion of chiefs and headmen, so that they came to dominate the council too.[12]

We see then that the turning-point for chiefship was not the Bantu Authorities Act of 1951, which formally reconstituted chiefly power but the failure of the Glen Grey Act of 1894, which marked the high-point of the liberal attempt to destroy it entirely. The Bantu Administration Act of 1927 formally provided for the recognition of chiefs. The survival of chiefship during this period should be seen as part of the wider resistance of the Africans to the imposition of Colonial control following the European military conquest. Chiefship was supported because it was the symbolic focus of the

cultural, religious, political and economic life of the people, and the chiefs had been in the forefront of resistance to the Europeans. Even today, such popularity as the chiefs still possess derives from their opposition to the 'Trust' - rehabilitation measures which appear to threaten communal grazing rights.

Chiefship in the Ciskei

This is not the place to summarise or take up a position on the voluminous and controversial literature concerning the introduction of the policy of separate development. Suffice it to say that by 1948, the chiefs no longer posed a military threat to the European-dominated South African government, and the government, for its part, no longer thought to extirpate chiefship and the way of life it represented. Moreover, the focus of conflict had shifted to South Africa's great industrial complexes, and away from the rural frontiers of the initial settlements. The door was therefore open for a reconciliation between the central government and the chiefs, who were the ruling elite of the African rural areas.

The tribulations of chiefship during the liberal interregnum, and the consequent support chiefship had received from the rural masses, had camouflaged a very material shift in the pre-colonial power balance between chief and people. It will be recalled that the strength of the people vis-a-vis the chiefs had rested on four premises (1) abundance of land (2) shortage of people (3) dependence of the chief on councillors and people for military support (4) rivalry between chiefs. Premises (1) and (2) had disappeared through Colonial land confiscation and population increase. Premises (3) and (4) had disappeared through the Colonial interdiction on trials of military strength. On the other hand, the chief was still able to wield his old ideological and political weapons, albeit in a modified form. Ideologically, he presented himself as the 'father of the people' who had presided over the 'happy community' of what appeared in retrospect as the

'good old days'. In fact, as we have seen, it was not the chief but the councillors who had been the guarantors of the people's rights. Politically, the chief was a schemer as before, but whereas he had previously intrigued among the councillors, these were now powerless and he turned his attention to magistrates and government ethnologists, presenting them with genealogical and territorial claims which they found difficult to verify or reject. With regard to the possession of legitimate force, the chief had none of his own and was forced to rely on that of the South African state, a situation which placed him in a dependent position.

One stated purpose of the system of Bantu Authorities (Bantu Authorities Act 1951) was to revive the institution of chifship as an instrument of national regeneration, in the hope that this would lead to a more positive attitude than had been evinced under the old council system.[13] Since the personnel of the old council system was much the same as that of the new Tribal Authority (hereafter T/A) system and since their powers vis-a-vis the wider South African context were also much the same, this was being rather over-optimistic (if not insincere). In fact, the principal consequence of the new policy was to redefine the perimeters and rules of the political arena. It should be recognised that the South African Government faced certain difficulties with regard to rationalising chiefly authority so that it fitted the requirements of the state. On the one hand, there was the genuine problem of assimilating a patrimonial system of authority to bureaucratic principles, and on the other, these difficulties provided a series of opportunities which have been utilised by the chiefs as an instrument of political competition and by the Goverument as an instrument of political control. In fact, the issue of chiefship in the Ciskei is a prime example of the way in which ideological argument may be used as the language through which the real stuff of politics - competition for power - is conducted and, at the same time, concealed.

In setting up the T/As, the Department of Bantu Administration and Development (BAD) was confronted by the problems of identifying chiefs and defining the territorial limits of their authority. Its theoretical approach to this problem is indicated in the following statement by one of its ethnologists:

> The recognition or appointment of chiefs is in fact an administrative act that depends on a number of practical considerations. For example, the claimant's right to be regarded as a chief must be demonstrated genealogically. He must have a sufficiently large following, and his following must have its own territory in which it lives. He must be either independent of other chiefs, or recognised as a chief by a superior of paramount chief. Some of the tribal entities.. do not meet the requirements. A number of them are foreign enclaves with their own hereditary heads, living as subjects of other tribes.

Where recognised chiefs already existed, it was easy enough to recognise them as heads of tribal authorities. But since there were not enough recognised chiefs to operate the system (in Keiskammahoek District, where the Glen Grey system had, perhaps, progressed furthest, there was not a single recognised chief), and since there were a number of long-standing chieftaincy claims, the question of chiefship had to be reopened.

In pre-colonial times, all sons of chiefs became chiefs. The Great Son (or heir) and Right-Hand (or second-ranking) Son were usually the most important, but other sons could claim chiefship for their ixhiba ('grandfather') and iqadi ('minor') houses. Claims were often beefed up by connecting ancestors to higher-ranking houses which had died out. For instance, no fewer than five sons of Ngqika (Sandile, Maqoma, Tyhali, Dondashe, Anta)[15] established chiefships which are generally recognised today. Oral genealogies are notoriously unreliable, and many were never recorded in writing. Because of this it was difficult for the best-intentioned of ethnologists to draw a hard and fast line between a legitimate claimant and a faction led by a commoner member of the royal clan. In addition, the BAD had to pass judgment on internal dynastic quarrels, such as that which had divided the amaMleke of Phie Location, King Williams Town (henceforth KWT) District, into two

parties each recognising a different chief - neither of which was the headman. Nor was it easy to determine whether a given claimant was the legitimate but unrecognised chief of an independent chiefdom or the 'hereditary head' of a subject 'foreign enclave', since the claimant would inevitably maintain the former while his nominal superior would inevitably maintain the latter. The problems surrounding Mfengu chiefship are even more intricate, since the Mfengu are in fact a number of nations, none of which has a royal clan, although there are royal lineages.

Furthermore, location boundaries did not always coincide with chiefly allegiances. In Peelton Location, KWT District, the imiDange and imiNgqalasi chiefdoms were intermingled and at odds. At the other extreme, Chief Ngwenyathi Makinana of the amaNdlambe ruled the whole of Mdantsane District, an area obviously too large to be administered by a single T/A. In the old Ngqika areas, particularly in Victoria East District, there were scattered pockets of Xhosa living under Mfengu chiefs and headmen.

These difficulties only became significant with the granting of internal self-government to the Ciskei in 1968. Here the politics of chiefship intersected with the politics of ethnicity. The rising tide of ethnic hostility manifested itself in the 1973 election with the formation of the mainly Mfengu Mabandla group (later the Ciskei National Party - CNP) and the mainly Xhosa Sebe group (later the Ciskei National Independence Party - CNIP). The contest between the two was very close, and the Ciskei Legislative Assembly (30 chiefs, 20 elected members) elected Sebe as Prime Minister by a margin on only 26 votes to 24.[16] The Sebe group had won a convincing majority (13-7) of the elected members and could claim with some justification that Mabandla's strength lay primarily in the fact that a disproportionate number of the recognised chiefs were Mfengu. Eight chiefship applications were pending (7 Xhosa and 1 Mfengu, who turned out to be a Sebe supporter), and it

should be clear that if they were granted this would have the effect of making the Ciskei safe for Sebe. The fact that they were indeed granted, taken together with the conviction of several BAD officials for electoral irregularities on behalf of the Sebe group, seems to point to Government support for Sebe. There can be no doubt that there were ample ethnic grounds for the recognition of these chieftaincies, five of which (imiNgcangethelo, amaGqunukhwebe-Phate, imiDushane-Qasana, imiDange, imiNgqalasi) were 'enclaves' and two of which (amaGwali, amaJingqi) were resuscitated Xhosa chiefships which are being reconstituted in Victoria East at the expense of the Mfengu. It is also clear that five of the seven claimants had unquestionable rights to the chiefship. But there were other applications, such as that of Welcome Mnyanda, headman of Qugqwala location, KWT District and regarded as chief by the surrounding Mfengu locations, which were turned down. According to government figures,[17] Mnyanda has more subjects and a bigger territory than any of the newly-recognised chiefs, except the imiNgcangathelo. This gives rise to the suspicion that Mnyanda was turned down (as a Mfengu, he might be considered a potential Mabandla supporter) on political rather than ethnographic grounds. The biggest losers by the introduction of the new chiefdoms were Chief Mabandla himself and Chief Makinana (a Rharhabe, but a Mabandla supporter), both of whom had two new T/As carved out of their territory. Incidentally, Makinana has decided to break up his chiefship by allocating each of the three T/As still under his control to a different son, lest these also be lost. This is a particularly good example of chiefship conforming to the administrative structure rather than the administrative structure conforming to chiefship.

Both Ciskeian parties are committed to chiefship and mention it specifically in their platforms. This is not simply for electoral purposes, but because no matter which chiefly group (sebe's or Mabandla's) is currently in favour with the Republican government, both depend on it for the

perpetuation of their status and privileges they enjoy at the expense of their people. The CNIP was able to make considerable political capital out of Mabandla's opposition to the installation of the eight chiefs, and claimed that he was opposed to the institution of chiefship itself.[18] Mabandla was unable to reply to these charges, but had a traditional card of his own to play. Among his few Rharhabe supporters was no less a personage than the Rharhabe Paramount, Mxolisi Sandile (A! Bazindlovu!) himself. Mxolisi's opposition was popularly ascribed to the influence of his Chief Councillor, Isaac Sangotsha, but it is worth remarking that with the exception of the Transkei, the relations between Homelands governments and Paramount Chiefs have always been tense. This is certainly the case in KwaZulu and Lebowa, and is also true of the analogous situation in Lesotho. Before the Legislative Assembly was due to elect the Prime Minister, Mxolisi and two other pro-Mabandla Rharhabe chiefs made a last-ditch appeal to chiefly solidarity arguing that if Sebe, whom they alleged to be a commoner, was elected Prime Minister, "the whole structure of chieftainship would collapse." Sebe denied that he was a commoner and accused the Paramount of meddling in Ciskei politics.[19] The attitude of the CNIP was that "in any country, the King or Paramount Chief was above party politics"[20] an argument also used by the rulers of KwaZulu and Lesotho, but not, it should be noted, by those of the Transkei, between pro-Homeland

Despite his electoral success, it would appear that Sebe's inferior status rankled. He was himself descended from a commoner who had distinguished himself during the war of the Axe (1846-7) and had been awarded membership of the Tshawe royal house in consequence by Chief Phato. This was the basis on which Sebe claimed, and was awarded, chiefship. His claim would have been valid in the old days, when all Tshawes were chiefs, but there is no reason why - apart from contemporary politics - why Sebe should have been turned into a chief when there are probably hundreds of biological descendants of Chief Phato who are not recognised as chiefs.

~~descended from the Right Hand Son of the Gqunukhwebe chief Phato. On the other hand, there is no direct connection between himself and the amaMlathi,~~ who undoubtedly wanted and expected a Mfengu chief when the BAD ethnologist visited them in 1957. Two other Xhosa chiefs also claim the land and people of the amaMlathi.[21a] A reasonable conclusion is that Sebe's claim to a chiefship is as good but no better than that of many others, but that his claim to the ~~chiefship of the amaMlathi is so dubious that it must have been approved on political grounds alone.~~

A final insight into the interplay between the ideology of tradition and the realities of political power is afforded by the struggle for the regency which occurred after the death of Paramount Mxolisi Sandile on 5 April 1976.[22] His heir, Maxhoba - Ayakhawuleza who is still a minor, was residing in Mqwali Location, Stutterheim District and being trained for the chiefship by Chief Mpangele a Rharhabe chief, who had been summoned from the Transkei for this purpose. Mxolisi's family were strongly of the opinion that his widow Nolizwe should act as regent until their son came of age. The majority of the Rharhabe chiefs, who were CNIP supporters, saw the opportunity of getting rid of the embarassing anomaly of a Paramount who supported the opposition. They constituted themselves into the 'Rharhabe Tribunal' and elected the Jingqi chief, Lent Maqoma, as regent. The CNP faction, which backed Nolizwe, called themselves the 'Rharhabe Privy Council'. It won the support of Xolilizwe Sigcawu, the Gcaleka Paramount in the Transkei, and of the Rharhabe chiefs still resident in the Transkei.[23] Since Xolilizwe is, to put it kindly, a political cipher, it is easy to see the hand of the Transkei government, which is hostile to Sebe. Both the Tribunal and the Privy Council held meetings at the Great Place without attending those of the other group, and both made public announcements on behalf of the ama Rharhabe as a whole. In fact, both were waiting for the announcement from Pretoria which would decide the issue. Not

surprisingly, in view its past support for the CNIP, the Republican State President in his capacity of Supreme Chief of the Bantu approved the appointment of Maqoma as from 26 August 1976. The Tribunal moved swiftly to eradicate traces of the Privy Council. Sangotsha was expelled from the Great Place, Nolizwe was packed off to Mgwali and, at the time of writing, Sebe was negotiating with the Magistrate of Zwelitsha to deport Mpangele to the Transkei.

There are still many Xhosa who remain deeply attached to the ideology of chiefly dignity and consensus. Imvo did not mention the party political dimensions of the regency struggle at all. The introduction of party politics was blamed for this sordid little comedy, and reference was made to the fact that in the good old days, such things never happened. The contending parties themselves set great store by the idiology of tradition and were careful to justify their procedure with reference to traditional precedents. But whereas the Privy Council group pointed to cases of female regencies, urged the sanctity of the dying wishes of the deceased and those of his family, and insisted that it was the function of the senior Gcaleka Paramount to give judgment on tricky legal points, the Tribunal pointed to the years 1829 to 1842 when a Maqoma had been regent for a Sandile, urged that it was the task of the chiefs to choose their regent, and insisted that the amaRharhabe were completely independent of the amaGcaleka. It would be absurd to ask which of these versions was closer to traditional procedure. As has already been indicated, traditional society was no static entity which adhered fixedly to set rules, but a dynamic and keenly competitive society which adapted its rules to suit changing circumstances. Had such a dispute broken out in precolonial times, it would undoubtedly have been settled by recourse towar. This would have been perfectly democratic, as the most popular candidate would have commanded the most spears. But once the democratic basis of chiefship was removed and the opinion of councillors and people had ceased to matter, the contest was bound to be fought on the level of official recognition because it is precisely on this basis that chiefship now rests.

The change in the material basis of chiefship has affected not only the relationship of chief with chief, but also the relationship of chief with commoner. The main factors underlying this change have already been analysed, and it remains to discuss its material manifestations. What concrete powers to the chiefs have over their subjects?

Their main duty is to enforce the various laws and inasmuch as these do not give them more than police powers, their functions in this respect are simply police functions.[24] Their main area of discretion lies in the judicial field, where the T/A court hears disputes arising out of customary law. The way in which these powers can be misused is illustrated in a memorandum written on behalf of the Hlubi chief Mnyanda, applying for the establishment of a separate T/A.[25] They are interesting, irrespective of their truth, because they outline the possibilities open to a chief who wishes to impose his authority on a recalcitrant headman. According to the memorandum: (a) the headman cannot get his sub-committees recognised (or funded) by the chief (b) in cases which appear before the chief's court, decisions go constantly against the headman and his supporters (c) the chief's court has convicted the headman for offences (assault, holding illegal meetings) he did not commit (d) the headman's own convictions are set aside on appeal to the chief's court (e) the chief encourages dissident elements within the headman's location (f) the headman and his councillors are exposed to public insult and humiliation at the chief's Great Place. These allegations do not amount to more than harassment as the headman was able to appeal the decisions of the chief to the magistrate's court. In this respect, it is significant that some CNIP chiefs have requested the abolition of this right of appeal.[25A]

Ordinary commoners are far worse off than headmen. Their old representatives the councillors, no longer protect them since a chief's council is now more liable than ever to be made up of his personal dependents. Sub-headmen are appointed by the chief independently of the administration, and although many of these are still clan-section heads, this, like consensus, is a tradition

the material basis of which has fallen away. Although the councillors of the T/A are elected, the elected members by no means form the majority of the chief's council, which is not fixed but fluctuating in number. Usually a chief's council is made up largely of his personal friends and of those who have made it their business to hang around his Great Place and share in whatever gifts come his way.

The chief may abuse his judicial power to persecute dissident individuals, as in the case of the headman mentioned above. There are limitations: the trial is not a kangaroo court, but takes place in the T/A building before the elected council, and the dicisions can be appealed to the magistrate. But it should be emphasised that only an extremely enterprising individual who is unusally aware of his statutory rights would be prepared to take on the risks and costs involved, unless, like the headman, he has substantial and highly motivated popular support. Even if a subject successfully opposed his chief, he could be exposed to persistent harassment and could be deprived of the many little services which chiefs normally provide for their subjects (e.g. the chief often helps his subjects obtain pensions, and he assists them in meeting their bridewealth obligations). It is difficult, however, for a chief to impose a punishment more severe than that of a fine. The chief's control of the land does not give him the right to expel long-standing residents. For instance, when Chief Komani of the imiNgqalasi wished to rid himself of Mr. N.L. Magwanya of Peelton, he had to go through the magistrate of Zwelitsha.[26] Nevertheless threats of expulsion are effective enough to be employed in elections.[26A] With regard to corporal punishment, the decision of the Ntinde T/A to give Mr. K. Mahayiya ten lashes for ploughing on Sunday, gave rise to a public outcry and Mr. Mahayiya took up the matter with attorneys.[27]

The ability of the chiefs to deliver the vote in elections has not been demonstrated. The Mfengu chiefs of Victoria East were unable to secure the

election of the CNP candidates during the 1973 election. Of the four constituencies which elect only one representative to the Legislative Assembly, two have their elected representative and their chief sitting on opposite sides of the house, though in both (Hewu, Keiskammahoek) special circumstances have to be taken into account.

Conclusions

The purposes of this paper have been threefold. First, it has sought to set out little-known and inaccessible information about Ciskeian chiefship Second, it has attempted to show that ideology (in this case, the rules and procedures of the 'traditional way of life') does not dictate political action, but that political action can always legitimate itself through one ideological rationalisation or another. This was true of precolonial society in its succession disputes, and it is equally true of chiefly disputes within the framework of homeland politics today. Similarly, the precolonial ideas of consensus and good government stemmed from a situation where the chiefs were unable to subordinate the people and their representatives, the councillors. Third, it has attempted to show that one cannot divorce the political forms of chiefship from their material base and still expect them to retain their old vitality. Precolonial chiefship was a multivalent institution linking economics, politics and religion. The nineteenth century Colonial administrators understood this and struck at all three simultaneously. The Republican government's support of chiefship could not alter (and probably resulted from) the fact that the material bases of chiefship had changed.

NOTES

1. The most prominent representative of this trend among ethnologists writing about the Xhosa is W.D. Hammond-Tooke. See, for example, The Tribes of King William's Town District (Pretoria, 1958) and Command or Consensus (Cape Town, 1975). There is a detailed critique of some of his ideas in my 'The Rise of the "Right-Hand House" in the History and Historiography of the Xhosa', History in Africa, II, (1975). Similar criticisms of ethnologists working among the Tswana and the Pedi have been made by Comaroff (see note 4 below) and P. Delius (unpub. seminar paper, SOAS, 1975).

2. Hammond-Tooke, Command or Consensus, pp. 211-3

3. A. Southall, 'ACritique of the Typology of States and Political Systems' in M. Banton (ed), Political Systems and the Distribution of Power, ASA Monographs 2, (London, 1965), p. 115.

4. J.L. Comaroff, 'Chiefship in a South African Homeland', Journal of Southern African Studies, I, (Oct. 1974).

5. Comaroff, p. 49.

6. This section and the one following it rely heavily on my unpublished M.A. thesis, 'A history of the Xhosa c. 1700 - 1835' (Rhodes University, 1976), especially Chapters III and VI. I also wish toexpress my thanks to all the participants in the Workshop on Pre-Capitalist Social Formations and Colonial Penetration in Southern Africa held at the National University of Lesotho, July 1976, who helped me to view this material in a new light.

7. Hammond-Tooke, Command or Consensus, p. 25.

8. C. Brownlee, Reminiscences of Kafir Life and History, (2nd ed. Lovedale, 1916), p. 181.

9. T.R.H. Davenport, The Afrikaner Bond (Cape Town, 1966), pp. 153-5 sees the bill primarily as a compromise. But if one dismisses the labour-tax, which was not the essence of the Act, few liberals would have disagreed with it. Rhodes was certainly most enthusiastic about it (see his remarkable speech introducing it to the Cape Parliament in "Vindex", Cecil Rhodes (London, 1900), pp. 371-90, and W. Stanford, The Reminiscences of Sir Walter Stanford, Vol. II (ed. J.W. MacQuarrie; Cape Town, 1962), pp. 162-3) and so were many subsequent liberals, such as Edgar Brookes. See White Rule in South Africa 1830-1910 (Pietermaritzburg, 1974), pp. 166-8.

10. For the reversal of the Glen Grey policy, see Stanford, II, 197-8 and Brookes, op cit. For its slow death, see T.R.H. Davenport and K.S. Hunt, The Right to the Land (Cape Town, 1974), pp. 31-45 passim.

11. M. Wilson in Oxford History of South Africa, Vol. II (Oxford, 1971), p. 85; M. Wilson et al, Keiskammahoek Rural Survey, Vo. III (Pietermaritzburg, 1952), pp. 27-8.

12. Hammond-Tooke, Command or Consensus, pp. 187-9.

13. BAD, Memorandum for the Guidance of Bantu Authorities (Pretoria, 1963), quoted C. Holdt, 'Constitutional Development' in University of Fort Hare, The Ciskei - a Bantu Homeland (Alice, 1971), pp. 200-1.

14. A.O. Jackson, The Ethnic Composition of the Ciskei and Transkei (Pretoria, 1975), p.1.

15. Only Anta's descendants are not officially recognised.

16. South African Institute of Race Relations, Annual Survey,1973, p. 159.

17. Taken from Jackson *op cit*.

18. See the speech by L.F. Siyo, reported in the Daily Dispatch, 5 May 1973.

19. Daily Dispatch, 3 Apr. 1973.

20. Daily Dispatch, 18 Oct. 1972.

21. For details of the amaHlathi Mfengu, see Hammond-Tooke, K.W.T. District, pp. 124-9.

21A. Daily Dispatch, Oct. 1976

22. This account of the regency dispute is based on the reports which appeared in Imvo Zabantsundu (King Williams Town) between April and September 1976.

23. Readers who are puzzled by this statement should refer back to the section on Historical Background for clarification.

24. The duties of the headman are reproduced in full in M. Wilson et al, Keiskammahoek, III, pp. 25-6

25. Dated 20th November, 1970. A photocopy is in the writer's possession.

25A. Daily Dispatch.

26. Daily Dispatch, Oct. 1976

26A.

27. Daily Dispatch, 22 Jan. 1976