

Chieftainship in Transkeian Political Development

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IN November 1963 the inhabitants of the Transkeian Territories, the largest block of Bantu reserve in the Republic of South Africa, went to the polls to elect representatives for a Legislative Assembly, upon whom the responsibility for the government of this, the first so-called 'Bantustan' to achieve a limited form of self-government, is to be laid. The election was the culminating point in a series of changes in the administrative structure of the area which have been characterised by an emphasis on the institution of chieftainship as the basis of local government. After approximately 60 years of rule through magistrates (later supplemented by a system of district councils) the Bantu Authorities Act of 1955 was introduced, giving greatly enhanced powers to the Chiefs, who now became the heads of the tribally-structured Bantu Authorities.

More recently, in 1962, a Chief-dominated Legislative Assembly was instituted under the provisions of the new Transkeian constitution. This, in itself, strikes an observer as anachronistic and strangely out of step with developments in the rest of the African continent, especially the former British territories, where half a century of indirect rule has given way to the practically universal adoption of the principle of free elections and where, indeed, the future role of the Chief in the structure of the new states has often been embarrassingly ambiguous. On the other hand, chieftainship is still a vital institution among South African Bantu tribal groups and, on a commonsense level, it would seem reasonable to utilise its undoubted vitality in the interests of governmental and community development.

Developments in the Transkei over the last six years, however, notably the murder of a number of Chiefs and headmen, the Pondoland Riots of 1961 (which resulted in the imposition of a still-continuing emergency proclamation), and increasingly vocal agitation against Bantu Authorities, would seem to indicate certain unexpected strains in the system. And in the new Legislative Assembly criticism has been raised, not only from outside observers but also from some of the more perspicacious Chiefs themselves, who are beginning to detect anomalies and inconsistencies in their position. This Legislative Assembly is frankly based

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on western models, but the principle of chieftainship is preponderant; all Chiefs are *ex officio* members of the body, outnumbering the elected members by 64 to 45. In fact, the main issue on which the 1963 election was fought was in a very real sense the question of the elective principle, although this tended to be clouded by other issues, notably Paramount Chief Poto's plea for 'multiracialism'. The aim of this article, then, is to examine critically the present and envisaged role of the institution of chieftainship in Transkeian local government, to judge to what extent it is being successful and, if not, to assume the diagnostic and predictive role of the social scientist, to trace the stresses and strains, the lines of cleavage and the clash of personalities.

I

The Nationalist Government increased its majority in 1953 mainly on the platform that it had an answer to the so-called 'Native Question'. The slogan was *Stem Nasionaal en handhaaf blank beskawing* (Vote Nationalist and maintain white civilisation) and immediately it had to make good its promises. The Government's answer was to place on the Statute Book, in 1951, the Bantu Authorities Act. This was based ultimately on the system of residential segregation legalised in the Native Land Acts of 1913 and 1936, which had set aside land, known as reserves, for exclusive native occupation. These occupy only 13 per cent of the total area of the Republic and no African can own land outside the reserves, nor can any portion be alienated to whites. Under the Bantu Authorities Act this horse-shoe-shaped area is to become a series of Bantu 'homelands', coinciding roughly with the four main language groups into which the Southern Bantu are divided—a Nguni group (with Zulu, Swazi, and Xhosa homelands) along the east coast, a Sotho group (divided into Tswana, Transvaal Sotho, and Southern Sotho homelands) in the interior, and smaller Tsonga and Venda groups in the Transvaal. These homelands are to be the areas in which the Bantu will exercise political rights, and the Bantu Authority system, on which they are structured, is thus the foundation of *apartheid* legislation. The Transkei, lying between the Kei River and Natal, occupies an area of 16,554 square miles with an approximate population of one and a half million, and it is here that the system has gone a step further on the road to 'self-government' with the establishment of a partly-elected Legislative Assembly.

The African people of the Transkei belong to a linguistic group called Nguni. All speak dialects of the Xhosa language and are often collectively referred to (incorrectly) as Xhosa. In actual fact the true Xhosa

are only the southernmost of 12 large *clusters* of tribes¹ (or groups of chiefdoms, the Chiefs of which are related to one another). The tribes in a cluster are the result of a process of fission that has resulted, over the years, in the hiving off of new tribes, each independent of the other but owing ritual allegiance to the Chief of the senior tribe—who is styled the ‘Paramount’. It is important to note that a Paramount Chief’s status, even today, is purely ritual. He has no control whatever over the internal affairs of the tribes in his cluster but is deferred to in ritual matters and in affairs specific to the royal lineage, to which all constituent Chiefs of the cluster belong, and of which he is head. Failure to appreciate this point led to many misunderstandings in the early days of contact, when a Paramount Chief would be held responsible by the colonial government for the raiding of junior tribes of the cluster. It will be seen that, although the tribes composing a cluster can be ranked in order of seniority, no such ranking is possible between the clusters themselves, and there is thus no possibility of designating a Paramount Chief for the Transkei as a whole. This has significance when we discuss the structure of the Bantu Authority system.

II

The policy governing the administration of Africans in the Transkei has passed through a number of phases. The earliest attitude towards the tribes of what was called British Kaffraria (today the Ciskei) was characterised by the desire to avoid close interaction between white and black, and an attempt was made to control relations through treaties with the Chiefs, thereby trying to establish boundaries and spheres of influence. This never worked well in practice, and the so-called ‘treaty policy’ was renounced by Sir Harry Smith in 1847.

After this the area south of the Kei River came progressively under what may best be described as ‘magisterial’ or ‘direct rule’. In 1848 the Chiefs were allowed the ‘reasonable exercise of their authority’ under the supervision of magistrates; but after the war of 1850 full authority was restored to them, the magistrates acting as political agents. This was to prove temporary and from 1855 colonial control was again progressively imposed. While still allowed to try cases under native law, Chiefs were ‘assisted’ by magistrates and received an annual stipend in lieu of the fees and confiscations which had formerly provided the bulk of their wealth. Later the magistrates assumed sole authority and the

¹ *Viz.* Xhosa, Thembu, Mpondo, Mpondomise, Bhaca, Ntlangwini, Xesibe, Bomvana, Hlubi, Bhele, Zizi, and Mfengu. See also W. D. Hammond-Tooke, ‘Segmentation and Fission in Cape Nguni Political Units’, in *Africa* (London), xxxv, 1, 1965.

Chiefs were reduced to assessors, judicial and administrative authority passing out of their hands. This was in the Ciskei. As the Transkei was progressively annexed—from 1879 to 1894—the area was divided into districts and the Chiefs there were similarly reduced to stipendiaries, but here they continued to hear civil cases under native law. Appeals, however, lay to the court of the magistrate.

The policy, then, was one of direct rule. Although, after annexation, the Chiefs had been left in nominal control, their areas were, in fact, administered by white magistrates. Tribesmen had direct access to the court of the native commissioner, all administrative matters such as pensions, social welfare grants, and land affairs were in his hands, and he was solely responsible to the Chief Magistrate of the Transkeian Territories for the peace and good government of his area.¹ Derogating even further from the Chiefs' authority was the system of location headmen, paid officials of the Department of Native Affairs under the immediate control of the native commissioner.² Tribesmen could appeal from the court of a headman straight to that of the commissioner or even by-pass the former altogether. Particularly in the Transkei, there was a definite policy of undermining chiefly powers. The memory of frontier wars was fresh (the last war against the Xhosa was in 1879, the Anglo-Zulu War 1879, the Cape Basuto War 1880-1, and the Zulu Rebellion in 1906) and Chiefs were looked upon as possible foci of resistance.

An important development in local government occurred in 1894 when the Glen Grey Act was passed, giving effect to the recommendations of the 1883 report of the Cape Native Laws and Customs Commission. Of the two main aspects of the Act, *viz.* (a) the introduction of a form of individual land tenure, and (b) the establishment of a system of local district councils, only the latter concerns us here. In 1894, by Transkeian Proclamation No. 352, this so-called *Bunga* system (from the Xhosa word meaning 'to discuss') was extended tentatively to four districts in the southern Transkei, then adopted in other districts until, by 1931, all the district councils were federated in the United Transkeian Territories General Council (U.T.T.G.C.).

As Hailey comments: 'In essence the council system, while providing for a measure of local government, was an extension of the system of

¹ Some difficulty in the use of tenses has been experienced as the magisterial system still operates in the Transkei, although it is slowly being Africanised and many of its functions taken over by tribal and regional authorities, as discussed below.

² There are 26 districts in the Transkei, each under a magistrate (Bantu Affairs Commissioner), and subdivided into an average of about 30 locations, each under a headman. For a description of the administrative structure in the Transkei, see Lord Hailey, *An African Survey* (London, 1945 edn.), pp. 346-73, and H. Rogers, *Native Administration in the Union of South Africa* (Johannesburg, 1933).

magisterial rule.¹ Each of the 26 Transkeian magisterial districts was divided into four electoral areas or wards, the land-owners and taxpayers in each electing one member from each ward to the local district council. A further two members were nominated by the native commissioner, making a total of six in all. In Pondoland the system was slightly different. Here the number of elected members was two per district, with two appointed by the native commissioner and a further two by the Paramount Chief. The local native commissioner was chairman of this district council, which met every second month.

The United Transkeian Territories General Council (or *Bunga*), meeting annually in Umtata, the capital, under the chairmanship of the Chief Magistrate of the Transkeian Territories, consisted of the 26 magistrates and three representatives appointed from among themselves by the members of each district council. Three Paramount Chiefs (of Tembuland, and Eastern and Western Pondoland) sat on the body *ex officio*. There was thus a white-African ratio of 27:81, and an elected *ex officio* ratio of 78:30. Revenues were derived from the rent for quit-rent land and from the proceeds of a local tax of 10s. levied in respect of every hut or dwelling occupied by a person not a quit-rent payer. District councils, the executive organs of the General Council, had no separate revenues but as far as possible the central body allocated funds to them in proportion to revenues received from each district. Generally speaking, the district councils initiated proposals for expenditure which had to be passed by the General Council and approved by the Governor-General. The General Council operated engineering and agriculture departments, made a *pro rata* contribution to the cost of treating patients in state-aided and mission hospitals, and spent considerable sums on soil and water conservation, road-building, and fencing.

Politically the General Council's powers were confined to discussing and expressing an opinion on matters affecting the local population, but in 1932 its powers were somewhat extended to the consideration of any proposed legislation affecting Africans. Its resolutions were reviewed by a conference of the official members, i.e. the native commissioners, before being submitted to the Governor-General for his information.

What can be said of this *Bunga* system? The system did have some positive advantages. It gave a valuable training in the problems and conduct of local government and in the procedure of meetings. There was also the fact that many small groups in the Transkei, such as the Fingo, had lost their Chiefs a hundred years before and a means was thus provided for such groups to voice their point of view. On the other hand,

¹ *An African Survey*, p. 353.

there was the very real problem of the adequate political representation of the conservative man-in-the-kraal. The *Bunga* was controlled by the less conservative section of the community and its affairs often dealt with matters, particularly financial, which were outside the ken of the more conservative Chiefs and the people generally. Many progressive Africans criticised it as a 'talking shop' with no real powers, and stigmatised its members as government stooges. And, especially in Pondoland, there was a desire, running like a thread through the General Council minutes, for a restoration of power to the Chiefs, with a more meaningful participation in local government.

Still, there is no doubt that the system was, potentially at least, a progressive one, which could have undergone more effective development. Much could have been done by extending the General Council's powers and enlarging its responsibilities. The system had one important advantage. It harnessed the energies of the progressive, educated members of the population, the logical leaders in a developing society, conversant with its problems and sensitive to its needs. But the General Council has been buried, and the Bantu Authorities system has taken its place.

III

The Bantu Authorities Act of 1951 meant the adoption of what approximates to the classical concept of 'indirect rule'. It was pointed out by government spokesmen that 60 years of the old system had still left the reserves under-developed, and had failed to harness the enthusiasm and co-operation of the Bantu peoples in the task of effecting the transition from a subsistence economy to an economically viable area. There was an almost complete apathy, and indeed resistance, towards agricultural improvements, particularly the elimination of surplus livestock, and to participation in local government generally. They maintained that the General Council system of elected representatives engaged the energies of the educated and progressive minority, but not that of the Chiefs and conservative tribesmen. The reason for this, they said, was first that the Council system was foreign to the 'genius' of Bantu governmental processes and, secondly, that the people had been spoon-fed by the officials. Give them more direct participation, make them responsible, financially and otherwise, and their attitude would undergo an immediate change. *But* (and here the reasoning is not so cogent, as will appear later) this must be based on traditional political structures; more specifically, chieftainship.

Looked at from another point of view, Bantu Authorities can be seen

as an attempt to effect a synthesis between the three 'strands' of local governmental structures that existed side by side in the Transkei. Despite the establishment of the white bureaucracy, with its auxiliary bodies of police, agricultural and engineering staff, the informal moots and courts of the headmen still continued to function; and even the Chiefs, despite the attempts of earlier administrations to curb their powers, still performed administrative and judicial roles. And at the same time the Council system, based on popular elections, provided a third mechanism of local government. The new system envisaged a logical step in the integration of these three structures into one.

Under the new system administration was to be based, not as formerly, on the location headman, but on the Chief. The building-brick of the system is the *tribal authority*, which governs a group of locations owing allegiance to a Chief. It is explicitly based on the traditional tribal system. Some tribal authorities are comparatively large and extend over a whole district, but more commonly there are three or four authorities in a district. Where there is no coherent chieftainship, contiguous locations have been grouped together into a *community authority*, based on common interests, its chairmanship rotating between the various headmen of the constituent locations. Tribal authorities belonging to the same tribal cluster or (where an area has a mixed population) in the same general area, are grouped together into a *regional authority*; and the nine regional authorities together make up the Transkeian Territorial Authority—the legal successor to the General Council. Where a regional authority is composed of the members of a tribal cluster only, the ranking of tribes within the structure is genealogically determined and the head of the regional authority is the Paramount Chief of that cluster, as in the case of the Gcaleka, Dalindyebo (Thembu), Emigrant Thembu, Qaukeni (Eastern Pondo), and Nyanda (Western Pondo) Regional Authorities. Where there are two or three tribal clusters in a region, as in Maluti, Embo, Fingoland, and Umzimkulu, the senior Chiefs of each cluster take turns to be the regional chairman. Each authority, at all levels, has a treasury and, true to the policy of 'making the people stand on their own feet', it is responsible for many things formerly done by the native commissioner, such as screening applicants for social services, the maintenance of roads, fences, and bridges, channelling labour to the employment bureaux, and so on. Authorities will also increasingly be given judicial powers.

In 1955 the General Council was asked whether or not it accepted the new system. A recess committee was appointed to consider the matter and, at a special meeting of the whole Council held towards the end of

1955, the government proposals were practically unanimously adopted—much to the surprise of some observers. Why did the General Council vote itself out of existence? Probably the Chiefs and headmen, who were fairly heavily represented, saw in the new system an opportunity to get more power (unaware that this was a double-edged weapon—as we shall see later). Also it is my impression that, while there were intelligent and progressive men on the Council, there were few real leaders in the charismatic sense of having compelling personal authority. Debaters in session give the impression of bending over backwards to avoid giving offence to the white official members, and the fact that the Chiefs and headmen on the body were all paid officials of the Department of Native Affairs was obviously an important inhibiting factor. The Government was also involved in a logical inconsistency. As we have seen, its contention was that the General Council was ‘unrepresentative’ of the Transkeian peoples generally; yet it was the decision of this ‘unrepresentative’ body which it accepted as reflecting the popular will!

Bantu Authorities have now been in operation for about six years. In most areas, the policy has been to establish the tribal authorities first and only later group them into regional and, finally, territorial authorities; but in the Transkei the Territorial Authority took over immediately from the General Council as a going concern, with the result that not all of the lower structures are operating effectively. What have been the results of the change?

Up to now they have been disappointing. Throughout the Transkei, magistrates are complaining that the system is not working, that authority meetings are badly attended, that there is opposition from the people, and that the traditional system of moots and courts is operating side by side with the new structure, instead of being integrated with it. The people complain that bribery and corruption is rife, a very common complaint usually couched in the phrase: ‘The Chiefs are killing us.’ And what is more disturbing, Chiefs and headmen are having their lives threatened and, in some cases, are being killed. Why is this? What is happening?

IV

Analysis reveals a number of causes of breakdown.

1. *Bribery*. The incidence of bribery is extensive. This, in itself, is a common feature of societies emerging from a relatively undeveloped state and stems from the widespread institution in primitive societies of gift-exchange as a means of establishing and maintaining social relationships. More specifically the Nguni had a tradition of *busa* (lit. ‘to thank’) whereby it was customary to thank a Chief or headman for favours

received by driving a cow or smaller animal to his great place after the favour had been granted. Soon after annexation the pattern changed, and it has become traditional to make the gift *before* the favour is conferred, changing drastically the whole nature of the transaction. For example, it is now possible for a benefactor to promise the same land to a number of suppliants (and receive a gift from each) well knowing that only one applicant can possibly be successful. The system has been encouraged by the very low salaries paid to headmen, the maximum being £48 per annum. Bribery has always been part of the local administrative scene but, in the past, occasions for its operation were limited. Probably its greatest development was in the field of land allocation.

The introduction of the Bantu Authorities system has meant a significant increase in the spheres in which bribery can operate. In the past, true to the principle of direct rule, the various social services were handled by the native commissioner and his staff. Now they are administered by the tribal authorities and even the aged have to pay merely to get their applications for pensions sent forward. Teachers complain that they must bribe the members of school committees and school boards, which are now integrated with the authority structure, for jobs. People say that today everything has to be paid for, and this is causing very great dissatisfaction indeed.

2. *Composition of the authorities.* Despite all efforts to achieve accuracy, the composition of the authorities does not in all cases follow the lines of political and tribal cleavage. More particularly many small groups, who had been historically subject to larger groups, felt that now was the time to achieve independence. Larger groups, of course, saw this as a threat to their sovereignty and, in general, there was a 'shake up' of political alignments that had over the years achieved a certain degree of equilibrium. This seems to have been the cause of part of the trouble in Eastern Pondoland in 1961, and is an important element in the feud between Chief Kaizer Matanzima, the newly-elected Chief Minister of the Transkei, and his Paramount Chief, Sabata Dalindyebo. For many years before the establishment of Bantu Authorities, Matanzima had irritated both Sabata and the Administration by styling himself 'Paramount Chief of the Emigrant Thembu' although, as we have seen, there can only be one Paramount Chief in a cluster. He had been frequently reprimanded for this, but when the establishment of regional authorities was discussed it became apparent that Tembuland was too large an area for effective co-ordination of regional matters. The logical line of division was to recognise the historically defined Emigrant Tembuland (the western districts of St. Marks and Xalanga) as a separate region. Of the various

Thembu Chiefs in this area Matanzima is undoubtedly the senior and was installed as a 'Paramount Chief' *for purposes of Bantu Authorities only* over the region. Paramount Chief Sabata has never become reconciled to this threat to his status on the part of his highly-educated relative, and this, in my opinion, goes a long way to explain the genesis of the clash between these two leaders, which has since been ideological.

3. *Anti-government propaganda.* There has undoubtedly been considerable agitation against Bantu Authorities. Political agents have been moving among the people mobilising opposition to the new system—usually capitalising on fears of stock limitation, enforced resettlement, higher taxation, and a generalised distrust of anything emanating from the white man. A fertile ground for discontent has been provided by the stricter application of influx control regulations in the towns of the Republic, which is damming up labour in the reserves. Wages in the urban areas are rising and the increasing atmosphere of sullen desperation must be seen against the background of increasing poverty.

4. *'Peasant conservatism.'* The Transkeian peasant, like peasants everywhere, is intensely conservative and considers anything in the nature of change with considerable suspicion. It is difficult to see how this could be overcome, except through a long-term educational programme.

5. *The composition of the councils.* The architects of the Bantu Authority system have appreciated one basic feature of the traditional political system, *viz.* that the Chief never ruled on his own but always consulted with a group of councillors. It thus defined a tribal authority as a Chief-in-Council and laid down specifications for the composition of this body. In the traditional Nguni system every adult male had the right to attend the tribal moots and take full part. Everyone knew what was going on and there was full and constant interaction between the Chief and his people. A Chief had to be careful of going against the consensus of the tribe, and in the past, when there was plenty of land, the ultimate sanction against chiefly despotism was the fear that the dissident group would break away. There are many cases of this in the tribal histories.

Under the Bantu Authority system the membership of councils is rigidly defined by a formula which utilises the number of taxpayers in determining the number of members. Typically it consists of about six members nominated by the Chief, and one or two by the native commissioner. In effect this has meant that, in some cases, the majority of headmen in a tribal authority are not members of the council. And although meetings of the authority are open to the public, only members have a vote. This has caused considerable resentment on the part of the people, and it is significant that those headmen who are on the tribal

authority council have, in many cases, lost the confidence and support of the ordinary tribesmen. One important step in the improvement of the system (within the present framework) would be to broaden the basis of these councils to include a much greater number of people, ideally all the adult men resident in the authority area. Up to now the Administration has argued that tribal authorities are statutory organs, charged with judicial and financial functions, and it is necessary to define very clearly the responsible body.

6. *The position of the Chief.* Even more serious implications for the system arise from its misconception of the role of the Chief in traditional society. The Nguni Chief was never a despot. As we have seen, he could not, generally, go against the wishes of his tribe; he could never move forward faster than the pace of the majority of his tribesmen. He was always a conservative element, the interpreter and upholder of tradition, seldom a legislator. He was only in rare and sometimes spectacular instances (e.g. the Zulu King, Tshaka) an initiator of social change.

Apart from the fact that the new system is based on what is usually the most conservative element in the tribe (there is no real incentive for the son of a Chief or headman to become educated and carve out a career for himself), the Chief under the Bantu Authorities system is involved in a role-conflict situation which imposes upon him insoluble problems and tensions. On the one hand, as a government employee, he is charged with the implementation of government policy, which includes measures such as resettlement, stock limitation, and agricultural improvements, often strenuously opposed by a conservative peasantry. He is required to be go-ahead, loyal, and progressive. On the other hand his people expect him to be the upholder of conservative, tribal values. In the traditional system decisions *were* made which changed custom—but always by the Chief in consultation with his councillors and with the approval of the tribe as a whole. Consensus was all-important. The civil service Chief has to implement laws without the approval of his people—and a wedge is thereby being driven between him and them. Two opposed ideological systems meet in one man—the universalistic, impersonal norms of modern bureaucracy, and the particularistic, diffuse, highly personalised norms of close-knit kinship, based on the traditional structure. In other words the Chief is in the intercalary position occupied by the foreman in industry and the non-commissioned officer—a typical ‘man-in-the-middle’.¹

¹ A similar role-conflict situation was a feature of indirect rule in British colonial dependencies. See, for example, L. A. Fallers, ‘The Predicament of the Modern African Chief: an instance from Uganda’, in *The American Anthropologist* (Wisconsin), 57, 1955, pp. 290–305; and his *Bantu Bureaucracy* (Cambridge, 1956), especially pp. 196–203.

In the past this role-conflict situation was a prominent feature of the status of location headmen, as the direct intermediary between the native commissioner and his people. Under Bantu Authorities the locations have been submerged in the tribal authority and the Chief himself has been pushed into the front line. So here we have the paradox that the increasing of chiefly power and the granting of greater *de jure* authority has had the (unexpected) result of decreasing the Chief's influence over his people. The balance of power between Chief and people has been upset and we find that the Chiefs whose lives have been threatened, or who have been killed, have been those who have tended to wield arbitrary power, or who have supported the Administration against the popular will. It is not difficult to see that the implementation of the Bantu Authority system, far from restoring traditional chiefly powers along these lines, may well undermine the influence and popular authority of the Chief—a diametrically opposite effect from that intended.

The position is aggravated by the fact that traditionally Chiefs never took a leading part in the discussions at tribal moots. Typically a Chief should be dignified, heavily-built, silent, above the give and take of the political arena. As the Bantu say: 'He should not submit himself to the yapping of dogs.' Under the new system and in the Legislative Assembly, he is expected to play the role of chairman, with all its possibility of involvement in conflict of policy. In the traditional system the Chief need not even be present—he might make an appearance at the end of a meeting—and pronouncements could be made through a spokesman. Many tribesmen are worried about the effect the new system will have on the dignity of their Chiefs, and the matter has been raised on more than one occasion in the proceedings of the Territorial Authority.

7. *Inter-tribal rivalries.* Conflict is also built into the structure of the Bantu Authorities system, for although it is arguable that the tribal authorities are based, to some extent at least, on indigenous political forms, the same cannot be said for the regional and territorial authorities, bodies which combine within themselves a number of unrelated tribes and which have no counterpart in the traditional system. Tribal loyalties and inter-tribal rivalry are very pronounced and the difficulty arises, in those regional authorities not inhabited by a tribal cluster (with its well-defined paramountcy), of who the head will be. In practice a system of rotation of office is employed, but here also is a potential source of tension.

8. *The problem of the middle class.* Finally, the system makes little use

of the educated middle class. As many writers have pointed out, this is one of the great drawbacks of any system of indirect rule.¹

V

Enough has been said to underline the unexpected inconsistencies and incompatibilities implicit in the Bantu Authorities system. What of the future? It is suggested that in four or five years' time the institution of chieftainship will be anathema to the Bantu of the Transkei, at least as an organ of government, and already this is beginning to take place.

At the 1962 Session of the Republican Parliament, the Prime Minister made an important policy announcement that the Transkei was to be granted immediate self-government. A legislative body was to be created which would gradually take over full control of the area, with the Republican Government acting in the meantime as a guardian. A cabinet, elected by members of the Assembly from among their own number, was to consist of the Chief Minister, who is also Minister of Finance, and five other Ministers holding the portfolios of Justice, the Interior, Education, Agriculture and Forestry, and Roads and Works. The Republican Parliament was to retain control over defence, military units, external affairs, police, posts and telegraphs, railways and harbours, national roads, immigration, currency, public loans and banking, customs and excise, and, significantly, the Transkeian constitution.

It was obvious that the Prime Minister's statement was made under considerable external pressure from the United Nations Organisation and elsewhere. But the matter had been anticipated in a specific motion (No. 101) passed at the 1961 Session of the Transkeian Territorial Authority, asking for immediate self-government, after which a recess committee of the T.T.A. had been appointed to investigate the implications of self-government. In December 1961, the members of this committee, under the leadership of Chief Kaizer Matanzima, visited the Prime Minister and his cabinet in Pretoria and thereafter drew up proposals for a Transkeian constitution. These provided for a Legislative Assembly of 64 Chiefs (the total number of Chiefs in the Transkei), who thus achieved membership *ex officio*, and 45 members elected by Transkeian citizens, including those resident outside the area but paying tax there. The Minister of Bantu Administration and Development said later that the original proposal had been for 30 elected members but that

¹ As, for instance, M. Perham, 'A Restatement of Indirect Rule', in *Africa* (London), 1934, pp. 321-34. She writes '[Indirect Rule] may, indeed, stand or fall according to the expression it affords to the potential energies of the educated class'. See also R. Brown, 'Indirect Rule as a Policy of Adaptation', in R. Apthorpe (ed.), *From Tribal Rule to Modern Government*, 13th Conference Proceedings of the Rhodes-Livingstone Institute (Lusaka, 1959), pp. 49-56.

the Prime Minister had suggested that the number be raised to 45. He also stated:

There were one or two Chiefs who hinted indirectly for a multi-racial constitution . . . My Secretary . . . said, 'You must understand clearly that we will not agree to a multi-racial constitution' . . . But for the rest the Secretary did nothing to influence them in any way to do something which they did not want to do.¹

The draft constitution was presented to the Territorial Authority for its approval in May 1962. The emergency regulations applied after the Pondoland disturbances were still in force, although the South African Institute of Race Relations had written to both the Minister of Bantu Administration and Development and Chief Matanzima suggesting that they should be lifted so that gatherings could freely take place. Right at the start, in his opening address, the Secretary for Bantu Administration and Development presented the Authority with a clear choice. He said that, as far as the composition of the Legislative Assembly went, they had two possibilities: either *all* the recognised Chiefs should be on the body, or none. All Chiefs were theoretically equal and it would be invidious to choose between them.²

This statement immediately placed the members of the Authority in a dilemma. Chieftainship, as one of the basic institutions in tribal society, is surrounded by intensely-held sentiments as to its fitness. It has always been uncritically accepted as the only 'right' form of political institution, at least by the majority of tribesmen. And yet, since the introduction of the Bantu Authority system, many, as we have seen, are beginning to have second thoughts as to its suitability in a present-day Transkei. This ambivalence appears, pathetically, in the speeches of some of its members. It is quite possible, had the matter been raised in, say, four or five years' time, when the incompatibilities and built-in strains of the Chief's intercalary role had become clearer to the people themselves, that the alternative of a purely elected body, excluding the Chiefs as such, would have been chosen. As it was, the Territorial Authority was caught on the wrong foot, could not make up its mind (especially in the presence of its Chiefs), and voted for all Chiefs to be *ex officio* members. The draft constitution was passed and went to the government legal advisers for final drafting.

At a special meeting of the Territorial Authority in December 1962, the official draft was presented for final approval. Again the question of the composition of the Assembly came up, although technically out

¹ *House of Assembly Debates* (Pretoria), 9 May 1962.

² *Proceedings of the Transkeian Territorial Authority* (Umtata), 1962 Session.

of order as the principle had already been accepted. Chief S. Majeke of Qumbu moved that Section 23 be amended to read that the Legislative Assembly consist only of 109 elected members or, alternatively, that the number of Chiefs be reduced to 45. In his speech he showed a clear appreciation of the role-conflict, in which the Chiefs are embroiled, even in this new body. He said, *inter alia*:

Can you imagine the position where you have forty-five elected representatives of the people? You [i.e. as a Chief] will not feel comfortable if an elected representative stands up on the mandate of the people and you stand up only by virtue of your chieftainship. That elected member may say 'Listen, you just sit down. I am sent by the people to voice what they want. You are a baby.' You must feel small if such remarks are directed to you.

He also quoted with approval the comment of the Paramount Chief of Western Pondoland, made at a private discussion: 'I do not think it is right that the Chiefs must be in the forefront in such an organisation where there are educated people who could deal with these matters more efficiently'¹—a reference to the previously discussed role of the Chief in public life.

He was seconded by Chief Douglas Ndamase from Western Pondoland (a nephew of Paramount Chief Victor Poto), who pointed out another paradox. He reminded the Assembly that the administration of the Transkei rested on the shoulders of the Chiefs as well as the magistrates, and said:

Can anyone in this house tell me that there is a single magistrate or chief magistrate in the Parliament of the Republic? The laws of the Republic forbid an administrator to be present when the laws are made. There is a reason for that, because if an administrator is allowed where the laws are made he will favour those laws which favour his administration. It is quite clear, Mr Chairman, that we should abide by the principles of democracy, and democracy is that system of government under which we now live. What kind of government will we have if administrators are present when the laws are made? . . . Somebody said that the Chiefs are traditional leaders. I have never come across traditional leaders in books. I have come across mental leaders, people who are elected by the people to represent them, people who understand them, and even among Chiefs there will be such people. I take it that a leader is not a leader because of his birth. He builds himself up and proves that he is a leader.²

Could there be a clearer statement of the tripartite division of powers and the nature of political representation? It is also interesting to see aspects

¹ *Proceedings of the Transkeian Territorial Assembly*, Special Session, December 1962, p. 19.

² *Ibid.* p. 20.

of the theoretical analysis being expressed clearly by the actors in the drama themselves.

Enough has been said to throw grave doubts on the feasibility of basing Transkeian local and central government on the institution of chieftainship. We have seen that the very fact of giving more power to the Chiefs, of making them civil servants in the bureaucratic structure and according them automatic membership of the legislative body, has the effect of completely upsetting the balance of power which traditionally regulated the roles of Chief and people. And this is inevitable. Chieftainship, with its kin-based conservatism, is totally inadequate to cope with the problems and needs of an emerging modern state. It could almost be said that if the Government had wished to break down the power of the Chiefs, preparatory to introducing a purely elective principle, it could not have done better than to follow the course it has. Paramount Chief Poto saw this, and one of the main planks of his election platform was the creation of an Upper House for Chiefs, where they could be to some extent protected from these strains.

It is significant that even so committed a supporter of the Government's present policy as Chief Kaizer Matanzima, the newly installed Chief Minister of the Transkei, indicated having seen this on at least one occasion. In his concluding address as Presiding Chief at the 1961 Session of the Territorial Authority he said:

Self-government for the Bantu homeland is the resolved policy of the Government. The Bantu Authority system is a preliminary step toward the policy of representative government. A declaration of self-government on the lines of a representative government will bring about complete and revolutionary innovations from the aristocratic system of government by Chiefs to that of parliamentary system. It must be clear in the minds of the councillors that they must have no illusions about the matter that under a representative government there is no guarantee that the system of traditional government through Chiefs will be retained. The broad will of the people will dictate the leadership according to their dictums.¹

VI

The draft constitution, as the Transkeian Constitution Act No. 48 of 1963, was passed by the Republic House of Assembly with a majority of 82 votes, and almost immediately preparations were made for the registration of voters. The Transkei was divided into nine constituencies, based on the regional authority areas, the 45 elected seats being divided between them in proportion to the number of registered voters. Voting

¹ *Proceedings of the Transkeian Territorial Authority, 1961.*

procedure was similar to that for white Parliamentary elections except that there was no postal vote. Offices for the registration of voters were opened throughout the country, especially in the main urban centres, between 17 July and 17 August, and it was reported that 880,425 persons registered, 466,187 of them women.

One hundred and eighty candidates offered themselves for election on nomination day, 2 October, and it was clear that the main political division was between the supporters of the Government-sponsored Chief Kaizer Matanzima, and those of Paramount Chief Victor Poto, on a platform of multi-racialism.

The election was held on 20 November 1963. Poto won between 35 and 38 of the 45 elected seats, but when the new Assembly met to elect a Chief Minister on 6, 9, and 10 December, Matanzima was elected by 54 votes to 49. It is clear that the nominated members, the Chiefs, closed their ranks and voted for the government ticket of separate development. It is interesting that, despite the fact that they are appointed and receive stipends from the Administration, approximately 14 Chiefs did, in fact, vote for Poto's policy. Chief Matanzima himself hailed his victory as 'an unqualified rejection of the policy of multi-racialism . . . I have no intention of making any promises to the people of the Transkei. I however wish to assure them that I will apply the policy of the separation of the white people occupying the Transkei from the aborigines as quickly as possible.'¹

But Paramount Chief Poto, now leader of the opposition party, in congratulating him, pointed out that it was to the Chiefs' vote that Matanzima owed his election and not to the popular will. He spoke unhappily about the 'air of friction between the people and the Chiefs'.²

It is with this unresolved conflict between official and elected members, between Chiefs and representatives, that the Transkeian Legislative Assembly enters on its new career. Only the future will confirm or deny the contentions of this article.

¹ *Proceedings at the Meeting of Members of the Transkei Legislative Assembly for the Purpose of Electing Office Bearers, etc.* (Umtata, 1964), p. 9.

² *Ibid.* p. 12.