

The Effect of Apartheid's "Tribal Authorities" on Chieftaincy and the Zulu People:

Separate Development in Mtunzini District 1950-1970

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Abstract: The 1951 "Bantu" Authorities Act (BAA) and the 1959 Promotion of "Bantu" Self-Government Act (PBSG) interfered with the structures of *ubukhosi* transferring power from traditional leaders to the state. Through the creation of tribal, regional, and territorial authorities, the BAA provided the National Party with a network into the vast rural areas. Apartheid withheld sovereignty from the "tribal" authorities as approval resided with the local Bantu Commissioner and final "authority" with the Governor-General. Traditional leaders who would not "accept" Tribal Authorities were deposed, incarcerated, and/or assassinated then replaced with compliant appointed *amakhosi*. The 1951 BAA provided the foundation for the 1959 PBSG which required Africans to live in ethnic "homelands" or "Bantustans," where independence was offered in exchange for the loss of South African citizenship. The protection of Afrikaner racial purity and the need to preserve the status of *di volk* as the chosen people underpinned apartheid policy. Secondary, I contend was the need for accessible black migrant labour. As the map of the reserves created by the 1955 Tomlinson Commission showed, each of the eight "ethnic" groups was not conveniently located within its own reserve, for example, over half of the *amaZulu* lived in urban areas. To meet the National Party's criteria for separate development, a plethora of forced removals, euphemistically called "resettlements" were initiated. Africans not living in their specified group reserve were removed to their ethnic homeland so they could develop along their own lines (i.e. Xhosa with Xhosa, Zulu with Zulu, Venda with Venda, etc.). Separate Development was apartheid's answer to assimilation which Hendrik Verwoerd called impractical in his "New Vision" Speech to the House of Assembly in 1959. The BAA was the main apparatus for creating "homelands" out of the reserves so that the National Party could have power in local rural matters. Initially, *ubukhosi* resisted "Tribal Authorities," but as more apartheid legislation was passed *amakhosi* saw no avenue open to resist and were forced to "accept" Tribal Authorities. The Mtunzini District in the uThungulu District Municipality is the lens to trace the path of distortion of *ubukhosi* by *ubandlululo* between 1950-1970.

Keywords: apartheid, Bantu Authorities Act, homelands, indirect rule, separate development, *ubukhosi*

It is felt that if there is once political equality that things will not stop there. They will go further, and continue on economic and social lines. It is felt that you will ultimately have social equality, which in the long run, it will not be possible to stop, and if you have social equality, you subsequently get mixing of blood, and the ruin of the White race. Because we want to maintain the White race, we are anxious to make separate provisions for... Natives.¹

Although this Parliamentary address is suspiciously akin to Hendrik Verwoerd's "New Vision" 1959 speech to the House of Assembly, it contained the core argument against assimilation presented by Dr. van der Merwe during the 1936 Parliamentary debates on the *Representation of Natives Bills*. Separate development was not a new idea. Verwoerd argued along the same lines that the representation of Africans in Parliament was "a signpost to the alternative direction (integration) which has been rejected as utterly impracticable."² He warned that South Africa was at the cross-roads. The choice lay between a multi-racial community with a common political society or the establishment of total separation. Hence, the government focused on control of Africans to "preserve white South Africa" through revival of "tribalism" adding a new twist to British indirect rule called bantustan authorities.³ Yet heated debates on separate development coursed through Parliament.

...economic integration, we have always been told, must lead to political integration. Here (Promotion of Bantu Self-Government Act) there is going to be political separation. You are going to have two forces pulling in different directions, one the force of economic integration, the other the force of political separation. The question is which will win.

Sir De Villiers Graaf addresses Mr. Speaker,
Assembly Debates, 24 March 1959, 3073

In hindsight, Sir Graaf's address can arguably be the reason for the failure of the Bantustans. If you have economic integration, political integration will likely follow. Had the Nationalist Party given sovereignty to the Bantustans, the history of South Africa under apartheid might have been quite different. But apartheid wanted to have its cake (total separation from blacks) and eat it (control over black labour in white industries) too. Ultimately, one had to give but in denial apartheid beat on with this impossible equation removing Africans from "black spots" to homelands and to newly built townships on the perimeter of the reserves to service nearby industries. I call it the "piss off; come closer" phenomena.⁴

The first decade of apartheid rule 1948-1958 was preparation for Verwoerd's "homelands" which would have all Africans residing in their ethnic units as compensation for the elimination of African representation in Parliament. White representation would send the wrong message and confuse blacks, giving them false hope of eventual black representation in the white

¹ Dr. van der Merwe. *Union of South Africa: Joint Sitting of Both House of Parliament, Representation of Natives Bills* (J.S. 1-36) and (J.S. 2-36), 17 February, 1936.

² *House of Assembly Debates*, vol. 99, 27 January 1959, cols. 61-66.

³ C.M. Tatz "Dr. Verwoerd's 'Bantustan' Policy." *The Australian Journal of Politics and History*. 8: (1962), 7.

⁴ Interview with Babakhona and Michael Mkhwanazi in KwaDlangezwa, October 2012. "Piss off! Move!" were the words used by the South African Police to forcibly remove their families.

man's government.⁵ Using the ethnicity card, Verwoerd was able to quell international outcries (the Sixties applauded ethnicity), divide the blacks into smaller units of "tribes," reduce the threat of a unified black populace, and potentially secure white racial purity. But a number of holes were inherent in his argument; most importantly, the European need for accessible cheap black labor.

The betterment schemes of the prior British regime facilitated the establishment of Verwoerd's "homelands" which were first envisioned in 1847 by Henry Cloete, Special Commissioner for the British colony of Natal, who recommended to the Lieutenant-Governor the setting up of "locations" for Africans and the paying of chiefs, which did not occur until the late 1930s, as "authorities" to implement colonial legislation. The lexicon of isolation, segregation, authorities and locations was not new to South Africa.

When the 1951 Bantu Authorities Act (BAA) was initiated, Europeans in South Africa were faced with an increasing number of educated urban blacks which belied the proof of African primitiveness. To provide conclusive proof of the African's backwardness and justification for a barrier to miscegenation, the BAA resurrected a dying tribalism when it established the "tribal authorities." Similarly the Hertzog regime in the Native Administration Act, 38/1927 had revived tribalism in South Africa to differentiate between the civilized and the uncivilized peoples to provide justification for separation. In the 1913 Land Act, Hertzog envisioned the "homelands" and first voiced the term in 1927. But the need for apartheid had a unique basis in Afrikanerdom.

The Trekkers were imbued with a belief that there was a divine purpose behind their mission in life, wrapped in a mystic of their being God's "chosen people," bolstered by the view that their Bible justified their dominance over all darker races.⁶

Firstly, I argue that the primary reason for separate development was to guard white racial purity with the need for migrant labor secondary and often in opposition to the Nationalist regime's primary aim. Colin Bundy in *The Rise and Fall of the South African Peasantry* contended that the main reason for the reserves was to provide cheap labor for white-owned farmers and mine owners.⁷ Although Bundy is partially correct in his analysis, I argue that his perspective is limited to an economic lens and, additionally, to the British colonial period where assimilation had not yet been ruled out. If we pull out to the wide angle lens of ethnic survival, which was dominant under Nationalist rule, a more encompassing panorama reveals layers of Christian-Nationalism embedded in layers of Afrikaner identity as god's chosen people. The fragile stability of this panorama is threatened by miscegenation which would taint the blood of the pure

⁵ I suggest that Verwoerd's use of "confuse" attests to the "piss off, come closer" Phenomena. If the African was "confused" it was apartheid's schizophrenic policies causing this confusion.

⁶ C.M. Tatz. *Shadow and Substance in South Africa: A Study in Land and Franchise Problems Affecting Africans, 1910-1960*. Pietermaritzburg: University of Natal Press, 1962, 3.

⁷ Colin Bundy. *The Rise and Fall of the South African Peasantry*. London: Heinman, 1979. C.f. Harold Wolpe. "Capitalism and Cheap Labor Power in South Africa: From Segregation to Apartheid." In *Segregation and Apartheid in Twentieth-Century South Africa*. William Beinart and Saul Dubow, Eds. London: Routledge, 1995. Although William Beinart in "Chieftaincy and the Concept of Articulation." In *Segregation and Apartheid in Twentieth-Century South Africa* Beinart disagreed with the normative thesis about the role of reserves as centers for the migrant labor system. Beinart asserted that conversely the migrant labor system was also shaped by the dynamics of African society. My study seeks to explore this latter view through documented rural Zulu responses. On normative thesis see also Morrell 1996; Ntsebeza 2005; Oomen 2005; Myers 2008, Williams 2010.

volk causing god to abandon the Afrikaners as his chosen people; hence, the need for total segregation through separate development. *Kleurlinge*, the Afrikaans word used for colored means “tainted.” Chieftaincy entered the picture as it provided apartheid with, as it did with the British, the needed infrastructure for controlling the reserves and for implementing its legislation.

Saul Dubow argued that popular segregation in the interwar years was a reaction to African resistance triggered by declining productivity of the reserves, capitalist agriculture, and the onslaught of industrialization.⁸ With the Native Administration Act of 1927 the Native Affairs Department (NAD) tried to capture the authority it had lost to the Department of Justice in 1922. But the structures laid down by the NAD only came to fruition after 1948 when the Nationalist regime appropriated them during the Eiselen era. It was also during the period after the First World War and the rise of industrialism that the study of anthropology was incorporated into South African universities which offered “Bantu Studies” and anthropology as solutions to the “native” question. During our interview, *Inkosi* Mzimela stated that along with the Bantu Commissioners, it was the anthropologists who guided politicians who then embedded apartheid structures into legislation. Ironically, today’s majority government’s Department of Cooperative Governance and Traditional Affairs (COGTA) employs “anthropologists” on its staff to handle *ubukhosi* succession disputes.

More to the point of this study, Dubow stated that the change of direction from assimilation to segregation policy could be credited largely to anthropology.⁹ He further argued that the ideology of cultural adaptation which came into force was able to feed on “racist assumptions without being pinned down to a patently untenable theory of biological racism.”¹⁰ Hence the pluralism in culture was able to transcend the earlier evolutionist thought which is how Hendrik Verwoerd was able at the outset to push cultural “separate development” legislation through parliament, despite heavy debates from the opposition party. In short, Separate Development was touted not as a racist ideology but as a cultural paradigm.

In *Segregation and Apartheid in Twentieth-Century South Africa*, Editors William Beinart and Saul Dubow include essays which cover twenty years of explanations for apartheid (i.e. class, race, economic interests, social Darwinism, industrialization, etc.). *Ubandlhululo* (Zulu for apartheid) was not explicit racism but patriarchal hegemony. Dubow argued for and explored the internal logic of scientific racism.¹¹ Firstly, the Nationalist regime’s reticence for explicit racism, or what Verwoerd took as racism as his speeches were surely racist, was tempered by Christian Nationalism. Unlike Hitler who exterminated “inferior” races, apartheid quarantined non-whites in homelands for their own progress.¹² Secondly, the existence of “poor whites” disproved the racial superiority theory based on hereditary factors. If a white could suffer from degeneracy or poverty because of environmental factors, Africans could be poor or less advanced for the same reason. Steering clear of these ideologies, the cultural paradigm which emerged in the 1950s and blossomed with African nationalism in the 1960s was a handy peg on which to hang segregation and the machinations of apartheid. But what was lacking in

⁸ Saul Dubow. *Racial Segregation and the Origins of Apartheid in South Africa, 1919-36*. London: Macmillan Press, 1989, 40.

⁹ *Inkosi* Mzimela corroborated this theory. Interview 24 December 2012.

¹⁰ Saul Dubow. “Race, Civilization and Culture: The Elaboration of Segregationist Discourse in the Inter-War Years.” African Studies Seminar paper presented at the University of Witwatersrand on March 3, 1986, 26.

¹¹ Saul Dubow. *Racial Segregation*.

¹² In the late 1970s the government publication of the Department of Bantu Administration and Development called *baNtu* was changed to *Progress*.

these analyses is the Afrikaners' personal motivation for apartheid which underpinned tribal authorities and separate development, fear of miscegenation.¹³

It is not so much their (the slaves') freedom that drove us to such lengths as their being placed on an equal footing with Christians."¹⁴

Firstly, I argued above that the Nationalist Party's motivation for apartheid was to protect the privileged, but threatened, status of Afrikaners as the "chosen" people. Coloreds were visual threats to the dilution of racial purity. If Afrikaners assimilated with other races, even other white races, they would lose their "chosen people" status for having gone against god's wishes.¹⁵

Earlier, the Hertzog regime had passed the 1927 Native Administration Bill which endorsed a policy of segregation as the answer to the "native question." The evolution of segregation as an ideology had spawned a new academic discipline and even among white liberals, Nicholas Cope contended, some came to see a logical connection between cultural pluralism and political segregation.¹⁶ Of particular note is an article by geographer A. J. Christopher which made a persuasive, logical and rationale argument for separate development, once the holes were plugged.¹⁷ Not so coincidentally, a memo from the Chief Bantu Commissioner told the Department of Information to assist the geographer with any needed documents.¹⁸ Christopher argued that the biggest obstacle to independent nation-states in South Africa was the large proportion of ethnic groups living outside of their ethnic areas. Notably, he did not mention sovereignty; perhaps, another instance of the "piss off; come closer" Phenomena.

Undoubtedly, the problem of disparate reserves was an obstacle to tidy homelands which could only be resolved by forced removals. But first, the implementation of structures were secured so Nationalist hegemony would continue in the "independent" African states. For that resolution, the National Government created Bantu authorities through a slight restructuring of the Native Affairs Department, which became the Bantu Administration and Development (B.A.D.) with "Dr." Hendrik Verwoerd at the helm.¹⁹ The Nationalist government magazine *banTu* [original orthography] provided rhetoric and applause to *bantu* who accepted "authorities" and shame for those who did not, calling for true Africans to seek out and kill the wolves among them who would halt independence. Faced with the term "native" and its unwanted affiliation

¹³ Miscegenation is used here to apply to the rare cases where whites married blacks and produced legitimate progeny versus whites' sexual relations with blacks not involving marriage and legitimate progeny, hence not threatening to taint the Afrikaner well.

¹⁴ Piet Retief's daughter, Anna Steenkamp gives her rationale for the Great Trek. Cited in J.A.L. Agar-Hamilton. *The Native Policy of the Voortrekkers: An Essay in the History of the Interior of South Africa--1836-1858*. (Cape Town: M. Milner, 1928), 88.

¹⁵ This fear extended to touching. Isicebi, a security guard at UniZulu, remembers as a child being in a store with his parents looking at Christmas gifts. His father's arm brushed up against a white girl's arm. Her father yelled at him in Afrikaans then hit his father with an open fist for touching his child. His father's nose bleed and they left.

¹⁶ Nicholas Cope. *To Bind the Nation: Solomon kaDinuzulu and Zulu Nationalism: 1913-1933*. (Pietersmaritzburg: University of Natal Press, 1993), 193.

¹⁷ A.J. Christopher. "South Africa and the Nation-State." *Zambezia: A Journal of Social Studies in Southern and Central Africa*. vol. 2 (2) 1971: 23-37.

¹⁸ Memo from Bantu Commissioner of Pietermaritzburg to Department of Information. 1969.

¹⁹ Union of South Africa. "Memorandum Explaining the Background and Objects of the Promotion of the Bantu Self-Government Bill, 1959." White Paper 3 (1959).

with white South Africans and the term *abantu* (Zulu for people), the Nationalist Party dropped the “a” and used the term *bantu* as the official, and derogatory, label for blacks.²⁰

This discussion on ideology may appear tangential to my topic, but as I have argued the Nationalist Party’s obsession with racial purity is what underpinned apartheid and subsequently their distortion of *ubukhosi*. The 1951 Bantu Authorities Act was the bureaucratic mechanism in the *rural* areas built in preparation for isolating and controlling Africans and the 1959 Promotion of Bantu Self-Government Act, with its promise of independence was the sugar-coated pill to offset the loss of South African citizenship. *Isilo* (honorary term for Zulu king) Goodwill Zwilethini stated in his address at the installation of *inkosi* Nxumalo that, “apartheid repressed *ubukhosi*.”²¹ Not surprisingly, Jabulani Simon Maphalala, a member of the Department of Cooperative Governance and Traditional Affairs’ Traditional Leadership Disputes and Claims Committee, shared that the basis for many disputes are Apartheid’s replacement of non-compliant hereditary chiefs with compliant appointed chiefs. Families are today arguing that the rightful heirs should be returned to their thrones.

William Beinart asserted that segregation was negotiated and challenged.²² Beinart argued that some implications of “articulations” have not been fully explored in South African historiography. Beinart’s “articulations” are relevant to the location of African agency under the “authorities” infrastructure. Beinart contended that the idea of a “homeland” could be seen by migrant labor not just as discrimination but as a means to defend against full incorporation into a capitalist economy by retaining a rural base. Likewise, Michael Mahoney sought to locate agency in the common Zulu, not only the elite, of which he found expression in correspondence, official proceedings, requests for action, and reports to the colonial state.²³ Nicholas Cope stated that in the 1920s members of Natal’s *kholwa* (Christian-educated black elite) discarded the notion of white acceptance and viewed the progressive ‘solution’ to the “native question” as the pursuit of development of their own people.²⁴ In short, separate development had African support.

Secondly, although others have argued that the reserves provided pools of cheap labor, I contend that the homelands were anathema as a source of cheap labor, except for the farmers within the reserves, given the distance for Africans to work sites, which produced the ongoing tension in the Nationalist government between the desire to safeguard the white race and the need to secure black migrant labor. This tension required: a) new restriction on passes to enforce influx control for migrant labor in the “white” areas; b) a rush of forced removals; and c) the building of townships for migrant labor on the perimeters of the reserves.

In the early 1950s, the state realized that they could not quell the cries of commercial agriculturalists and industrial operations for accessible cheap labor. To accommodate white business needs, the state dispossessed and removed, often forcibly, Africans from “black spots” to newly constructed “townships.” In the 1960s, the people living on the perimeter of KwaDlangezwa where forcibly removed to the interior of the homelands so the government

²⁰ Dr. Maphalala stated this to me in our interview at the Pietermaritzburg Repository January 22, 2013.

²¹ Address given by *isilo* on January 28, 2013 at the installation of *Inkosi* Nxumalo of Mbwatsana, KZN.

²² Beinart, William. “Chieftaincy and the Concept of Articulation.” In *Segregation and Apartheid in Twentieth-Century South Africa*. William Beinart and Saul Dubow, Eds. London: Routledge, 1995, 176.

²³ Mahoney, Michael Robert. *The Other Zulus: The Spread of Zulu Ethnicity in Colonial South Africa*. Durham: Duke University, 2012.

²⁴ Nicholas Cope. *To Bind the Nation: Solomon kaDinuzulu and Zulu Nationalism: 1913-1933*. Pietermaritzburg: University of Natal Press, 1993

could build Esikhawini, a township, to serve the industrial needs for black labor of nearby Richard's Bay.²⁵

Removals were portrayed as paternal in *baNtu* to counteract international and national censure after the Sharpeville Massacre in 1960. Pictures showed the loving care which the South African Police (SAP) used when assisting Africans in resettlement. Like a loving father, the state would relieve the Africans of poverty and sickness and place them into the healthy environment of a lovely one-room matchbox house near the mines or industries. Although, some state officials suggested compensation be given to these people for their crops and houses, other officials argued that in the reserves land is not owned but loaned by the chiefs; hence, compensation was seldom given. Although pictures of these removals evinced no happy African, *baNtu* text stated that if the "bantú" didn't understand the reason for the "resettlement," he would in time appreciate the chance for separate development along his own lines.

A few interviewees contended that the new government "houses" did improve their lives.²⁶ Nevertheless, all interview partners resented the lack of discussion. Informants stated that the SAP would drive in; tell them to "Move! Piss off!" then throw their belongings into the Lorries.²⁷ Correspondence in the files of the Department of Bantu Administration and Development documented commissioners' notifications to *amakhosi* telling them to "move their people." Then the commissioner left it to the chiefs and their *izinduna* to carry the order to the people.²⁸ Many reasons were available for removals (i.e. betterment schemes, consolidation, progress, land for sugarcane, afforestation of gum trees) but ultimately the trigger, I argue, was state control of Africans to secure racial separation.

Thirdly, I argue that *amakhosi* (chiefs) and *amazulu* (Zulu people) did resist "tribal" authorities and separate development which is documented in two well-researched studies by Peter Delius and Matthew Chaskalson. In oral interviews and archival documents, I have also found instances which corroborate Zulu agency to resist.²⁹ Delius stated that the enactment of the BAA was the basis for the protests in Sekhukhuniland in the 1950s and 1960s. Additionally, he contended that these protests were led by *amakhosi*. Yet after the mid-1960s came a lull in resistance as the Nationalist regime had banned the African National Congress, the Pan-African Congress, the South African Communist Party, and the majority of leaders were either incarcerated or in exile. In the 1961 issues of *baNtu*, explicit references are made to communists and agitators who seek to mislead the African. By 1968 the government publication was half the size and resembled more of a tourism guide of the homelands than the 1961 and 1962 issues. One interviewee stated that once the state jailed the ANC leaders, it no longer felt the need to push propaganda for separate development. Additionally, the push for separate development slackened due to the assassination of its architect, Verwoerd, and the United Nations' refusal to recognize the Transkei, the first independent homeland, as a nation.

²⁵ I lived in Esikhawini in 2012 and recorded testimonies, specifically of Joyce Mbambo, my home-stay mom.

²⁶ Whether this defense which I have heard before in regards to forced removals is part of today's phenomena of nostalgia for apartheid or denial is debatable, or perhaps, a one-room brick house is better than a tin-roof shanty.

²⁷ Interview with Babakhonza Mkhwanazi and Michael Mkhwanazi, November 13, 2012, at the Mkhwanazi royal homestead in KwaDlangezwa. When interview partners were asked what they remember most vividly about apartheid, the response in the majority was the pain of forced removals. No discussion just "move!"

²⁸ Correspondence between the Chief Bantu Affairs Commissioner, Pietermaritzburg, and the Secretary for Bantu Administration and Development, Pretoria, 11-4-1969.

²⁹ Peter Delius. "Migrants, Comrades and Rural Revolt: Sekhukhuniland, 1950-1987." *Transformation* 13 (1990): 2-26. C.f. Matthew Chaskalson. "Rural Resistance in the 1940s and 1950s." *Africa Perspective* 1, 5-6 (1987):47-57. Namely, the interview with Inkosi Mzimelma and his father's resistance to accepting "tribal authorities".

Like Delius, Matthew Chaskalson argued the BAA caused great upheavals in the rural area with the influx/effluence, betterment and rehabilitation schemes. The culling and villagisation violated attitudes towards cattle and residential patterns which the rural population greatly resented. Resistance was shown through the breaking of reserve fences, the burning of stock cards and land certificates, destruction of erosion banks, resistance to cattle culling, and opposition to relocation. I found documentation in the Mtunzini Magistrate's files for such occurrences. Chaskalson stated non-compliant *amakhosi* were replaced and cited the examples of the appointment of Kaiser Matanzima and Lucas Mangope who replaced deposed chiefs who rejected authorities. One of the galling aspects of authorities for the impoverished rural population was apartheid's insistence that the people pay for "tribal authorities," a structure which served the state and lined the pockets of chiefs. Normally, monies were garnered through taxation by a chief, that is, after he had received approval from the Bantu commissioner.

The Bantu (Black) Authorities Act (BAA) gave power to *amakhosi* (then took it away giving final say to the governor-general), but more importantly for the state it defined tribal boundaries making an *inkosi* (chief) accountable for his specific demarcated area which facilitated government control of the vast reserves. While some *amakhosi* resisted "authorities"; other hereditary chiefs gladly welcomed the personal benefits, such as cars, that went along with accepting "authorities." Yet, I caution against the judgmental use of the dichotomy of collaboration/ resistance in regards to acceptance of authorities by traditional leaders. The structure and paternalistic ideology and propaganda of bantu authorities was complex and overwhelming for anyone, and, additionally, intimidating if you were African. *baNtu* photographs show nearly a decade of tribal authority installations as traditional leaders smile and bow to a white bantu commissioner who hands them a token certificate of sovereignty with a promise of funds for development. Were these traditional leaders playing the game or did they believe in "progress" or just want the paltry handouts? Evidently, the bantu commissioners, often with dual rural/urban positions which demanded a heavy workload, believed the rhetoric. Or was it all just a highly intricate and costly show for the international community put on by apartheid in a face-saving bid to end economic sanctions? Reality and illusion are hard to differentiate. Go ask Alice. Yet, the dream of a pure white Afrikaner race persisted.

Location of Study

This study focuses on the province of KwaZulu-Natal (KZN) with a case study of the Mtunzini District. With majority rule some structures have changed and Mtunzini, although still the seat of the Magistrate's Court, is no longer considered a district but falls under the umbrella of the Umlalazi Local Municipality which falls under the larger umbrella of uThungulu District Municipality. But as the records for the period from 1950-1970 are kept as Mtunzini District for both the national archives and the magistrate's court, I am keeping with the term Mtunzini District.

Mtunzini District is situated on the coast of Zululand between the Tugela and Mhlatuze Rivers. The Amatikulu and Umlalazi Rivers also flow through the district. In 1906 KwaZulu had an outbreak of leprosy and patients were sent by the magistrate's office to the Amatikulu Leper Insitute on the outskirts of Mtunzini. The hospital in the 1930s became a resettlement site for informal settlers from the Dunn Reserve 7B during the state's long dispute with the Dunn

Family's land claim in which the Native Commission negotiated with *inkosi* Mataba (chief of Reserve 7A and Reserve 8) for use of the land.³⁰

Mtunzini Village was the seat of the Bantu Affairs commissioner for the Zululand (KwaZulu) district of Mtunzini and home to John Dunn, a Scottish trader, hunter and King Cetshwayo's chief advisor. Dunn was the white "chief" in the area during British rule before the destruction of the Zulu Nation in 1879. Dunn had a European wife but took, against her will, 48 African wives. His large family inhabited the fertile coastal area known as Ongoye in what became Mtunzini District and encompassed Reserves 7A, 7B, 8, 9 and 10.³¹ When the British in the early 1900s demarcated/ delimited areas for Africans in KwaZulu, Dunn's descendants lived and were promised title deeds to plots in what became Reserve 7.³² Dunn was said to have held court under a large Mdoni tree at his house near the lagoon. When people spoke of going to the meetings they said they were going to "e-Mtunzini" (Zulu for at the "place of shade"), hence the name "Mtunzini." Dunn died in 1895 at his farm Emoyeni outside Mtunzini at the age of 71. He was survived by 23 wives and 79 children.³³

With high rainfall due to the coastal conditions and the hills, the district provides fertile conditions for sugar cane and gum trees which cover the hills today. Mtunzini in 1970 was the most densely populated district in KwaZulu as a large part of it encompassed the former reserves, namely, Reserves 7A, 7B, 8, 9, and 10. After promulgation of the 1959 Promotion of Bantu Self-Government Act, the state did not include the reserves/ homelands in the census. Since 1960 the census only included Mtunzini, the village, and two trading posts to reflect the 1959 Promotion of Bantu Self-Government Act and the separation of homelands (e.g. Zululand), I have used the 1946 Census for Mtunzini District which includes the reserves. Note that the Dunn Family reserve 7B was not included in the 1946 census.

	Europeans	'Natives'	Asians	Coloreds
<u>1946 Census</u>				
Mtunzini	160	246	1	1
Farms	472	5971	638	33
Reserve 7A	35	1356	0	145
Reserve 8	4	4576	0	3
Reserve 9	24	17742	6	30
Reserve 10	7	3631	0	0

The Mtunzini District held six chieftaincies. Under BAA each chieftaincy comprised its own tribal authority regardless of whether it encompassed more than one reserve: Reserve 7A/B and Reserve 8 – Macambini (also Cambini) "Tribal Authority" which incorporated the smaller clans of Mathaba, Mhlongo and Matonsi; Reserve 9 – Mzimela Tribal Authority, Zulu Tribal Authority, Mk[h]wanazi Tribal Authority, and Nzuzza Tribal Authority; Reserve 10 – Mkhwanazi

³⁰ When Dunn died his descendants claimed the land. A resolution was problematic for the state as the children from the African wives were colored while the descendants from the European wife were white. According to Professor Maphalala, the Dunn progeny never obtained title deeds although the state consistently promised such. Today the Dunn clan resides on the former Reserve 7B but do not hold title deeds.

³¹ CNC 42A 38/47 (Chief Native Commissioner) Locations and Reserves. "Definitions of Boundaries of Reserves Delimited by the Zululand Lands Delimitation Commission. 1902-1904." In 1904 Dunn Reserve was listed as Reserve 7A and 10. Later it was listed as Reserve 7B.

³² *Inkosi* Mzimela contends it is an oxymoron to call a white man a Zulu chief.

³³ http://www.visitzululand.co.za/Heritage_JohnDunn.php accessed February 16, 2013.

Tribal Authority and Dube Tribal Authority. At the inauguration of Mehlwezizwe Regional Authorities (which comprised four of the above tribal authorities) in Mtunzini District on 12 November 1962 the following *amakhosi* had “accepted” Tribal Authorities. It is noteworthy that two of these leaders were “acting” which generally translated into appointed and compliant:

Acting Chief Chakidi Mathaba (Macambini Tribal Authorities);³⁴
 Chief Zwelibanzi Nzuza (Nzuza Tribal Authorities);
 Chief Magemegeme Dube (Dube Tribal Authorities); and
 Acting Chief Mbulaleni Nguni (Mkhwanazi Tribal Authorities)

Locating Resistance

At the inauguration of the Mehlwezizwe regional authority, Mr. G. Corrie Nel, Commissioner-General for the Zulu National Unit stated, “The purpose of [Tribal Authorities] is simply progress.”³⁵ Nel warned the amaZulu to “Take action against the wolves (i.e. ANC, SACP) and evil spirits in our midst.”³⁶ Nel congratulated the Zulus of Mtunzini on “the installation of the Mehlwezizwe Regional Authorities,” and on appointing Inkhosi Magemegeme Dube as its chairman. When he applauded the Mtunzini Zulus and chiefs “for coming together to establish a regional authority,” he neglected to state that two clans (Zulu and Mzimela) had declined to “accept.” Although the District Record book stated that the Zulu clan “accepted” Tribal authority in 1956, it was not gazetted until 1963 with Chief Zithuma Zulu as the head of the Zulu Tribal Authority. Noticeably absent from the record was Chief Lindelihle Mzimela who also had not “accepted” tribal authorities.³⁷

After the presentation of two tractors “with implements,” a station wagon and a road grader to the regional authority, “Paramount Chief” Cyprian Bhekuzulu took the rostrum and stated he was “delighted that the people of Mtunzini had chosen the right path.” According to the Natal Mercury, Paramount Chief Bhekuzulu said that “no progress was possible without tribal or regional authorities.”³⁸ Initially, the regional authority consisted of fifteen members but when *Inkosi* Zulu “accepted” Regional Authorities in 1963 the number of members rose to eighteen. At that time Chief Magemegeme Dube was replaced, after less than one year of service, by Chief Bekamafa Mataba of the Cambini Tribal Authority as chairman of Mehlwezizwe Regional Authority.

Yet “Paramount Chief” Bhekuzulu did not initially side with the state. In accordance with a clause in the BAA requiring consultation with the concerned blacks, Verwoerd paid a visit to Bhekuzulu to ensure his and *amakhosi* support. When support for bantu authorities was not forthcoming, Verwoerd ordered Bhekuzulu to tell his people that he was not prepared “to take ‘no’ for an answer”³⁹ Thereafter Bhekuzulu appeared to support Bantu Authorities. Whether his

³⁴ Bhekamafa had died on 7-Apr-1962 and was replaced by Acting Chief Chakidi.

³⁵ *baNtu*. January 19, 1963, 56-57. A Regional Authority comprised two or more Tribal Authorities.

³⁶ Natal Mercury, November 13, 1962.

³⁷ Mtunzini District Record Book, 50. *Inkosi* Mzimela did not accept tribal authorities until 1967 when the Department of Bantu Administration and Development pushed for compliance from all dissenting *amakhosi*.

³⁸ “Building Zulustan” Natal Mercury, Wednesday, October 3, 1962. The British stated the Zulus (or any clan) could not have a king since England had a king. Instead the Zulu kings were called “paramount” chiefs. Also the Zulu word *inkosi* means king so the word chief was substituted. The Zulu Legislative Assembly passed a law altering the name of the traditional incumbent from chief to *inkosi*. Change merely in name and not in status or function. For discussion see Charles Robert Dlamini. “The Role of Chiefs in the Administration of Justice in KwaZulu.” Dissertation for Doctor of Law at University of Zululand. May 1988.

³⁹ O.E.H.M. Nxumalo, C.T. Msimang and I.S.Cooke. King of Goodwill. Nasou i58.

support was based on coercion or the benefits to be gained through control over land or the combination of both, his visage was used in the media to show support of *amaZulu* for Bantu Authorities.⁴⁰

The Mtunzini District Record Book documented when the district's six *amakhosi* or chiefs "accepted" Tribal Authorities.

Mtunzini District Reserves⁴¹

No.	Extent in Morgens	Locality	"Tribes" & Acceptance Date
Reserve 7A/B	4737	Mangete and Inyoni	Dunn (7B) –N/A ⁴² Mataba (Cimbini) – 1955/57
Reserve 8	12316	S.E. Portion of District to Indian Ocean	Mataba – 1955/3-May-1957 ⁴³ or Macanjani (Cimbini)
Reserve 9	44052	N.W. portion of District Between Inyezane & Umhlatuzi Rivers Including Ongoye Mountains	Mzimela – 21-Apr-1967 ⁴⁴ Zulu- 26-Oct-1956 ⁴⁵ Mkhwanazi – 26-Oct-1956 ⁴⁶ Nzuza – 23-Aug-1957 ⁴⁷ Mpungose (transferred to Eshowe District in 1958)
Reserve 10	12789	N.E. portion of District Between Umlalazi and Umhlatuzi Rivers and Port Durnford Forest Reserve and Indian Ocean.	Mk[h]wanazi - 1955/56 Dube - 1955/26-Oct-1956 ⁴⁸

Reserve 7A and all of Reserve 8 is inhabited by the Macambini (also Cambini) "Tribe" which comprised the small clans of Mathaba, Mhlongo and Matonsi. The current traditional leader is Chief Mathaba whose grandfather Chief Bekamafa Mataba was head of the Cambini Tribal Authority and chairman of the Mehlwezizwe Regional Authority before his death in 1962. The Amatikulu Leper Institute was located in Cambini (Mataba) territory and lies adjacent to the Dunn claim in Reserve 7B. In 2009, *inkosi* Mataba's territory was transferred to Ilembe District.

⁴⁰ baNtu. 1961-68. Nearly every monthly issue of baNtu has pictures of King Bhhekuzulu officiating over a authorities event.

⁴¹ Mtunzini District Record Book, 44. Zulu, Mkhwanazi and Dube were gazetted 26-Oct-1956 as tribal authorities.

⁴² District Record Book population of 5-Sept-1960 for Dunn (Res 7B) was 259 *Kleurlinge* [Coloured] and 8 *Bantu*. Noteworthy, no dipping tanks are listed for Reserve 7B. John Dunn was a "white" chief and his children from African wives were colored. Regulations for coloreds were different from those for blacks.

⁴³ Mtunzini District Record Book gave the date of acceptance as 1955 then stated government notice was 1957.

⁴⁴ Notably the District Record Book only stated government notice of 21-April- 1967 not 1955 as acceptance.

⁴⁵ Notably the District Record Book only stated government notice of 26-Oct-1956 not 1955 as acceptance.

⁴⁶ Mtunzini District Record Book gave the date of acceptance as 1955 then stated government notice was 1956.

⁴⁷ Mtunzini District Record Book gave the date of acceptance as 1955 then stated government notice was 1957.

⁴⁸ Mtunzini District Record Book gave the date of acceptance as 1955 then stated government notice was 1957.

Reserve 9 is inhabited by the Zulu, Mkhwanazi, and Nzuzi clans. Chief Zitume Zulu “accepted” tribal authorities in October 1956. In February 1967, Chief Zitume died after twenty years on the throne. His senior *induna* Mzimubi Mthembu became regent/ acting chief until the heir reached majority age. Alpheus Velesone Zulu was installed as Chief of the Zulu clan on 5 April 1968. His installment was attended by the Bantu Commissioner and Paramount Chief Cyprian Bhekuzulu.

The Nzuzi clan also inhabits Reserve 9. After John Dunn’s death, Ngwenya Nzuzi claimed the chieftainship. The Nzuzi tribe reverted to the original house, and Ngwenya was proclaimed Chief. On his death, another dispute arose between two of his sons, Sisila-so-Pindo, and Muzitshingwe; Sisila was proclaimed Chief in 1927. Zwelibanzi Nzuzi was installed on 19 May 1951.⁴⁹ According to the Mtunzini Record book, Nzuzi “accepted” authorities in August 1957.

The largest territory in Mtunzini District is the Mzimela area of the former Reserve 9. *Inkosi* Mpiyezintombi Mzimela stated that only *amakhosi* and *izindunas* knew about bantu authorities as the government did not consult with the people. I asked *inkosi* Mpiyezintombi why the District Record shows a gap between 1955 when the other four *amakhosi* accepted “tribal authorities” and 1967 when his father “accepted” tribal authorities. He answered that *Inkosi* Lindelihle Mzimela refused to accept “tribal authorities.” Mpiyezintombi remembers as a boy his family living in the bush as Lindelihle’s brothers were plotting with the state to usurp the throne.⁵⁰ In 1967 when the government proclaimed it mandatory that all *amakhosi* “accept” tribal authorities, Lindelihle did so and hence, the gazetted 1967 date.

Mkhwanazi chieftaincy inhabits parts of Reserve 9 and 10. Both British and Boer regimes misspelled the name and dropped the “h” (i.e. Mk[h]wanazi) which lingers on today. The Mkhwanazi territory known as KwaDlangezwa is a rural area about two hours northeast from Durban, and contains the campus of the University of Zululand, where I resided during my 2011 Fulbright-Hays Zulu GPA home stay and again during my 2012-13 Boren Fellowship.⁵¹ On 4 April 1951 *Inkosi* Muntongenakudla (Munto) Mkhwanazi was arrested for leading a faction fight. On the same date, Mbulaleni Nguni, one of Munto’s *izinduna* (headmen), was appointed by the state as acting chief. In June 1951 the Bantu Authorities Act passed and in November 1955, acting *inkosi* Nguni accepted “Tribal Authorities.” One can speculate as to why the four year delay (i.e. 1951-1955), but the other five Mtunzini *amakhosi* also did not “accept” authorities until 1955/6. Munto was released two years later and placed under house arrest for sixteen years. He was reinstated by the apartheid government then murdered by an irate subject over a land issue in 1977. The case of Muntu Mkhwanazi evinces unrest in regards to chieftaincy in KwaZulu.

The Dube chieftaincy inhabits the smaller portion of Reserve 10 with the larger portion being Mkhwanazi territory. Acting *Inkosi* Ingwenya (crocodile) Dube stated that *amakhosi* cried under apartheid. So much land was taken for planting sugar cane or gum trees, that they had no

⁴⁹ Mtunzini District Record Book, 46.

⁵⁰ Note *Inkosi* Zulu did not “accept” Tribal Authorities until October 1956. Mtunzini District Record Book. Mpiyezintombi is Zulu for “protector of women”; *Inkosi* Mpiyezintombi Mzimela has twenty-seven wives. His father had twenty-nine.

⁵¹ KwaZulu was established as a self-governing territory in 1977. See Benedict Carton, John Laband, and Jabulani Sithole, eds. *Zulu Identities: Being Zulu, Past and Present*. New York: Columbia University, 2009, 532 n46.

land to give his people, which was his nightmare. He stated that *amakhosi* did resist bantu authorities but, finally, what could they do.⁵²

The District Record book shows that *amakhosi* in Mtunzini “accepted” tribal authority by 1956. It is possible that whoever wrote in blue ink “accepted” for *amakhosi* in Mtunzini did so with the assumption the chiefs would comply without waiting for the notice to be gazetted. Chief Somshoko Mataba of the Cambini clan died in March 1954 without “accepting” Tribal Authorities. He was replaced by an Acting Chief Mhlongo who “accepted” in 1955. Yet, below that entry the District Record Book gives the date of the Government Notice as May 1957 for the inauguration of the Cambini Tribal Authority. So was it 1955 or 1957 when the Cambini clan accepted tribal authorities? Acting Chief Mhlongo remained in power until 1958 when Chief Bhekamafa Mataba was installed by which time “authorities” was already a done deal.

Literature Review

This study examines from a Zulu perspective the transformation of the institution of chieftaincy in KwaZulu-Natal under apartheid from 1950 to 1970. It would be instructive to review this portion of South African history.

On 3 September 1948, Senator Hendrick Verwoerd, later Prime Minister of South Africa, spoke to Parliament on the apartheid policy of separate development and the creation of tribal authorities. By incorporating chieftaincy into state governance, the National Party kept with Britain’s policy of indirect rule, but took the concept a step further in codifying the role of paid tribal authorities who were the cadre of paid hereditary and appointed *amakhosi* (chiefs) and *izindunas* (headmen). The original term *Tribal Authorities* (now Traditional Authorities) although in use was codified with the Bantu Authorities Act of 1951 (BAA) and referenced state-paid chiefs, whether hereditary or appointed, and headmen of various ranks imposed by apartheid on rural areas. In South Africa it has been highly disputed as to who constituted tribal authorities since chiefs who did not conform were deposed which has today become a source of succession disputes dealt with by COGTA.⁵³

The key concepts of “tradition” and “chieftaincy” require unpacking as their meanings have become ambiguous.⁵⁴ E.J. Hobsbawm and T.O. Ranger argued since “tradition” had been codified as customary law to gain control that it had as its objective invariance whereas “custom” did not preclude change as long as it was compatible with precedents. Therefore, any desired change could be sanctioned on precedent, social continuity and natural law. “Custom” was intertwined with “tradition” but flexible.

Kwame Arhin wrote that tradition is what is handed down from the past. Tradition referred to the ways of doing things in the past as distinct from the present. He asserted that the

⁵² The current *inkosi* was acting for the hereditary *inkosi* until he came to majority age; the hereditary *inkosi* was dismissed from office for misconduct. As the Dube people could reach no agreement as to who should replace him, the office is vacant and the current acting *inkosi*, with whom I spoke, remains. Acting *inkosi*’s name Ingwenya is Zulu for crocodile which was the name of his father’s homestead.

⁵³ Lungisile Ntsebeza. *Democracy Compromised: Chiefs and the Politics of the Land in South Africa*. Boston: Brill, 2005, 14. COGTA is the Department of Co-operative Governance and Traditional Affairs.

⁵⁴ Kwame Arhin. *Traditional Rule in Ghana: Past and Present*. Accra: Sedco, 1985. Mahmood Mamdani. *Citizen and Subject: Contemporary Africa and the Legacy of Late Colonialism*. Princeton: Princeton University Press, 1996. J. Michael Williams. *Chieftaincy, the State, and Democracy: Political Legitimacy in Post-Apartheid South Africa*. Bloomington: Indiana University, 2010. , E. J. Hobsbawm and T.O. Ranger. *The Invention of Tradition*. Cambridge: Cambridge University Press, 2010.

past or present are relative to the time in which a speaker used the words. Arhin distinguished between three kinds of traditional rule in Ghana before the colonial administration designated all “traditional” office-holders as chiefs: 1) acephalous rule – societies lacking obvious power-holders but which followed moral rules as basis for social and political cohesion; 2) Power-holders rule – where societies have rising levels of centralized political authority and moral rules are compulsory within a centralized political authority; and 3) Combination rule – where societies were in-between the above two phases and evinced characteristics of both.

Mahmood Mamdani stated that “tradition” was distorted during colonization and that the legitimacy of “traditional” colonial chiefs was based on a manipulated version of customary law. Mamdani contended, correctly, that after colonialism chieftaincy gained its legitimacy from the state which utilized the “traditional” powers of chieftaincy to facilitate colonial rule in a “bifurcated state of decentralized despotism.” When it came to power in 1948 the Nationalist Party reshaped indirect rule and codified it into a rigid structure of “authorities” which remains today with the majority-rule state, instead of the apartheid state, being the overlord.⁵⁵

J. Michael Williams argued that “tradition” was not the only base of authority for chieftaincy but the institution had modern legitimacy through the state. He asserted that chieftaincy’s legitimacy was generated at the local level. I have found this theory to be valid after attending traditional council meetings and speaking to *amazulu* in KwaDlangezwa. *Inkosi* Mkhize stated that the fakery of separate development was that the “national” states/ homelands did not have sovereignty.⁵⁶ Even at the local level, the tribal authority level, *amakhosi* were answerable to the Bantu Administration and Development commissioner for their territory/ward.

As this study hinges on the Bantu Authorities Act (BAA) and the Promotion of Bantu Self-Government Act (PBSA), it is necessary to examine these two pieces of legislation.

The function of the Bantu Authorities Act 68/1951 (BAA), as signed in June 1951, reads:

“to provide for the establishment of certain Bantu authorities and to define their functions, to abolish the Natives Representative Council, to amend the Native Affairs Act, 1920, and the Representation of Natives Act, 1936, and to provide for other incidental matters.”⁵⁷

Matthew Chaskalson asserted that the BAA had a huge impact on the institution of chieftaincy which was perceived, as I also contend, as a distortion of *ubukhosi*. Additionally, I argue that the BAA met with resistance in the rural areas where traditional governance had a powerful hold. I examine the effects of the BAA in the Mtunzini District of KwaZulu (Zululand). Under the British regime betterment schemes couched as rehabilitation met with resistance by chiefs and the rural population when the Native Affairs Department (NAD) usurped the rights of chiefs to allot land. Once in power the Nationalist Party sought to consolidate the support of the collaborative class against the popular resistance to rehabilitation; this objective was a trigger for the passing of the BAA which fired the bullet of total separation, later to be renamed separate development. The shift of labor needs from the rural sugarcane plantations to urban mines in the early twentieth century had necessitated a drastic change in British colonial policy which required a new paradigm of influx control and the Nationalist Party sought to entrench this control. Segregation, I argue, was at the heart of all white governance policies toward Africans

⁵⁵ KwaZulu-Natal Traditional Leadership and Governance Act No. 5 of 2005.

⁵⁶ Interview with *Inkosi* Mkhize of Embo Tribe Mpumalanga at the Pietermaritzburg Repository, January 2013.

⁵⁷ Union of South Africa, June 15, 1951. G.P.O., 1552-1578.

after the initial multi-racial British colonial government but even more so during the Apartheid regime.

In the July 1955 *Fighting Talk* article “Bluffing the Bunga into Apartheid,” Nelson Mandela wrote:⁵⁸

The acceptance of the Bantu Authorities Act by the Tanskei Bunga raises serious problems for the people[s] and the freedom movement of our country. The act is intended to rebuild tribal rule, and to divert the struggle for freedom into narrower channels.

With his keen insight, Mandela predicted, correctly, the diversion of the liberation struggle and the push for the Bantustans. He continued:

In time the government hopes to succeed in breaking the African people into communities of small, isolated and hostile tribal units, unable to offer united and effective resistance to the reactionary policies of the government.

Of note is the date, 1955, when Mandela wrote this article, the same year that four of the six *amakhosi* in Mtunzini District allegedly accepted Tribal Authorities.⁵⁹

The function of the Promotion of Bantu Self-Government Act 46/1959 (PBSA), signed in August 1959, reads:

To provide for the gradual development of self-governing Bantu national units and for *direct consultation* [my emphasis] between the government of the union and the said national units in regard to matters affecting the interests of such national units; to amend the Native Administration Act, 1927, the Native Trust and Land Act, 1936 and the Bantu Authorities Act, 1951 and to repeal the representation of Natives Act, 1936; and to provide for other incidental matters.

As stated above the PBSA amended the BAA and assigned “further powers, functions and duties to regional and territorial authorities.” But these further powers were ambiguous. Essentially, the PBSA abolished African representation in parliament, took away South African citizenship for Africans, and divided the blacks into eight national ethnic units: North-Sotho unit; South-Sotho unit; Swazi unit; Tsonga unit; Tswana unit; Venda unit; Xhosa unit; and the Zulu unit.

The PBSA created *Bantustans*, euphemistically called homelands, which restricted movement outside for the black population. One of the eight Bantu groups dispossessed of land and forcibly relocated was the *amaZulu* in Zululand (*KwaZulu*). With twenty-six disparate locations within Zululand, the state sought to consolidate KwaZulu by relocating *amaZulu* living outside the boundaries into their ethnic homeland. Duma Nokwe wrote in his article, “Bantustans: A Confidence Trick” in the July 1959 issue of *Fighting Talk*:⁶⁰

The new “development” plans no longer find it necessary to make more land

⁵⁸ Nelson Mandela. “Bluffing the Bunga into Apartheid” *Fighting Talk* July 1955, 6-7.

⁵⁹ The Mzimela clan resisted and did not “accept” Tribal Authority until 1967. Interview with *Inkosi Mzimela* December 24, 2012; Mtunzini District Record Book.

⁶⁰ Duma Nokwe. “Bantustans: A Confidence Trick” *Fighting Talk* July 1959, 3-4.

available for the Africans in the Reserves.

The signs are ominous. Africans are expected to pay for all their own welfare and it is the Africans who will have to find the money for the Government's fanciful development notions, in the last resort through taxation.

It is not access to the [Union] Government that Africans want, but access to Parliament, the country's law-making body...Dr. Verwoerd spoke of the setting up of Bantu authorities and the abolishment of African representation in the House being the first rung on the ladder to political advancement.

And Nokwe concludes:

The Bantustan plans are a swindle, a confidence trick, to disarm critics and defeat their opposition.

The apartheid codification of tribal authorities in the BAA was built on legislation and structures put down by the British colonial regime.⁶¹ The relevance of chieftaincy to the BAA and PBSA were that its base structures of "authority" were laid down by colonial and apartheid regimes of which both revived the ideology of "tribalism" and indirect rule as a justification for discrimination. Despite the history of collusion, chieftaincy remained a relevant institution in rural areas, but not as relevant in urban areas. My research draws on three bodies of scholarship: apartheid's separate development policy which touches on Christian Nationalism, customary law, and chieftaincy as indirect rule.

Separate Development

Many scholarly works have addressed the role of apartheid in shaping today's South Africa.⁶² The consensus is that the National Party's aim in separate development was to assure a black migrant labor force in the reserves while maintaining white supremacy through the divide and rule principle. I have argued that protecting white racial purity took precedence over securing a migrant labor force. These contradictory needs for segregation and accessible black labor resulted in "piss off; come closer" mechanizations of forced removals for homeland consolidation and township creations to put the African at safe but accessible distance. Appointed in 1946 by the United Party to look into systems of segregation, the Fagan Commission resigned South Africa with its need for black labor to an eventual equality between the races. In response, the National Party's Sauer Commission of 1947 employed the practical segregation of apartheid (separateness) which put Malan in power the following year, and

⁶¹ Matthew Chaskalson. "Rural Resistance in the 1940s and 1950s." *Africa Perspective* 1, no. 5-6 (1987): 47-57. See also, Peter Delius. "Migrants, Comrades, and Rural Revolt: Sekhukhuneland, 1950-1987." *Transformation* 13 (1990): 2-26.

⁶² Ntsebeza. See also: J. Michael Williams. *Chieftaincy, the State and Democracy: Political Legitimacy in Post-Apartheid South Africa*. Bloomington, IN: Indiana University Press, 2010. Barbara Oomen. *Chiefs in South Africa: Law, Power & Culture in the Post-Apartheid Era*. Oxford: James Currey, 2005. J. C. Myers. *Indirect Rule in South Africa: Tradition, Modernity, and the Costuming of Political Power*. Rochester, NY: University of Rochester, 2008. Robert Morrell, ed. *Political Economy and Identities in KwaZulu-Natal: Historical and Social Perspectives*. Durban: University of Natal, 1996.

subsequently Hendrik Verwoerd presented this revived policy of total segregation to Parliament. Touting separate development as a cultural paradigm, Verwoerd compared the creation of homelands in South Africa to the aims of the Palestinians and the Jews, thereby using ethnicity and nationalism as the premise for separate development where each group wanted total control of their land.

In 1951, with the passage of the Bantu Authorities Act (BAA), local chiefs and headmen received the powers of recommendation to the magistrate for allocation of land. Before the BAA, the role of the chief was marginal in the rural areas and was popularly felt to be outdated in the urban areas. The policy of separate development changed all this by re-inscribing tight bonds between chiefs, which, as Ntsebeza argued, gave chieftainship a “golden opportunity to entrench themselves amongst rural residents. . . .”⁶³ The establishment of separate developments led to the revival of a dying institution of *ubukhosi* (chieftaincy) and renewed the bonding, often at odds, between rural people and their chiefs. Additionally, separate development forced the renewal of bonds between *urban* dwellers and their rural homes in requiring identification of ethnicity on passbooks.

I have argued that the Nationalist Regime distorted *ubukhosi* most directly through the promulgation of Bantu Authorities in its quest for separate development. In his inauguration speech on 11 June 1970 in Nongoma, Zululand, as Chief Executive Officer of the Zulu Territorial Authority in 1970 Chief (Prince) Mangosuthu Gatsha Buthelezi stated:

Initially the Zulu people were made to understand by officials of your Department, Sir, that the Bantu Authorities Act of 1951 was optional. . . . about 1967, officials of the Department of Bantu Administration [and Development] told some of us that the Bantu Affairs Commissioners who gave us the impression that we had a choice in the matter were wrongly instructed, that we were merely being consulted and that consultation did not mean we had to give consent. Those of us who had been waiting for our people to decide, had after this explanation no option but to comply with the law, as the question of accepting or rejecting the Act, fell away.”⁶⁴

When examining bantu authorities and separate development it is informative to trace the influence of Christian Nationalism, used interchangeably here with Afrikaner Nationalism, which Saul Dubow argued was the ideology behind apartheid. Patrick Furlong stated that most Boers considered their long-term enemies were the blacks. After the Anglo-Boer War (1899-1902) some Afrikaners sought reconciliation with moderate English-speaker to achieve the “white” nation of the union in 1910.⁶⁵ Other Boers could not forgive Britain for crushing the embryonic Afrikaner nation and for the deaths of twenty-six thousand Boers in British concentration camps.⁶⁶ The latter group set up Dutch Reform Church schools where the religion,

⁶³ Ntsebeza, 130.

⁶⁴ “The Buthelezi Factor: Hope for the Bantustans?” *Africa Today*. Vo 18. No. 3 (July 1971): 53-61. Note: 1967 was the year that Inkosi Mzimela “accepted” tribal authorities after resisting for over a decade.

⁶⁵ Patrick Jonathan Furlong. *National Socialism, the National Party and the Radical Right in South Africa, 1934-1948*. Dissertation submitted for the degree of Doctor of Philosophy in History, University of California, Santa Barbara. July 1987.

⁶⁶ David Harrison. *The White Tribe of Africa: South Africa in Perspective*. Berkeley: University of California Press, 1981, 26 and 45. Cited in Furlong, 79.

the language and the culture were inscribed as the pedagogy of “Christian national education.”⁶⁷ Furlong contended the Boers were able to construct “Afrikaner” nationalism through “the promotion of the Afrikaans language, rather than the obsolescent Dutch.”⁶⁸ A synthesis of militant nationalism and traditional Calvinist values informed Christian Nationalism in which the believers shared an antipathy toward liberalism which was viewed as British ideology. A more radicalized Afrikaner movement resulted from the effects of the world wars and the onset of African independent states.

T. Dunbar Moodie spoke of the “Neo-Fichtean” strand of Afrikaner nationalism based on German Romanticism which joined with the old Afrikaner Calvinism to produce after World War II, Christian Nationalism, and the ideology of the Nationalism Party.⁶⁹ Furlong stated that it was the British annexation of Bausutoland and the various diamond fields in the 1870s that caused the rise of Afrikaner nationalism and the attachment to the mythology of the vow before Blood River which upon their victory over the *amaZulu*, would prove they were god’s chosen people. Hence, we hear the speeches of apartheid leaders such as Verwoerd cloaked in pious-sounding phrases which combine a religious “tradition” with “civil-religious” mythology.⁷⁰ The Afrikaner needed to preserve his “chosen people” identity and Africans were perceived as the biggest threat to their status. Segregation was used in the Dutch Reform Church from the outset of Boer settlement. With the growing population of Africans and the new power of the Nationalist Party government the Nationalist had the will and the means to enforce separate development for preservation of white Afrikaner purity.

Customary Law

Building on the British colonial policy of indirect rule, apartheid created a black labor force through a series of legislation that included separate development, destruction of landed peasantry, and codification of ‘customary’ law. Before colonial rule, and before the nation-state of South Africa, Traditional Governance, the ruling of land and clans by traditional authorities such as chiefs, was the unwritten form of government in Zululand and most of sub-Saharan Africa.⁷¹ In 1848, with the objective to control Africans living in the British colony of Natal, Theophilus Shepstone, the secretary for Native Affairs, launched the beginnings of indirect rule, which allowed British officials to rule through the intermediary role of local chiefs. While colonial statutory law was applied to criminal matters and cases involving Africans and Europeans, customary law was used for civil matters involving Africans. To instill hegemony, the magistrate deposed reluctant chiefs and replaced them with compliant chiefs.⁷² Mahmood Mamdani has argued that colonial and post-colonial states in Africa built their dominance on indirect rule and customary law, which colonizers did their best to codify.⁷³ I contend that it is due to the codification of customary law by the British that the Nationalist government was able

⁶⁷ Irving Hexham. *The Irony of Apartheid: The Struggle for National Independence of Afrikaner Calvinism Against British Imperialism*. New York: Edwin Mellen Press, 1981, Chapter Six. Cited in Furlong, 82.

⁶⁸ Furlong, 83.

⁶⁹ T. Dunbar Moodie. *The Rise of Afrikanerdom: Power, Apartheid and the Afrikaner Civil Religion*. Berkeley: University of California Press, 1975, 154-155. Cited in Furlong, 42.

⁷⁰ *Ibid*, 57.

⁷¹ Zululand, a former reserve, comprises the northeastern part of today’s province of KwaZulu-Natal, South Africa.

⁷² Thomas V. McClendon. *White Chief, Black Lords: Shepstone and the Colonial State in Natal, South Africa 1845-1878*. New York: University of Rochester, 2010.

⁷³ Mahmood Mamdani. *Citizen and Subject*. Princeton: Princeton University, 1990, 37.

to co-opt the institution of chieftaincy, first through “tribal authorities” then through separate development.

Chieftaincy as Indirect Rule

It is very desirable, however, that any doubt regarding the **Chief's authority** to grant permission for such movements within the district without **reference to the local Native Commissioner** should be removed, and it is recommended that, if necessary, Proclamation No. 123 of 1931 be amplified accordingly.⁷⁴ [emphasis mine]

The distortion of *ubukhosi* under British colonialism was intensified under apartheid through bureaucratic structures in the areas of agriculture, traditional governance, labor, citizenship, education, customary law and, in short, every aspect of the relationship between *amakhosi*, their people and the state. Historian Thomas McClendon has defined indirect rule as the recognition of indigenous rulers by colonial states which “delegated to these rulers the quotidian tasks of mediating disputes...enforcing colonial rules on the occupation...of land, marriage practices, the collection of tax, and the marshalling of labor for colonial...projects.”⁷⁵ Mamdani has described indirect rule as a form of decentralized despotism which characterized Africa from colonial times to the present independent majority rule.⁷⁶ In this form of power, chieftaincy collaborated with the state to retain a margin of hegemony by supporting colonial rules which produced a “bifurcated state.”

Ntsebeza posited that the legitimacy of chieftaincy was dependent on the state which allowed traditional leaders to retain the power of land allocation in the rural areas. Other scholars contended that chiefs were simply the benefactors of cheap, inefficient states which lacked the capacity to meet the needs of the rural areas and argued that empowering traditional leaders was always pragmatic.⁷⁷ J. Michael Williams argued that all of these hypotheses failed to account for the agency of rural society. Williams, my study suggests, was correct when he contended that local populations used chieftaincy as a “lens to give meaning to...new forms of authority.”

Scholars, including Jean and John Comaroff and Barbara Oomen, have placed the legitimacy of chieftaincy within the context of new external global forces that have identified cultural rights sovereignty and credibility as sources of legitimacy.⁷⁸ While traditional leaders took advantage of the rhetoric, the global community passed judgment on governances which disallowed cultural rights for its citizens, hence, supporting indirectly South Africa's resurgence of chieftaincy.

⁷⁴ Memo 382 Pietermaritzburg “Entry of New Residents into Locations and Reserves....” Chief Native Commissioner, Natal to the Secretary for Native Affairs, Pretoria. 30th August 1947.

⁷⁵ McClendon, 8.

⁷⁶ Mamdani, 37.

⁷⁷ Alexander 1995; Rouveroy van Nieuwaal, Emile Adriaan Benvenuto van, and Rijk van Dijk. *African Chieftaincy in a New Socio-Political Landscape*. Münster: Lit Verlag, 1999.

⁷⁸ Comaroff, John L., and Jean Comaroff. *Civil Society and the Political Imagination in Africa: Critical Perspectives*. Chicago: University of Chicago Press, 1999. Comaroff, John L. “Chieftship in a South African Homeland.” *Journal of Southern African Studies*. 1, no. 1 (1974). Oomen, Barbara. *Chiefs in South Africa: Law, Power and Culture in the Post-Apartheid Era*. New York: Palgrave, 2005.

Conclusion

Though much of the literature on chieftaincy has focused on the period of British rule and post-Apartheid, my study seeks to reveal the distortion of *ubukkhosi* during *ubandlululo*. *Amakhosi* and rural people were not simply passive subjects of white administrations. William Beinart argued that the complex nature of local African politics and the forces chiefs responded to show that rural Africans were not simply putty to be reshaped by colonists and that the implications of “articulation” needed further exploration in South African historiography.⁷⁹ He continued to state that even with the eroding of bargaining power that rural Africans negotiated and challenged state segregation policies.⁸⁰ I have argued that *amaZulu* did not initially “accept” Bantu Authorities but resisted in opposition to the distortion of the relationship between *amakhosi* and their people and the betterment schemes which threatened their pastoral life.

Theoretically, this study builds on the growing debate over chieftaincy in South Africa today whose adherents include scholars in the areas of dual governance/ legal pluralism, customary law, and African agency. I have argued that the Afrikaner attachment to a pure *volk* and the status of the “chosen people” underpinned apartheid legislation. In the push for total separation, structures were borrowed from the colonial period then codified or new structures created. In the quest for preservation of a pure Afrikanerdom, *amakhosi* were enlisted to control the black population which threatened to overpower the white race. By utilizing Bantu Authorities, the Nationalist regime sought to revive “tribalism” so as to divide and rule the large African people and disarm the threat of miscegenation. To ensure the preservation of the white enclave, apartheid promised pseudo self-government in exchange for parliamentary representation but ultimately lost the battle due to its reliance on black labor and reluctance to give sovereignty to the homelands.⁸¹

⁷⁹ Beinart, William. “Chieftaincy and the Concept of Articulation.” In *Segregation and Apartheid in Twentieth – Century South Africa*. William Beinart and Saul Dubow, Eds. London: Routledge, 1995, 176.

⁸⁰ See also Jeff Guy. “Creating Customary Law” unpublished paper UKZN African Studies Seminar. August 2008.

⁸¹ It is not possible to predict if apartheid had allowed sovereignty in the homelands whether the experiment would have been a success – white South Africa and a variety to black South African states, but I contend that *without* sovereignty the homelands were doomed to fail given the economic conditions and the inability of the homelands to receive recognition, therefore assistance, in the global market.