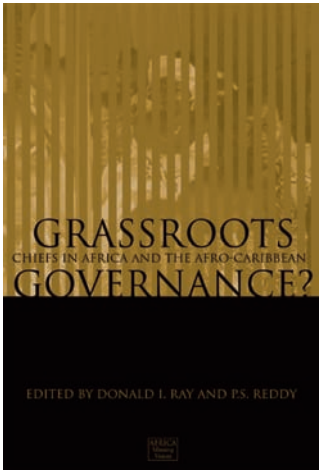

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Chiefs: Power in a Political Wilderness

chapter 5

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ASKING THE WRONG QUESTIONS

The role of chiefs and kings in the contemporary South African political arena is one of the most difficult to describe or to make sense of (Kessel and Oomen 1997). One recent writer comments:

> The involvement of traditional leaders in decision-making processes is one of the most intractable problems facing [the South Africa government]…. [T]he possible involvement of non-elected traditional leaders in democratic structure is highly complex. [Since] traditional leaders are not elected, and if they are accorded special treatment, why no other members of civil society such as religious, union and cultural leaders? (de Villiers 1994, 11)

The word *chiefship* (or *traditional authorities*, *indunas*, *kings*, and so on[1]) is itself in dispute and has no single common referent. Opprobrium has been heaped on the word itself since chiefs were incorporated into the Apartheid government structures in the 1950s. In the current political and administrative climate, it makes little sense to consider as a single group all those who call themselves *chiefs*, *kings* or *indunas*. Partly for simplicity, I use both common terms *chiefship* or *traditional authority* to label all aspects of contemporary South African political leaders who partly derive their office from tradition, and partly from their appointment under the Bantu Authorities Act of 1951. This category itself has little descriptive validity and contains great variation, but it is a significant institution in the political landscape.

The chiefship does exist in the sense that it is recognized by the constitution, has various regional instances, and is believed by many to constitute a single category. Thus, while all chiefs have varying degrees of legitimate claim to traditional authority based on descent or election by community elders and councillors, all also exist only by appointment of the State President under South African statutory law. In the interim constitution of 1994 [Art. 181–84] traditional authorities were recognized and granted some powers despite the objections of the ANC negotiators. The latter believed, probably correctly, that there were insurmountable problems in integrating the institution into a democratic constitutional order that complied with the Universal Bill of Human Rights promulgated by the UN. Both Nelson Mandela himself, and the Congress of Traditional Leaders (Contralesa) lobbied for a role for chiefs. Chiefs were thus given a role *ex-officio* in local government, and permitted to *comment* on matters affecting tradition and customary law as it affected local communities (de Villiers 1994, 11; Kessel and Oomen 1997, 573–77). At the end of the 1990s, however, after

nearly a decade of intensive discussion, negotiations, and efforts to make this work, it was still not clear what role chiefs could or would have in future, or how their *powers* were to be understood or constituted.

The history of the institution from the nineteenth century up to the present, and its function, has been amply documented (see Kessel and Oomen 1997; Bothma 1976; Hammond-Tooke 1974, 1984, 1993). But the questions that remain have to do with what sorts of power do chiefs have, and how is it to be understood. Hammond-Tooke raised this question in his 1975 book on the chiefs in Transkei in the 1960s, namely, is it "command" or is it "consensus" that gives the chief his power? That is, does the continuing power of chiefs derive from the bureaucratization of the chiefship in this century (command), or is it something older and more traditional (consensus)? Chiefs themselves have complicated the issue by obscuring it in order to remain flexible and adaptable in changing circumstances. As Kessel and Oomen say in 1997:

> Chiefs have proven that the institution is adaptable to changing times. If traditional leaders are perceived as non-partisan, they can play a valuable role in local communities, e.g., in the sphere of conflict resolution and justice. But if chiefs remain dependent on government patronage, they can easily be manipulated by the government of the day. The central issue remains unresolved: do chiefs derive their legitimacy from state recognition or from popular support? (585)

This chapter attempts to answer these questions by taking a different approach. It argues that the chiefship relies on an entirely different form of power that exists, in effect, parallel to the ordinary governmental system based on statutes and deriving ultimately from the idea of the state. It is significant here that chiefs seem to continue to assert that their power is *not political*. What does this assertion mean in the face of their obvious and continuing power on the ground and in action? The leader of Contralesa, Patekile Holomisa, has consistently declared that the power of chiefs is different from, but relevant to the political system of the state. In arguing for their recognition in the constitution, he said:

> Under the present dispensation of multi-party democracy, characterized … by division, the traditional leader still commands respect…. Any political party which allows itself to incur his wrath is more likely than not to fare badly in terms of getting mass support for its policies and/or development projects.[2]

Thus, chiefship was held to influence political parties, but not to be of the same nature or quality. In constitutional talks, Contralesa envisioned an advisory role that would not involve them directly in *politics*. They accused the politicians of not understanding the nature of their role, and wanted

> … to advise … provincial and national parliaments on how to accommodate this unique type of leadership which so many of the educated and political elite tend to misunderstand and to misrepresent.[3]

Thus, if this is taken seriously, the logic of chiefly power is sufficiently different to make questions about their legitimacy, command, or consensus unanswerable simply because these are the wrong questions. Trying to define the chiefship with the concepts of statutory law and within the parameters of the state is like trying to play a game of draughts (American *checkers*) with a set of chess pieces: it can't be done despite many similarities. It is manifestly true that there are many political similarities in the two systems, and that they have functioned together within a common polity. Despite this, I argue here that the differences are sufficiently great, and of a sort that makes them function effectively in parallel with each other, like layers in a complex political community.

There is a great temptation to see the chiefship as a system of African tyranny opposed to the (ideally) emancipatory quality of state-mandated democracy. Many South Africans see these as two cultures, an African and a European one. Jan Smuts and many politicians of his generation saw them as different stages of a political evolution. Recent commentators like Mahmood Mamdani see the two as two aspects of the dual state derived from Frederick Lugard's colonial policies of the dual mandate or divide and rule. These approaches miss the point, it seems to me, and if the fundamental questions still remain unanswered at the beginning of the twenty-first century after more than a century of pondering the issue, it may well be that they are in fact the wrong questions.

POSING SOME PROBLEMS

The primary question that must be asked is "what kind of power do chiefs have?" For the most part, in South Africa today, as in the past, the *chiefship question* has

been asked in terms of it relationship to the state. The nature of the state has changed somewhat from its colonial or *creole* origins, but the burning question has remained the same: How can the local power of the chief be integrated into the overarching state system of political power? As a first approximation in answering this question, we must recognize that the chiefship represents not just questions of political process, but rather questions of identity and the assertion of local autonomy against the globalizing and modernizing power of the state. Despite local differences, all chiefs seem to insist first of all that they represent land and people, not in general democratic terms, but rather as specific and local embodiment. This presents fundamental problems to the universal and abstract order of the modern state, and it is these problems that must be addressed first before any questions of interactions between the two can be addressed.

Each region of South Africa, however, has a distinctly different history, and chiefship differs so radically from one region to another that it is scarcely the same institution across the entire country. There is significant variation even between neighbouring chiefs in the same region. Legally, however, and in the new constitution, the chiefship has been treated as a single *broad church* of so-called *traditional authorities*. While the very term *traditional authority* suggests its own vagueness, there is little that can be said empirically about the structure and function of the institution as a whole in contemporary South Africa. Most of what is written about it, moreover, refers either to archival and historical material, or to political issues of the day. There is almost no fieldwork or survey work on it. This is, in large part, due to the political opprobrium cast on the chiefship during apartheid, when many of them served as administrators of apartheid policy in the rural areas. From the foundation of the Republic of South Africa in 1962, chiefs were all considered as part of government, under the supreme titular authority of the State President. While this introduced some legal regularities within the state's administrative structures, it fomented dissent on the ground. In the face of the local dissensus and centralized efforts to co-opt and control it, the chiefship became adaptable and protean.

The general opinions held by South Africans about the institution and persons of the chiefship are Manichean in their division between good and evil, light and darkness. For some, the chief is the symbol of African unity and, therefore, of its collective good. It stands for the essential goodness of the African past before it was corrupted by Europe, and by modernity.

> The traditional leader is the epitome of the lifestyle of his community. He is the symbol of unity; he is the father figure; he is

> the tier of cases and dispute arbitrator; he is the lawmaker; he is the custodian of culture, tradition, and custom; he is the custodian of communal land; he is the overall administrator; and above all he is the commander in chief of the armed forces. He is in a position to mobilize the youth and have them attack his perceived enemies or to defend himself against attack.[4]

On the other hand, the chiefship also represents, for others, a past that oppressed women, children, and youth in its demand for labour, for control of sexuality and reproduction, and its insistence in most cases on a male monopoly on political power. In more recent times, the chiefship is tainted fatally, in the views of many by its collaboration with apartheid, and by its role in the enforcement of government-planned development schemes known as *betterment*, and by their conservatism in the face of the liberation struggle of the 1970s and 1980s.

The institution of chiefship is divided in other ways as well. Some provinces possess traditional authorities in the persons of kings, chiefs, and headmen while other provinces do not. In effect, the territory of South Africa is divided between those provinces which have chiefs (Northern, Northwest, Mpumalanga, Eastern Cape, KwaZulu-Natal, Free State) and those that do not (Gauteng, Western Cape, Northern Cape). Although there were once traditional authorities in the regions now occupied by the Gauteng and Western Cape, the vast metropolitan centres of Cape Town and Johannesburg that dominate them have long since overwhelmed *traditional* rural communities and their chiefs. This is the case, too, in the former Natal, dominated as it is by Durban, but since its effective fusion with KwaZulu, the hierarchy of Zulu chiefs with the Zulu king at its head is now held to include all of the province in its domain.

Even where the chiefship exists, however, it does not command respect among so much as a majority of local people, its ostensible subjects. Many simply do not recognize its authority, nor worry much about its moral, legal, or economic standing. It is largely irrelevant among youth, migrant workers who live mainly in the cities, or women. And there are other factors that decrease its relevance. Until now, those who have begun to argue for a cultural independence, or at least recognition of a *coloured* and/or Griqua identity, have not seen their leaders in the same terms as the leaders of the Bantu-speaking Black traditional authorities. Moreover, there is apparently no counterpart to African traditional authority in the Indian communities, or in the many smaller communities of identity such as the Greeks, the Chinese, the Jews, the English, or Afrikaners. Nevertheless, in KwaZulu-Natal, the Zulu King, Zwelethini, has declared that he is king of the entire province, including, in his

words, "Jews and English." There have in the past been Whites who held the office of chief under a different historical situation. Joaõ Albasini among the Tsonga in the North, and Theophilus Shepstone in Kwa Zulu were effectively chiefs, for instance, in the later- nineteenth-century, although both were officially designated *Chief Native Commissioners* for form's sake. With a strong degree of continuity with these cases, under apartheid the (white) State President was de jure head of all traditional leaders. Nevertheless, today it is clear in popular belief that only Black *tribesmen* can be chiefs or occupy a place in a hierarchy of traditional leadership. This presents insurmountable problems for any policy of non-racialism, and contradicts principles in the South African constitutional article on fundamental human rights.

Moreover, the very concept of *chief* seems to require a *tribe* who consents to be ruled by a chief, that is, his *sechaba* (Sotho/Tswana) or *isizwe* (Zulu/Nguni), and the existence of tribes in contemporary South Africa is itself a doubtful proposition. It may be that king, chiefs, and headmen can exist without tribes, but their political functions then become anomalous. The allegiance to the notion and office of the chief appears to divide South Africa neatly between an urban domain and a rural domain, although these domains are largely conceptual rather than clearly spatial. In the age of democracy, the defenders of chiefship eschew democratic election, arguing that a chief is born of royal blood, not elected. While government bureaucracy and legally appointed commissions ponder how land should be distributed, chiefs maintain that it is only they who can allocate land as the common heritage and rightful property of their own communities, their *tribes*. This link to both people and land is essential to the chiefship. As S. P. Holomisa remarked in a statement concerning the aims of Contralesa:

> The founders of Contralesa had come to realise that the resilience of the institution of traditional leadership in the face of the onslaught from colonial and apartheid governments and the homeland administrations, was due to the fact that the institution was deeply rooted in the people and the soil of Africa; it would endure as long as the two continued to exist.[5]

Finally, and in a way that sums up all of the other contrasts and oppositions that the notion of the chief lies between, the debate around chiefship swings wildly between the two poles of traditional and modernism, and between the *European* and the *African*.

WORKING TOWARD THE RIGHT QUESTIONS

The idea of chiefship must be discussed, then, in two modes: the one as ideology and belief, the other as institution and practice. There is a vast gulf between the ideology of chiefship and its practice, and there is a continuous debate among those who believe in its viability as an institution and those who do not. Most of the battles over the chiefship, including that leading up to the final draft of the constitution, are fought in terms of ideology rather than with reference to knowledge of how (and if) the institution really exists on the ground, or *works as claimed*. For one thing, there has been very little empirical work done since the middle of the century; for another, most participants in these debates seem to prefer the ideology to the reality. Ideologically, the idea of the African chiefs sums up for their supporters all that was golden and good about the precolonial age of African innocence. For these visionaries, the chief was both the origin and instrument of all goodness for his people, a protector, a father, a shepherd, a hero, a warrior, a law-giver, a judge as full of wisdom as Solomon, and an able administrator of his peoples' collective wealth in cattle and pastures. In this idyllic vision of the past, the chief was in tune with the natural time of the seasons so that he set the times for ploughing and planting, and determined the times for initiation of the boys and girls into the statuses of men and women. The chief declared the time of meetings for his people to decide on matters of importance at the *imbizo* or *kgotla*. Fully aware of the needs of his people, it was the chief who allocated space for dwellings, for agriculture, or rituals and ceremonies, and for grazing the cattle. Romantic vision of this sort usually marks the nostalgic celebration of institutions that no longer exist, or at least seem to signal its imminent demise. Like the brothers Grimm, and other folklorists and romantics of the later eighteenth and early nineteenth centuries who salvaged the last of Europe's peasant oral literature, in practice, surprisingly, the chiefship in South Africa is not merely alive; it is growing. Despite the contradictions and difficulties, the current existence of the office has been recognized by virtually all political actors. The 1996 constitution recognizes a role of chiefs, formally called *Traditional Authorities* in the new South Africa.

The contradictions inherent in the institution arise principally from its conflict with the principles of bureaucracy and the principles of modernism in administration. Conflicts arise also because of the persistent and fundamental localism that chiefship implies when this flies in the face of global cultural patterns, consumerism, and universalistic principles such as the Universal Bill of Human Rights proposed by the United Nations and espousedat least in publicby virtually all levels of political

organization in South Africa today. Significantly, it also contradicts the powerful urban nouveau bourgeoisie that constitute the core of the ANC now that it is in power. For them, chiefship is an anomaly, an embarrassment, obsolete and an obstacle to their plans for centralized state control of modernization. For the locals and the subjects of the chiefs, the chiefs are increasingly becoming the focus of black resistance to the ANC government. The institution, the personnel, and the ideology of chiefship as it is represented in the so-called "*rural* areas of South Africa, cannot be reconciled with these principles, desires, and demands of the constitution or the state or the expectations of urban bureaucrats and party ideologues. In other words, there is no logical or administrative solution to the problems it poses. This does not mean that it will disappear, any more than it means that globalization, modernization, and bureaucracy will disappear. It appears inevitably that they will both continue to exist in South Africa for the foreseeable future, and that they will simply present opposite sides of a political conundrum.

TAKE ME TO YOUR LEADER

In the Bushbuckridge area, the chiefs are a variegated bunch. The extent and nature of their powers differs tremendously, depending, it would appear, largely on personal aptitude, interest, and energy.

Chief Malele is elderly. His teeth are severely rotten, and his tongue searches the gaps ceaselessly, his lips moving as if he were speaking. He seems to have nothing to say. The court building dates from the 1930s. A faint, naive painting in brown of a lion with the name Kgosi Masego appears over the door. The buildings are painted in a colonial, public-works department style in cream and brown. At the front is the chief's court with a raised dais and panelled wooden box in which the chief sits. In front of this are incongruous bright blue plastic stacking chairs lined up in haphazard rows. Behind this there are a few offices and a small kitchen area. All of the rooms are empty, the walls bare, but all are spotlessly clean.

Although he claims that there is no power in the chiefship anymore, he tells us that there are "no problems." He is defeated and tired. The compound around the court is deserted, although the floors are polished and the building is clean. His office is empty of anything but government-issue furniture, the same furniture that stands in the

courts and offices of Chief Masego in Relane, Chief Moletele, Chief George Masego in Thabaholo, and Chief Setlhare in Green Valley. There are no pictures, calendars, or certificates on the wall, nothing on the desktop. As he opens a drawer, I can see that there is nothing inside it either. He even has to go out of the room to find an ashtray; he brings it back: an old, old sardine tin, at least decades old. He is smoking a cigarette that is already nearly burnt to the filter, but he has been gone for less than a minute. He saves his cigarette butts to relight them later. When we arrive, at around half past nine, we are asked to wait. "He is still washing himself at home and will be here when he is ready." We suspect that he is still asleep, and when he does arrive he does indeed look as if he has just got out of bed. Our interview is frustrating and confused: he has little to say. At the end of the interview, we find that a group of old men about his age have gathered in the courtroom and behind the building. They gather around a small fire in the back of the court, next to the outdoor toilets, to roast meat on a small fire. They are most of his councillors and *indunas*. In the middle of day, they quietly roast their meat while a woman brings a large plate of *mielie pap* to eat with the meat. We are invited to join, but are served out of a separate plate of meat and pap. While we eat, Hudson Malele, the chief's brother, who is also the secretary to the chief and to the Tribal Authority, quietly tells us that he would be happier elsewhere. "In fact," he says conspiratorially, "I am looking for a job." He makes only R360 a month. "Even if I can get a job with a pick or a spade, I would be happy," he confides. "At least it would be a job and I would have respect." When the meat is gone, the men leave in their bakkies and cars, and the chief walks to his home across the road.

By contrast, Chief George Mashego of Thabaholo gives every impression of being an energetic businessman. The court buildings are modern, and his house across the street is clean and neat, built in the style of the surrounding township brick houses, but painted and plastered. There is no quaint picture of a lion with the name of the Tribal Authority over the door. A modest Toyota sits in the driveway. As we approach, a member of the council greets us. They are friendly, even jolly. I explain my business, and they say the chief is in, but busy. Just then he comes out of the court building. He is stern and distant in front of his councillors and clients. He tells us we must make an appointment with his secretary if we wish to see him. He gives me a disapproving look when I say in a friendly invitational tone that I had met him briefly at the shops in the Acornhoek Plaza some weeks before, and walks quickly towards his house for his lunch. Inside, the secretary phones him to arrange an appointment with me for an interview. The phone is new, and works, on a desk full of papers, in an office full of life and business. Although the secretary's hands shake almost uncontrollably from

alcoholism, he is not drunk. There are trucks in the driveway of the court building getting supplies to carry out some work for the *sechaba*, the chief's people, and the people seem to be occupied in every room of the building. On the wall across the reception area, a local architect has posted sample plans for houses, business, and churches in a jazzy, contemporary style that is clearly recognisable as the 1980s style of the (old) white, northern suburbs of Johannesburg, and of the trend-setting areas of Soweto. His contact numbers are on the sheet. An undertaker and several other businesses also advertise their services in the waiting room.

Chief Moletele's establishment in Buffelshoek is again different. My assistant and I ask for instructions to get to the chief, and are eventually directed to his house. The house is a large A-frame suburban style, evidently built in the sixties, but is dilapidated beyond repair. There is no one home. Behind it, there is a mud-brick building with a tin roof and an open fire. Smoke curls out from under the tin, and we greet an old woman that emerges from the blackened interior. "No," she tells us, "the old chief Moletele is dead, and his son is now chief." Goats clamber over the patio, with its cement planters in the form of Grecian urns, and the driveway is littered with cow dung. The barbed wire security fence that once surrounded it has rusted and fallen. Down the road, we are greeted in the old court buildings. Johannes Ntilela and his brother Isaac, are the secretary and assistant secretaries of the Tribal Authority. They are friendly and speak excellent English, as well as Afrikaans, SeSotho and XiTsonga. We are there to make an appointment to see the chief, we tell them, and a time is duly and efficiently agreed to even though they do not have contact with the chief. They assure us he will have the time. The buildings are dilapidated, and a Tribal Authority bus quietly rusts on its axles next to the building. There is no glass in the windows, which are shuttered with boards. The court has a long veranda on the front, more in the style of old *voortrekker* houses or Indian shops of the last century. Both the court and the few outbuildings behind it are painted the same cream and brown of Chief Malele's ageing buildings. There is a huge mango tree in the middle of the fenced yard around it. It has clearly been here a very long time. Outside the fence and down the road a short distance is a brand new chief's court, but this has not yet been occupied. Chief Moletele was not available on the two days that I went to see him. On the second, the acting chief gave us an impressive interview in complex and nuanced English that was so heavily accented by his native SeSotho (more accurately, SePulana) that it was difficult to understand. He clearly had done a great deal of reading in English, but had had little opportunity or need to speak it, and certainly did

not do so regularly. His brother, the chief, on the other hand, had not been educated, and had succeeded to the chiefship in 1990 after their father's death.

If Chief George Masego looks like a businessman, Chief Setlhare looks like a cleric or a worried academic. He dropped out of university to become a chief on his father's death in the later 1980s and seems careworn and unhappy with his lot. There are people in his offices, but unlike those in Masego's offices who seem to be there with a purpose, those in Setlhare's office look aimless, ready to wait, and vaguely supplicative. The furniture comes from the storeroom of South African bureaucracy of the 1950s: heavy wooden tables, with a row of wooden filing boxes along the back of the desk. Several bound and dog-eared logbooks lie around on the table. One of them is a "visitor's book" which I am asked to sign. It has only one page of signatures, about fifteen in all, for the year of 1996, but it is already July. There is nothing else in the book, though it too is dog-eared and dirty. There are health posters and calendars on the walls, however, and up-to-date notices of community meetings and events. The court building is perhaps a decade old, and the old, previous building stands unused next to it in the fenced enclosure. Chief Setlhare, himself, is young and thoughtful.

All of these chiefs and their establishments, as different as they are, once belonged to the same homeland government of Lebowa, and today all are members of the Congress of Traditional Leaders of South Africa (Contralesa). All of these chiefs are Sotho, and all belong to the Pulana *tribe*, administering different parts of the same *tribal trust land*. There is still a remarkable variety amongst them. This variety can perhaps best be explained with reference to the ways that each has faced the political and cultural problems that confront them. These problems, however, are perhaps best termed "conundrums" since there are no clear solutions to any of them. If there were simple answers to the problems, surely all would more or less conform to a single style or method of dealing with them. The fact that they do not conform either to each other, or to some bureaucratic norm, suggests a casting around, a search, and an adaptive diversity to a complex environment.

THE POLITICAL CONUNDRUM: TRADITION AND AUTHORITY

In fact, *traditional authorities* in South Africa are neither *traditional* nor *authorities*.[6] They are not authorized by tradition as they are currently constituted, and they do not constitute *authority* in the normal (Weberian) sense of the term since they are not *legitimate* power. They are not *legitimate* because they have, at the moment, almost no basis in current South African law, and they are not *powers* since the chief or *induna* have little authority deriving from other capacities or positions, such as wealth derived from employment or business, or respect for their *honour* or fear for possible control of spiritual and occult powers. Thus, *traditional authority* is a misnomer. Nevertheless, there are many such persons playing this role however ambiguously it is defined.

But Max Weber makes an error when he attempts to subsume *traditional*, *charismatic*, and *rational* authority under a common rubric or types of legitimate domination. At least in South Africa, traditional authority and charisma are not types of *domination* at all, and the forms and processes by which these forms of power exist are incommensurate with the modes of rational bureaucracy. The latter depends on the issuance of a command, and the written registration of this in the form of legal codes and procedures. Power of this sort – the sort most of us take for granted, based on models of European and American constitutions and politics – takes place in formal architectures of bureaucracy, while the other two do not. The reasons for obeying a bureaucrat have nothing to do with the reasons for obeying a chief, or for respecting the will of a charismatic individual. It is Weber's overall ambition to construct a fully rationalized theory of "economy and society" that forces this classification, not the empirical forms of its exercise.

In the Bushbuckridge area, the chiefship seems to function in fact rather like an NGO. The South African NGOs fulfillled functions that government either refused to fulfill, or was incapable of fulfilling. It is similar with the chiefs today. Formally, deprived of a significant role in the local government councils, they continue to exist for their believers and clients, and fulfill functions and carry out duties that government is not able to do, or is prevented from doing for one reason or another. Circumcision schools are a prime example of this. The chief is formally required to open a circumcision school in Sotho tradition. The chiefs, too, claim to maintain a sort of quality control over the circumcision schools and attempt to police the authenticity of the customary practices of the schools. In this role, the chiefs are exercising their role as cultural arbitrators and guarantors of tradition. In a multicultural state

committed to the principle cultural diversity, it is not possible for state offices to exercise control over an institution such as circumcision schools in which some of the principle traditions of the *tribe*, *people*, or *sechaba* are passed down. In this, they hold a secure position that will be required so long as people continue to send their children to circumcision schools. Fulfilling this function, though, involves them in a role that is neither governmental nor fully voluntary. They collect fees for their services and they give advice; effectively selling it, in fact, in a way that would be seen as *consultancy* in any other context. The institution of the chief, then, has gradually merged with the institutions called NGOs that are not quite government, and not quite voluntary cultural or recreational organizations either. At the same time, the chiefship also functions as an avocational focus for a group of people who are culturally conservative and who wish to emphasize their ethnic and local identity by associating themselves with the chief. Indeed, taking on a position analogous to the NGO effectively saves the chiefship from death by neglect, and bolsters considerably its position in the community. This is not, however, the role that the chiefs would wish to see themselves in.

The Cultural Conundrum

The history of the institution of the chiefship in South Africa shows a process of mutual accommodation and incorporation. As in other aspects of South African history, the cultural problems that had to be faced were: how to be African in the context of European encroachment and in a European-dominated global system, on the one hand, and how to be European in the African landscape and in and amidst an African and Africanizing population. This pair of implicit problems presented themselves with equal force to black Africans and to white people from Europe who were permanently resident in Africa, although in different forms. For the black chief, king, or other political leader such as an *induna* or a chief's councillor, the problems of *being African* consisted of maintaining traditional forms of domination over women and juniors, as well as labour tenants, vassals, and allies, in the presence of a number of European-derived, or European-managed political orders that also presented themselves. Ever since the seventeenth century, this was a problem to the *captains* of the *Hottentots*, or Khoe. They struggled to maintain authority over children, youth, and women who often saw better, or at least different and exciting opportunities in the Dutch settlements. The histories of Krotoa, and of Saartjie Baartman, are famous cases in point, but there

are many others. Eventually, it was an unequal struggle, and all Khoe who survived were incorporated into the Dutch Creole society that emerged in the place of the Khoe bands that had previously occupied the lands of the Cape province. The same process occurred again and again as settlers moved east and north. Each chief or person of authority, usually but not always male, had to consider how to maintain *traditional* forms of power and order in the face of new forms and orders that presented themselves at their doorsteps, and that eventually engulfed them entirely. With the exception of the Khoe and the Bushman, the struggle to maintain African ways was often successful. This involved finding ways to maintain tradition, often entirely within the overarching order of the farm, and the new patrimonial authority of the European farmer and his wife. In most cases this was accomplished by two systems of spatial management. In the first, the African-indigenous one, spatial management was based on a culturally conceived meaningful landscape in which rights of usufruct were allocated by the chief. In the second, which overlay the former, *farms* as tracts of land were surveyed with instruments and plotted in cadastral survey maps entirely without reference to the African modes of spatial management. The first depended upon *tradition* while the second was entirely self referential, and depended on texts and maps (a special kind of text) and on a technical method of geographical measurement that yielded numbers and written representations. The former set of spaces represented a way of *being African* with reference to the landscape, and formed its space around social power of chiefs and men, gender and use of land by cattle herdsmen, planters, gatherers, and hunters. The latter divided the landscape into rectilinear polygons and assigned these spaces to families of farmers or *boere*. An implicit double-landscape – the one divided into chiefdoms and kraals, and the other divided into farms, homes, and locations – permitted each system to coexist despite the other. The government land acts and the native (or Black) administration acts of the twentieth century, beginning immediately after union and carrying on until the end of apartheid, attempted to disaggregate (that is, to segregate) these two overlapping concepts of the land-cum-political-space. They sought to regularize and control – that is, routinize and bureaucratize – the varying concepts of landscape, power, and identity that were implicit in the two spatial conceptual systems.

Nevertheless, the two spatial orders continue to coexist, and are a key element in the structures of local power, knowledge, and resources that permitted parallel, relatively autonomous, though densely overlapping and interacting systems of culture and power, to coexist in South Africa. Neither the *African* nor the *European* modes ever fully succeeded in eclipsing the other and, thus, gaining hegemony, but neither has

been able to fully insulate or isolate itself from the other. Apartheid, of course, was in part a forty-year-long gargantuan effort to do precisely this – to eclipse the African political orders by its own form of state bureaucracy – but, as we know now, it failed to achieve most of its goals, including this one.

The ambiguous power of chiefs today is the consequence of this struggle that took place in a deeply ambiguous landscape governed by (at least) two overlapping and interpenetrating regimes of power, kept separate by radically different understandings and practices of *power.* These different regimes came into conflict, of course, because there is physically only one actual surface to the earth and only one human population. They remained contrastively in isolation from each other, because their modes of understanding that unique physical reality were widely divergent. Hence, the continuity and ambiguity of power, but also the continuing ambiguity and tenuousness of state power, especially at the margins.

THE RIGHT QUESTIONS: LAND AND POWER

The link between power and land in southern Africa is not the instrumental one that exists in the West. It is not within the power of the chief to exercise sovereignty over a territory, as it has been in European political practice of empires, states and republics since Roman times. Rather, the link derives from a concept of land and space that empowers the chief.

Rather, the chief must be autonomous on his land. Coming *from the land* confers autochthonous identity, but also confers isolation from other figures of authority or power; that is, autonomy. It is the importance of autonomy that makes the segmentary system so appealing to those who live within it. Each segment claims its own autonomy. Autonomy in this sense is power. It is not that the segments lack a head (that is that they are *acephalous* or leaderless) but rather that the leader is internal to each segment. Co-operation is not coordinated from a person higher than each autonomous segment and, therefore, outside of each as a paramount or transcendent authority. Instead, each segment is ideally a model of all others and, therefore, autonomous from them in its completeness. Each segment is, ideally, an isomorphic pattern with respect to other segments, and the recognition of this fact of similarity is enough to justify the identity of each with respect to any of the others. None of them “has what the other

has not," and each is whole with respect to other segments at its level. The logic is not a logic of command and, therefore, of causation executed through verbal command, but rather of identity and isomorphism. While this logic has been recognized as a mechanical form of solidarity by Durkheim and others, the significance of autonomy within this system as a form of power has not been recognized. Instead, the autonomy of the segments has been perceived as a *lack*. Power, always conceived as hierarchical and verbal, did not exist in these systems (except at the lower level), since there was little development of hierarchy. Instead, the automorphic mechanical solidarity that existed was interpreted either temporally as a *stage* prior to the development of *true* power (hierarchy, verbal command), or morally as lacking in *fibre*, *ambition*, *order* or, quite simply, *power* itself. Instead, there was a different understanding of the nature of power at its extremes.

It is not that there is no power of command in southern African societies. Rather it is the nature of power and command at the extremes of the continuum. At the top, in the Western-Weberian model, the ultimate power is the power to command; that is, to be the source of "the word." Religious models have supported this pattern since *God* or *The Creator* is held to be the source of all moral commands, as well as the source of the command required for physical creation itself. The Weberian commander (that is the person at the top of the political hierarchy) has no choice but to command. Without the command, that is, without creating speech acts that can be construed as commands and conceivably be *followed* as orders, the leader is not a leader. The *commander* without a command ceases to be a commander by a very simple grammatical logic: one cannot be a woodcutter without wood, anymore than a commander can lack command.

In African models, a commander does not occupy the centre of power. The chief who may command holds this position, but he may also choose not to command. The drunken king may be incapable of command, but he is still king irrespective of any temporary incapacity. By the same logic, the deposed chief typically must be killed, since he remains a chief even without "a say" in anything. His chief-ness is in his being, not his words, and not his verbal *power* over followers who execute his commands. His words may, of course, have *power*, but this is not the power to command individuals to perform empirical actions ("do something"), but rather to *be* something (through performative acts such as "you are now a man," "you are now no longer kin"). The power of the African chief's word is also the power to heal, or to harm. This is not accomplished through the command to followers to heal or to harm, but by his merely saying that there will be health or danger *in the land*. The category

of *the land* includes the beings of his followers and thus affects them, but does not cause their action as effects of his command.

The chief's word is an act in itself, not necessarily a command that exists (or does not exist) by virtue of the actions of others. A command that does not cause any follower to act as a consequence of that utterance, is not held to be a command, or is held to be a command in abeyance. It does not go away by virtue of not being obeyed immediately, but rather becomes a *standing* order that continues in its potential to cause others to act as a consequence of it. However, a command that receives no objective observable obedience is normally regarded as not a command: it contains no power if it fails to cause others to act according to it. The command – and thus the power of the command – is contingent upon its being followed. It is the empirical act of followership that is the symptom of power rather than the existence of *commands*. The command that is not followed is not, in principle, a command. The follower that follows a command, however, makes that command powerful rather than the other way round. In the African model, however, the word of the chief is *sui generis* powerful. It does not require obedience to be of significance. Its value is in its having been uttered by the chief. Thus, a chief may exist even when no one follows his commands, but he may not exist without a tribe that acknowledges his existence as chief. It is their recognition of the chief as chief, rather than their obeisance to his command, that makes him chief, and that makes him powerful.

Since *the land* always underwrites this form of power as *being*, the chief is the prime autochthon (even when displaced) and the prime disposer of the resource which supports his and his followers' *being*, in theory, even when he no longer commands the land as physical resource, but (as in much of South Africa) as the representative of *land* or of lands now gone, or even of mythical lands of origin, the source of a once-upon-a-timeautochthony which virtually all African people south of the Sahara seem to accept as fully natural. Without this faith in the landscape, even the imagined landscape, as *origin*, the African model of political power collapses. Power in Africa is thus deeply rooted in specific cultural landscapes rather than in specific verbal *dicta* (such as the Code of Hammurabi, or the constitution in Pretoria). These are the imagined landscapes of autochthonous origin, rather than origin in "the word," or by consequence of the command. The notion of origin in the landscape thus powerfully underwrites an ontological theory of power that can operate together with a verbal-action theory of power, but which is fundamentally irreconcilable with it. The land is not just a productive resource, a token of economic value, an instrument of production

(*pace* Marx) in some or other mode, but is first of all the foundation of power itself; power, that is, as being of and in the land as a product of autonomous creation.

Authochthony and autonomy are thus closely related in this theory of power. The chief is both autochthonous and autonomous. He represents the land and is of the land, while at the same time embodying a kind and quality of power that is not controlled by others' forms of power. That is, it is autonomous in its own domain, and this is what gives the chief the right to distribute land to his followers. Only the chief *holds* the land and *is* the land, while at the same time being relatively free of other influences of witches or spirits that might undermine the judgment of others who would presume to distribute land. This autonomy must be protected, however, from the influence of others, and the chief's autonomy is constantly at risk. Similarly, his claim to autochthony depends upon his bond to the people who constitute his following. This dependency on *the people* by means of which he is a chief, however, cannot be called "legitimacy" in the strict Weberian (or Parsonian) sense since it is not based on written rules of contract, or on laws in terms of which his power is guaranteed. The acceptability of the chief as chief is more ambiguous than this, since it depends upon specifically unwritten consensus. Thus, the chief is a chief by virtue of his place in a field of influence that is constituted by consensus, and breach of that consensus can undermine and ultimately destroy his ability to act as chief. In a very real sense, the role of chief is defined and given *power* by the very nature of the ambiguity and unspoken-ness of the verbal consensus that constitutes it. This same ambiguity and unspoken-ness – that is, the *diffusion of influence* and the power of ambiguity on which it rests – is also its weakness with respect to Western systems of law that attempt to make the ambiguities explicit, and which attempt to routinize influence through bureaucratization of the office.

The bureaucratic chief is no longer a chief, since his powers cease to be ambiguously constituted by *diffused influence* and become instead explicit. As such, they fall under the control of the command and are linked into the chains of written command on which bureaucracy uniquely depends. When the chief loses his autonomy, he can no longer be thought of as autochthonous. His powers are defined in an entirely different way. Lugard may have realized this in some way when he designed the system of "indirect rule," but the architects of apartheid's Bantu Authorities Act certainly did not. The architects of the act imagined that the chiefs would be easily brought into the bureaucratic system of central government. In fact, they could, but practically and philosophically the real basis of their power changed.

In practice, however, the two systems of power are sufficiently different that they could continue to function in parallel, mostly without knowledge of each other. The institution of chiefship during most of the twentieth century in South Africa functioned by virtue of what Sahlins has called the "working misunderstanding." Accordingly, both traditionalists and bureaucrats could assume that the chief was constituted in terms of their own making, while the same actions and events could be explained culturally in two quite different ways. Historically, this allows us to account for the re-emergence of the chiefship as a viable African institution after years of apartheid. Just as the two systems of understanding the landscape continued to exist as if they were different conceptual *layers* within the same landspace, the chiefship could continue to exist in terms of two culturally distinct systems of thought about its nature. This has meant that even though the chiefs were bureaucrats under the Bantu Authorities Act, they continued to be conceptualized among their followers in the *traditional* way. One system depended on writing and registration of genealogies in the government ethnologist's offices, while the other depended on the *secret* of unspoken, ambiguous influence. This effectively maintained the separate identity of the two systems of thought. Both possibilities of power – a bureaucratic one and a traditional one – continued to exist and could be exploited to different degrees as historical conditions required. This is what we have seen in the late 1990s in South Africa as the conditions of apartheid gave way to the conditions of a new South Africa, a new modernity, and a new demand for an autonomous African identity.

This did not do away with the paradoxes of how best to be African within a European legal-bureaucratic system, or how to enforce a European logic of human rights and constitutionality within an African landscape, landspace, and sense of identity. The paradox remains, and will continue to drive the history of the chiefship into the future.

The contrast between chiefly power and the power of governments or states is a contrast between a model of power based on *diffusion of influence* versus a model based on *chains of command*. The chief's power is a diffused power that is largely unspoken, but that lies within a fabric of *secret* powers that belong to the healers, the witches, the masters of initiation schools, and to the chief himself. All of these people have secret powers that are held to be able to influence each other as well as other members of society. These powers are secret not because they are explicit knowledge that is deliberately not shared (as a secret would be in command-based systems of power), but because they cannot and do not directly control others through means of spoken commands. They are unspoken not necessarily because they are secret, but

they are secret because they cannot be spoken and thus remain unknown until some manifestation of them in everyday life is apparent. Thus, they remain ambiguous and implicit. The role of tradition is important in the *traditional system* not so much because it draws on the past or represents a continuity with the past, but because it is implicit and ambiguous. Its very ambiguity is its *power* since it cannot ultimately be gainsaid, and because it is held to be pervasive. But since mere ambiguity cannot directly cause action, action comes from deep sources of shared knowledge that we call "culture," or which Bourdieu chooses to call "*habitus*." This conception of power provides explanation in all cases since it can be held to be responsible for all eventualities, but does not cause any event in particular. The ambiguous, pervasive influence of secret power is responsible for all events in general. Unlike the command which must be stated explicitly and which constitutes a concrete act (the speech act), the power of the chief and other *influential* persons always remains in potential until events themselves make these powers manifest.

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NOTES

1. The term "induna" also refers to sub-chief, or "headman, although many so-called indunas prefer to think of themselves as chiefs, or at least to understand their role in the same terms. Thus many former indunas are also calling themselves chiefs. Only formally recognized chiefs receive salaries from government, however. Many erstwhile chiefs are also vying for the title King, especially in the context of current legislation and constitutional guarantees that the institution will be permitted to survive, and even prosper with government stipends. Only when referring specifically to the Zulu king do I use the term king, usually with the qualifier Zulu.
2. Holomisa, S. P. n.d. "Memorandum: The identity of the Congress of Traditional Leaders of South Africa, its aims and objectives," p. 3 [amended typescript]. [In Mothibe papers collection, in library of R. Thornton.]
3. Holomisa, "Memorandum," op. cit., 3.
4. Holomisa, "Memorandum," op. cit.
5. Holomisa, "Memorandum," op. cit.
6. That is, in terms of the more or less standard definition of *tradition* (for example, Weber 1968; Shils 1981; Spiegel and Boonzaier 1988), and of *authority* (Weber 1968).