

"Walking in the middle of the road": people's
perspectives on the legitimacy of traditional
leadership in Sekhukhune, South Africa

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Kgoši ke kgoši ka batho, batho ke batho ka kgoši, ba swanetše go kukišana morwalo o boima wa bophelo bjo

A chief is a chief by the people, a people are a people by the chief. Together they have to carry the heavy load of life (Sotho saying)

"We don't really have a chief", says a middle-aged man who lives in a densely populated settlement called Riverside. "I know of a headman Manala who is supposed to be working on behalf of the traditional leader, but I have never seen him." Nevertheless, he is enthusiastic about the institution of traditional leadership. "That thing is really part and parcel of our black culture; it should be retained. Even if some of us originally grew up on farms, outside the tribal areas." Paying the traditional leaders, however, would be overdoing it. "These people are just like us. They should go out and look for a job. After all, they are not really serving us with anything and just demand tribute from the community."

A woman of the same age-group from Ga-Molepane says: "This whole thing should be thrown in the dustbin, or they should just rule those people who still honor them." After all, "they are ripping our parents left and right. Remember that our mothers have to work at the palace while our fathers are taxed. Surprisingly, our parents still love them. Even if the chiefs do nothing for them." Also, the institution discriminates women. "Ha, I would like to see my mother go to the traditional court one day without being represented by my uncle. Or show up there in trousers...". The court does, however, seem to be a good institution. "Generally the people adjudicating there are very old and relaxed, and they take wise decisions." Her main problem is the lack of development. "No water, no electricity, dirt roads, schools with broken windows. All those people we elected never set foot in our village again afterwards. I'll never vote again.."

"Without traditional leadership, there would be no community", says a male pensioner from Ga-Masha. "It is like tea without water." He feels his chief does very well. "Through him our women now have poultry and garden projects which in turn sustain our families." The problem, according to him, is that the elected leaders seem to undermine the chiefs. "The world is upside down today and respect is a thing of the past." Also, the government should pay all the traditional leaders, not just some. "They are civil servants and, like any other worker, should be paid." Although he has never attended a sitting of the traditional court, he likes the idea. "Everyone gets a free trial and is judged by many people, unlike at the magistrate's court where only the judge and the lawyer communicate."

A young woman from the same village sees the traditional court differently. "How do you expect old, uneducated men without any woman present to come up with a fair judgement?" Traditional leadership, she feels, "should be exhibited in a museum. Today people need mayors and municipalities. I think they are tired of working at the royal palace." Still, the elected councilors are not much good either: "They are young and more committed to supporting their families than to delivering services to their communities." She sums up her dilemma: "The traditional leaders are not capable, the elected councilors not reliable and the government is far away and doesn't listen to us. So for now let's just keep the traditional leaders."

1. Chieftaincy and legitimacy

How do people feel about indigenous socio-political structures, why do they do so and what does this mean for the legitimacy of these structures? These questions, that often seem to be at the core of academic and policy debates on these structures, are said to be "grossly underresearched" and "undertheorized."¹ Still, an understanding of the degree to which chiefly power is "rooted in local societies" should form the first step in any assessment of the position of indigenous socio-political structures in the post-colonial era.²

This paper seeks to take up the challenge of contributing to such an understanding by looking at the legitimacy of traditional leadership in Sekhukhune, an area in the North of South Africa. The incorporation of indigenous political structures within the wider South African state has a long history, running from the arrangements of indirect rule at the beginning of this century to the pivotal role played by traditional leaders in the homeland administration and, after 1994, the recognition of the "institution, status and role of traditional leadership" in the country's first democratic constitution.³ Although the effects this inclusion had on the traditional leaders and their interactions with the state on the one hand and their populace on the other is well-researched, there is much less information on what this inclusion in wider statal structures did for the legitimacy of the institution at local level.⁴

The scarce South African literature that does exist on the extent and nature of popular support for traditional leadership within the present democratic context seems to depart from two assumptions, both striking in their simplicity. The first is that people "continue to owe allegiance to the institution of traditional leadership", which is "deeply rooted in the social fabric of African communities" and enjoys a cultural legitimacy.⁵ The second is as absolute, and holds that traditional leaders in South Africa have lost all legitimacy because of their involvement in the Apartheid government.⁶ The evidence that is available seems to contradict the second assumption, but tells us little about the validity of the first. In 1994, for instance, nearly two-thousand South Africans from all over the country were asked whether traditional authorities should continue to exist. Sixty-five percent of the respondents answered affirmatively, but was not asked why they felt so.⁷ Another rare research on the topic looked into attitudes towards traditional leadership in the former homelands and found that 38 % of the people saw a ceremonial role for traditional leaders, 24 % saw no place for them, 20 % was in favor of more power and 16 % found that they had to be accommodated.⁸ Again, the research failed to investigate what these opinions mean for the way in which people actually support traditional leadership and what their motivation is to do so: whether legitimation takes place in terms of culture or on a different basis.

This paper is about people's opinions on traditional leadership in Sekhukhune, one of the poorest areas of South Africa and part of the former Lebowa homeland. Sekhukhune could be considered an institutionally plural landscape, a semi-autonomous social field in which an assortment of authorities compete over, and collaborate in, local rule.⁹ Apart from traditional authorities, there are newly elected municipalities, vigilante organizations, government agencies and other authorities involved in creating and maintaining a local normative framework.

The way in which the Sekhukhune Bapedi view this normative framework and the role of traditional leaders in it becomes clear from the 607 questionnaire interviews on traditional leadership, land, local government and customary law Patson Phala, Tsepo Phasha and I conducted in Sekhukhune in 1998-1999.¹⁰ All the data and quotes in this paper derive from these interviews, of which about half took place in Hoepakranz, Mamone and Ga-Masha, the three areas in which I also did extensive field-research, and can thus be embedded in more qualitative information. I am slightly familiar with some of the areas in which the other interviews were conducted, and will provide additional information here and there, but this is inevitably of a more anecdotal nature.

Before turning to my understanding of the legitimacy of traditional leaders, it is necessary to describe what is meant by the concept. Notoriously difficult to define, legitimacy implies an acceptance of the "right to rule" of the authority concerned, and a compliance that is more or less voluntarily.¹¹ In order to assess the legitimacy of traditional leaders - the institution and the office-holders - in Sekhukhune, I have operationalized the term as *justified support*. Although support does not completely equate voluntary compliance, I assert that it does form a reasonable and measurable indication of whether people will comply when so demanded. The notion of justified support has two elements. First, support, which can be material or immaterial - expressed in actions or verbally. A second element is that of justification. Legitimacy, as Weber has taught us, can be seen as the way in which people think of, speak about and justify the way in which institutions and organizational arrangements obtain their authority.¹²

This paper consists of three parts. First, an examination of the nature and extent of popular support for traditional leaders: *how* do people support traditional leaders. Second, an attempt to find which variables determine support for traditional leadership: *who* support chiefs? Ultimately, then, an investigation of the way in which this support is justified and what this means for the strategies traditional leaders use to gain legitimacy: *why* do people support chiefs and what does this mean for local politics? The argument runs as follows: Although immaterial support for traditional leadership is high in Sekhukhune, I will show that material support is *limited*. It is also *issue-related*: people support traditional leaders on certain topics. In addition, it is not *exclusive*, but exists jointly with support for other authorities. Moreover, it is *dynamic*, and can change over time. Apart from these four general features of support for traditional leaders described in paragraph 2, the nature and the extent of support also depend on three sets of variables: the characteristics of the *community* concerned (3), the features of the *chief* (4) and *personal characteristics* (5) of the people concerned. After having thus unpacked the notion of support for individual traditional leaders, and shown how this also largely determines how people think about traditional leadership as an institution, I will look at the justification of support. Why do people support traditional leadership, and what is the relation between support for chiefs - as individuals - and for chieftaincy - as an institution? There are four realms of justification, related to tradition, the performance of the traditional leadership, the governmental recognition of the institution and to the default need to have some form of governance (6). The fact that people justify their support in all these realms, in turn shapes the strategies traditional leaders use to come to, and to legitimate their power. Thus, the parameters and modalities of the ongoing local dialogue between rulers and ruled become visible.

2. How do people support chiefs?

A staggering 80 % of the people in Sekhukhune, including three of the four people quoted at the beginning of this paper, say that they support (*go thêkga*) a traditional leader. The majority of them speaks positively about their chief, with 38 % of the people saying he does well, and 22 % percent that he does very well: "he is the answer to all our problems"; "the aspirations of the community are achieved because of him"; "he rules us with patience."¹³ Immaterial support, in other words, is very high. Material support, on the other hand, is more limited. The majority of the people has never paid tribute to the traditional leader in the area where they live, and amongst those who have there are many who did not do so voluntarily. In the following paragraphs I will briefly look at the kind of support people do give to traditional leaders, and argue that it is not only limited, but also related to specific issues, far from exclusive and of a dynamic nature.

Within limits.....

A twenty rand note handed over in the tribal office and duly scribbled in an exercise-book; a contribution to the schooling fees of the chiefs' son; a calabash full of home-brewed beer or a day of toiling harvesting maize under the hot Sekhukhune sun: material support for traditional leadership can be shown in a myriad of ways. The majority of the people in Sekhukhune (56 %) has never shown any such material support, but the rest has. In order to underscore their relation with the traditional authority they either paid tribal levies, gave presents to the traditional leader, offered "traditional tribute" as *sebege* (home-brewed beer) or *lehlakori* (a special cut of beef), worked for their traditional leader or did a combination of all this.

Demanding tribal levies was one of the prerogatives traditional leaders acquired under Apartheid. Taxation is, of course, central to every form of power, and long predated the colonial recognition of traditional leadership.¹⁴ Under the homeland system, however, the government-appointed chiefs could ask the traditional affairs officials permission to impose taxes, after which the money would be kept in the "tribal trust fund" for the building of schools and other community projects. After independence this practice was stopped in some communities, mostly because the people simply refused to pay and the central authorities would no longer provide the army tanks, guns and other forms of force to back up chiefly demands. In others it continued on a more voluntarily basis, for example in Mhlaletse where the tribal clerk still dutifully notes every r 20,- paid in an exercise-book in the tribal office.¹⁵ Also, levies are often imposed for specific purposes, like the payment of the bright-red Ford Thunderbird that stands outside *kgoši* Madihlaba's palace in Ga-Moloi; the glitzy face-brick villa with baroque furniture in Mamone or the Jaguar given to KK Sekhukhune, together with the fees to pay the lawyer representing him in a succession dispute.

The number of people that has ever paid any of such levies is small: only 24 % of the Sekhukhune population. As with all forms of support it is difficult to distinguish between "inner justifications" or "external means" to ensure support.¹⁶ Nevertheless, it is clear that many of those people who pay tribal levies do not do so voluntarily. "Once, I needed the chiefs' signature for an identity document and was told that my parents had not been paying tribal levies: I had to pay r 250,-", says a women from Nchabeleng. A similar

extraction can take place when someone wishes to acquire a plot of land, or to obtain administrative support from the Tribal Authority. Even if payment is not enforced, it is often far from spontaneous. Take the reactions in a Mamone village a few months after the coronation of the new traditional leader, when his councilors admonished the villagers flocked together to see their new chief: "Don't you attend weddings anymore? Anyone visiting a wedding should pay r 100,- to *mošate* (the palace). This money goes straight there, you won't get a receipt. The headman will write down the names of those who don't pay, and there will be a severe case after the wedding." This caused many of the villagers to leave the meeting, shaking their heads and grumbling that there are limits to what a chief can expect.

Another material way to show support is through presenting gifts. Gifts, as the classic anthropological insight goes, form a way in which to establish and affirm relations and to create debt.¹⁷ Only 11 % of the people has ever expressed their relation to "their" traditional leader in such a way. In line with this theory, it is especially those people who are physically removed from the traditional leader who feel the need to underline their links with him. In Hoepakranz for instance, a mountain village we will be introduced to more extensively later, nearly a third of the inhabitants supports *kgoši* Kgolane, who lives elsewhere. Because this support does not follow the usual - although not systematic - territorial logic, it has to be reaffirmed continually: instead of the standard 11 %, 63 % of the villagers gave this 'non-local' chief presents, 67 % worked for him, and 52 % paid tribal levies. Another group of people that seeks to compensate for physical absence by presenting gifts are the migrant workers. Many of these men, although not a majority, will show their appreciation for the fact that the traditional leader simultaneously symbolizes and maintains the 'traditional' local order while they are away. Thus, at Christmas time many mine- and factory workers will pass by the royal palace with some cash, a tape recorder, micro-wave, cell-phone application or smaller consumer items.

Sebego and *lehlakori* are gifts that lie more in the realm of 'tradition', and are offered a little more often: by 20 % of the people. *Sebego* is the thick, delicious beer brewed out of sorghum sprouted on cow dung spread out in the sand, brought to the palace by women carefully balancing calabashes or buckets covered with cool leaves on their heads. *Lehlakori* is its solid counterpart: the three prime beef ribs and four small ones of a beast slaughtered for a special occasion. Offering *sebego* and *lehlakori* can be - but is not always - part of marriage and funeral rituals. Again, the voluntariness of these gifts can be questioned: they are often handed over to either thank the traditional authority for a positive decision in a running dispute, in the hope of acquiring such a decision, or to acquire a stand. But, as one young man says: "It is not right. This is a very big piece of meat for which you'll pay r 50,- if you get it at the butcher's. So why give someone r 50,- when he'll charge you r 250,- for a stand afterwards?"

In addition to the power to extract tribute and to present this as the just state of affairs, the ability to recruit labor is another classic litmusest of authority. Traditional leaders in South Africa's national debate often pride themselves on the fact that the women in their villages still enthusiastically hoe their fields or help with the yearly harvest, and the men also pay tribute to their chief through working for him. Nevertheless, this type of support is also limited: only 16 % of the women and 10 % of the men have ever worked for their traditional leader.

In sum, material support for traditional leadership is much lower than immaterial support: 54 % of the people have never shown any of the material support listed above and are content about this. A chief who does not "bother" his subjects too much can count on a great deal of appreciation. "At least we don't have to do personal duties for him like with other traditional leaders" and "we like him because he doesn't demand anything from us like paying tribal levies." This is also why 68 % of the people feels the government should pay the traditional leaders. "We can then stop paying levies. And the *kgoši* might employ some of us to plough his fields."¹⁸

The fact that more than half of the people has never shown any form of material support for their traditional leader does, in theory, not mean that they have never had anything to do with the chief whatsoever. They could have asked him to settle a dispute, to allocate a plot of land, to write out a form or sign a paper or to accept them in the initiation school. However, this type of support is limited as well. Most of the people in Sekhukhune have never taken a case to the traditional court (82 %) or even attended one (67 %). These figures do not differ too much from those concerning the magistrates' court, in which 9 % of the people has been tried and 19 % has attended a case. The same goes for land: only 17 % of the people have acquired the land themselves, of which nearly half through the traditional leader. By far the majority of the people live on plots of land that have been in the family for one generation or more. In addition, these chiefly functions form even less of an indication of voluntarily support for traditional leadership than the material support expressed, as they are often just as much imposed by "external means" as they are "internally justified" - although a combination of both is well possible.

Take the customary court. Such a *kgôrô* can be anything from a small gathering of male family members discussing fighting spouses or straying goats in the yard of a mud-brick house to a formalized meeting of officially appointed tribal councilors in a face-brick state-sponsored tribal office. 65 % of the people like this institution, and finds it to be substantially better than the magistrates court. "At least here it is not one man who tries you but a whole group"; "In the *kgôrô* you don't have to pay the lawyer or the magistrate"; ""Here you are tried according to our culture, in the language you understand." But many of these supporters of the traditional court also point at the compulsory character of their choice, as do the 35 % of the people who do not like the traditional court because of its bias. "If you shoot straight up to the magistrate with your problem, he will send you back immediately". This is a understandable assessment of the Sekhukhune situation, even if the law does give people the right to take a case straight to the magistrate without it having to be an appeal from the traditional court. After all, the magistrates themselves admit that:

"It often happens that people come to us with cases that belong in the traditional courts, like family problems and disputes over tribal lands. They want us to try them, because they say the chiefs are biased. We tell them to still go to the traditional court first, and that they can always appeal to us afterwards. But somehow they never do. These people are loyal to their chiefs."¹⁹

The same interfusion of support voluntarily given and externally reinforced is found in land allocation. Although the legal situation is unclear, with a variety of overlapping legislation, traditional leaders are still massively perceived as *beng-wa-naga*, the leaders of the land. Many of the people believe this to be rightfully so: when asked who *should*

allocate land, 75 % of the Bapedi names the traditional leader.²⁰ Then again, they don't have much choice. Those people who arrive in one of the Sekhukhune villages and occupy land without informing the traditional leader, or who go to a weak competitor, run the risk of being heavily fined or violently beaten up. Take the case of a man who arrived in Mamone from the Leolo mountains, asked where the chief was and had the hard luck of being sent to an unpopular candidate in the local succession dispute. In the Mamone *kgôrô*, under the thorn tree, he was harshly rebuked and fined r 450,-.

An exception to the limited role traditional leadership plays in the lives of ordinary people - whether it is about showing material support, asking for land or going to the traditional court - are the initiation schools.²¹ Every year, when winter arrives and the school holidays start, long lines of half-naked girls can be seen in the villages, buckets of water on their heads to take back to the mountain camps. Like their male peers, who go through weeks of tribulations, a painful circumcision, learning praise songs and "how to be family heads", they come back to the villages as heroes. 67 % of the population has attended initiation school but this participation in the initiation schools is, again, not entirely voluntarily.²² Not only is there a large moral pressure to do so, especially among peers who unmercifully tease the uninitiated "boys", but the summer months are also characterized by boys being physically chased in the streets, to be abducted to the mountains." When a shopkeeper in Ga-Moloi, for instance, refused to take his son to initiation school, the chief opened a case against him. Also, his house and his shop were burnt under the motto "*go nyatša kgoši go go tlôga* - if you don't respect the traditional leader you'd better leave." He ended up going to Lebowakgomo, where you don't need a chiefly permission to stay."²³

Nevertheless, although going to initiation school might often not be a matter of choice for a Sekhukhune youth, there is what one might call a 'choice of chiefs'. Of old, initiation regiments would be formed around the chiefs' sons and daughters. Now that the *koma* has become a lucrative business, and traditional leaders can charge more than r 1000,- for a few weeks on little food in a self-built mountain hut, many traditional leaders hold one yearly, and also welcome youngsters from outside their own area. And as any headman or wardhead wanting to start his own *koma* in 1996 came to need permission from the officially recognized traditional leader, this is another source of income, and of course, external reinforcement of the power of traditional leaders.²⁴

On the face of it, it appears, the notion of the chief as the physical center of local life does not completely coincide with day-to-day reality. "I have never seen this guy", many respondents say. This does of course not preclude an important role in the moral landscape, an issue to which we shall turn later. But for now, we can conclude that even those issues on which it is difficult not to involve chiefs, as land allocation and dispute resolution, have not arisen in the lives of the majority of the Bapedi interviewed. It is with this in mind that we turn to a second feature of support for traditional leadership: its issue-related character.

Issue-related

Support for traditional leadership is not absolute but related to certain issues, of which the three most important have already been introduced above: settling disputes, allocating land and presiding over the initiation school.

"When lions are fighting, they can even be beaten by an injured buffalo" (*ditau tša hloka, seboka di šitwa ke nare e hlotša*) is an often-quoted saying on what is conceived as the most important function of traditional leaders. "How can we stay here alone: without a leader the community will fight over every petty issue"; "a chief is like a protector, stopping people from jumping at each other's throats" and "no herd of cattle can take care of itself." 81 % of the people considers settling disputes to be the most important function of traditional leaders. A good chief is someone who "judges wisely without looking where you come from" and "builds the community." This goes further than the mere settling of disputes: it also concerns the role of traditional leader as the symbol of the existence of a community. This is why some chiefs are sneered at for "creating fights and factions" and "allowing the faces of the royal advisors to be bought."

But even if people deem settling disputes to be a central function of traditional leaders, there are also specific issues that are considered out of bounds. Traditional leaders should, people feel, concentrate on "family matters" (71 %), "witchcraft" (68%), "small theft" (67%), "land issues" (62 %). Other subjects should better be left to the magistrate, like large theft and the maintenance cases only 9 %, respectively 19 %, of the people would take to the traditional court. These opinions are, of course, as much a resultant of the legislation that limits the judicial powers of traditional leaders to precisely those subjects that scored so highly above and states that maintenance cases should be tried directly by the magistrate. Even if people were asked "which cases do you feel the traditional leader *should* try?" most of them echo the present dispensation, showing the social effects of legislation on customary law.²⁵ A notable exception is witchcraft, which does not exist in the South African official mind and but is such an important element of Sekhukhune reality that people would prefer to have witches tried by the traditional leaders.²⁶

Land allocation is another such issue which is felt to fall squarely in the realm of traditional authority, without implying absolute or unchecked powers to the chief. Within national discourse in South Africa, there are many misunderstandings about the nature and practice of land tenure in the tribal authority areas. The dominant image is that of abundant land, handed out for a nominal fee, to which everyone has access and of which the occupation is understood in the "warmly persuasive" ideology of communalism.²⁷ None of this even remotely describes Sekhukhune reality. Although there are some wide stretches of green and hilly lands, most of the area is arid and dusty and cannot provide subsistence for its population. The extreme pressure on this land has made prices go up, especially in fast-developing areas where the new times have brought the much sought-after electricity and tap-water. The spoils to be had in this market-like situation have not only led to an upsurge of self-appointed leaders and to even more vehement fighting about chieftaincy and headman's positions than before, but also to a situation in which the highest bidder gets the land. "In our area locals are now being chased because foreigners offer much better prices", tells an inhabitant of one such settlement. In other areas it is not the highest bidder but only married men, preferably those related to the traditional authority, that will have access to building and grazing land. The legal title under which this takes place is a Permission To Occupy. This title, nicknamed Permission To Loose, is so insecure that it keeps people from investing in building houses. A government minister, for instance, told how he had enormous problems selling his face-brick medical practice.

In spite of this legal insecurity, people have a strong sense of ownership. Although 62 % of the people feels it is the second-most important function of the traditional leader to allocate land, they do believe the land to be theirs. 59 % of the people would want a title deed to land and the majority of the others point at their Permission to Occupy and say "What would I want another paper for? I already have this proof that the land is mine."

The support for traditional leaders is thus related to specific issues. The organization of initiation schools, for instance, is considered by 20 % to be the second most important function of the traditional leader and by 40 % as the third most important function. Other high scorers are the registration of marriages, ensuring community participation, the giving out of state pensions and the foundation of schools. All these issues are, however, not considered to be the sole responsibility and prerogative of the traditional leaders. Support for traditional leadership, as we will see below, is far from exclusive.

Not exclusive

"You cannot have two bulls in a kraal", is the well-worn expression used to describe the relation between traditional leaders and elected local governments - upon which policy-makers discuss power-point scenario's of "a bull and a sheep" or "two sheep" in the kraal. This demand for exclusive rule might be understandable from the point of view of the traditional leaders, it is less so when one takes the popular perspective. People don't mind, to stay in the metaphor, having access to a whole barn full of authorities. After all, even though the institutional pluralism described before can lead to legal insecurity, it also offers opportunities for forum-shopping and for holding more institutions responsible for bringing development to the poverty-stricken areas. Thus - even if 49 % of the people acknowledges the lack of co-operation between chiefs and councilors - there is hardly any correlation between support for a traditional leader and the way in which people rate the TLC (Transitional Local Council). Of the 65 % of the people that has heard of the TLC, 32 % are negative about its performance, 20 % are neutral, and 48 % are positive. These figures do not differ significantly for the people who also support a traditional leader: if anything, people who do not support a traditional leader are also negative about the TLC.

When asked who should be responsible for which of the functions legally reserved for the elected local government, a diffuse picture arises. The answers people gave largely arose from the situation in their particular village: in communities where the traditional leader had actively collected money to build a clinic, the chief was considered the authority responsible for clinics. Generally, the people we spoke to had no strongly fixed ideas about which authorities should do what, but just hoped that things would get done in their area. A plurality of institutions increased, in their opinion, the chances of development, especially if these institutions would co-operate.

Who should be responsible for providing the following local government function?

	TLC	Traditional Leader	Political parties	Civics	Government	Others/ combination
Democratic government	24 %	30 %	25 %	16 %	2 %	3 %
Services	32 %	23 %	19 %	21 %	1 %	4 %
Socio-economic development	39 %	13 %	32 %	9 %	3 %	4 %
Safe environment	14 %	18 %	11 %	53 %	1 %	3 %
Involvement communities	16 %	33 %	23 %	23 %	1 %	4 %
Preschools	33 %	15 %	6 %	41 %	2 %	3 %
Electricity	57 %	15 %	10 %	10 %	3 %	5 %
Clinics	46 %	21 %	8 %	16 %	3 %	6 %
Tourism	40 %	15 %	14 %	23 %	3 %	5 %
Water	49 %	15 %	6 %	23 %	2 %	5 %
Roads	54 %	14 %	9 %	15 %	3 %	5 %
Trading regulations	30 %	31 %	15 %	16 %	3 %	5 %
Building regulations	17 %	48 %	5 %	23 %	3 %	4 %

All this does not mean that people only look at the official authorities, be it the TLC or the traditional leader, to bring development. Apart from the ubiquitous civics many villages have a variety of other self-help organizations. The five-hundred people in the tiny mountain village of Hoepakranz, for instance, are organized in the Baditaba development forum, an electricity committee, a water committee, a roads committee, a health committee, the "Cowherds against Stocktheft", the Hoepakranz Youth Development Forum, various school building organizations, an active local ANC-branch, a village development committee and many other 'structures' - with a varying degree of success. People that are active locally often combine membership of many of such organizations, and easily slip from one role in the other. The chiefs' son in Hoepakranz, for instance, chairs the ANC and some of the development fora. And in Madibong the head of the civics also presides over the tribal council, while the chiefs' former chauffeur is now mayor of the TLC. This role-switching also motivates people to not exclusively support one authority, but to lay claims wherever chances of success are highest.

A similar approach of forum-shopping characterizes people's attitude towards the courts. While traditional leaders have an interest in presenting themselves as the single first tier court, as the only portal to other forms of justice, their subjects do not share this interest. Although they believe the traditional court to be substantively better for many cases, they do appreciate it if their chief facilitates access to the magistrates' court in others: "At least he writes us a letter to go to the magistrate when we need it." They'll also take problems to other fora. In Hoepakranz, again, many community fights are

discussed in the ramshackle school on top of the hill instead of the traditional court, or under a tree with members of the Community Policing Forum or the "Cowherds against Stocktheft."

Dynamic...

A last feature of the support for traditional leadership that needs to be mentioned is its dynamic character. As we shall see in the next paragraph, support for traditional leadership is influenced by community, chiefly and personal characteristics. All these can change. Communities can grow in size and other institutions can successfully take over chiefly functions. Chiefs can become better leaders, or worse: "He is all right now, but I am afraid he will turn against us in the future", says one respondent, or "He is still young now, we still have to see his true colors." And as people earn more or get a higher education their ideas about traditional leadership are - as we will see - likely to change.

In addition to the above, there is a wide-spread perception - often noted with surprise - that traditional leaders have managed to strengthen their position in the period after the first democratic elections in 1994. "We had really expected these *magoši* to disappear with the liberation. In the days of the struggle we were very much opposed to them, they tried to kill us and we would burn their palaces. But now they are back, and we are just working together well." There are multiple reasons for this "surprise come-back": the continued government support for traditional leaders, the lack of capacity of the elected local governments but also the fact that traditional leadership can provide a sense of identity in the fast-changing world.

The dilemma voiced by many Sekhukhune people was well summed up by Lydia Ngwenya, a veteran of the struggle who now commutes between the Cape Town parliamentary plush and her mud house without electricity or tap-water in the red and dusty Sekhukhune village of Tsimanyane .

" Traditional leadership is our culture, you can't run away from it, even though it must change. It's like a branch where you have to slice away all the barks and buds until you are left with a new lean walking stick. Still, I never saw a big role for the civics in the rural areas. These guys all became just as corrupt as the traditional leaders. And they're all boys choirs, discriminating women and leaving them out. It seems to me that it's better to have the devil you know than the devil you don't know. ..You know, rural people see the insecurity of the ANC on traditional leaders and don't know where to lean. They see the weakness of the TLCs, they see the weakness of the *magoši* and don't know who to support. They're just standing in the middle of the road where they can get hit from both sides."

Support for traditional leaders is thus limited, related to certain issues, not exclusive and dynamic. It also depends on a number of variables, to which we shall turn in the following section.

3. Support at community level

After having considered, in general terms, *how* people support traditional leaders, we can now turn to the next question: *who* support chiefs? An analysis of the questionnaire interviews shows that the factors determining support lie on three different levels: that of

the *community*, the *chief* and of the *individual* concerned. This section is concerned with the community characteristics. I will introduce you to the three areas in which I did field research and consider how their specific features influence peoples' opinions on traditional leaders.

Before moving to the lush hills of Hoepakranz, the sandy plains of Ga-Masha and the busy Mamone taxi rank, it is necessary to say a few words about the evanescent and often ill-defined concept of 'community.' If one takes as a definition of community a "group of people who share beliefs and preferences, of which membership is stable and in which relations are multiplex" none of the three groups I describe would qualify.²⁸ As we shall see, even the most bounded of the three communities, tightly woven together by kinship ties, Hoepakranz, is torn apart by chiefly succession disputes and generational cleavages and knows as much forces keeping people apart as there are keeping them together. The same issues play a role in Mamone and Ga-Masha, which also have many inhabitants who don't share kinship ties at all, as they recently moved to the area or were dumped in it as part of the Apartheid forced removals.²⁹

Why, then, not shed the term 'community' altogether and replace it with a territorial alternative like 'area'? One reason is that the notion, even if it is not grounded in empirical fact, does play an important role in discourse, for outsiders and insiders alike. Nationally, now that the notion of 'tribe' is discredited, the idea of 'community' seems to have taken its place to conceptualize life in the rural areas. Ngo's and government officials hold 'community' meetings, and seem to depart from the notion of homogeneous groups that can, for instance, be represented. In doing so, of course, they reinforce that very notion. But local people also speak of their 'communities' notably when discussing traditional leadership which is considered to play a central role in ensuring social cohesion and stability. "*Setšaba ke setšaba ka kgoši* - a community is a community because of the chief", is a well-known variant of the Sotho saying quoted at the beginning of this paper. The notion of communities might thus be 'imagined', but is important in the local and the national conceptual landscape, which is why I will follow suit.

Having this out of the way, let us now look at three vastly different Sekhukhune communities, at the role traditional leaders play there and how this influences the way in which people think about them.

Hoepakranz: out on the mountains

Tucked away high in the rugged Leolo mountains that form the backbone of Sekhukhune, at the end of a virtually inaccessible road through wild green pastures dotted with yellow lilies  with an infrequent herd of cows watched by a youngster in ragged clothes, adobe homestead or orchard full of apricots, lies Hoepakranz. "A classic out-of-the-way place" where the people, according to the rest of the Bapedi, "live like monkeys on the mountains", without electricity, tap-water or any other form of development.³⁰ The approximately five-hundred inhabitants are knotted together by kinship ties (they share five surnames), and even if they came from Swaziland in the 19th century, intermarrying with Bapedi has led to a population that is *hlakahlaka* - mixed up.³¹ The most important link with the outside world is through the migrant workers, many of whom work as grave-diggers or in the mines in the metropolitan areas and clamber up the mountains twice a year to see their wives and families. Apart from that, remoteness is the area's

principal feature. No government vehicle has ever made it up the mountains. Villagers even had to go down to fetch exam papers for the matriculants because government officials refused to "waste their cars on those stones and rivers."

The institutional landscape complies with this image of remoteness. The ward councilor elected in the far-away TLC by the mountain people was never seen back in his village and did not bring any development. As described before, there is a very high degree of self-organization. On an average day one can look around the village and see a meeting of the Youth Development Forum in the valley between the maize-fields, of the women's savings club with their tin moneybox under the cluster of wild figs on the mountains and the School Building Committee on the rocks behind the school. This school generally forms the center of public activity and most community meetings, whether they concerns disputes or general development issues, are held in it. One reason for the centrality of the school is the long-standing succession dispute between the two local traditional leaders that renders it impossible to have community meetings in one of the palaces, even if both leaders have a *kgôrô*, where disputes can be discussed.

Space does not allow a discussion of the omnipresent succession disputes and the way in which they are argued in Sekhukhune. For present purposes, let us just remark that this rift has not led to a decline in the appreciation of traditional leadership. A staggering 94 % of the people in Hoepakranz support a traditional leader, much more than in the two other communities we'll look at. 87 % has showed some form of material support or attended a case at the traditional court. People also rate their traditional leader highest of all: only 4 % comes up with a negative evaluation, 9 % is neutral and 87 % is positive. Even if one compensates for variation related to the characteristics of the chiefs and community members involved, these figures are still very high. What, then, are the reasons *at community level* why support for traditional leadership is so high in this tiny, bounded mountain village?

Part of the explanation can be found in the cultural orientations of the people in Hoepakranz.³² This village comes as close to a 'community' with stable membership, shared beliefs and multiplex relations as one can get in Sekhukhune, even if a wide rift divides the supporters of both chiefs, and the village schoolchildren frequently hold grim strikes to show their dissatisfaction with their parents and teachers. It is also a status-based society, in which men and women sit separately in meetings, children are whipped by their mothers if they are too cheeky, and people are "considered in their categories." Land is ample and fertile, and the chiefs generally don't demand too much of people. Respect for traditional leadership, as the apex of an order installed by the Gods and the ancestors, fits within such kinship-based social organization and status-oriented cultural orientations.

Still, this does not mean that people are opposed to the notion of development or that they do not support alternative institutions. People yearn for a road, "so that we can go down the mountains and sell clay pots there", and "we'll have clinics and shops and many nice things." The civics received wide-spread appreciation for the fact that they organized that the old-aged didn't "have to be carted down the mountain in a wheelbarrow" anymore to collect their government pensions, but could do so in the local school instead. A school that was paid for and built by the community, and of which one woman says: "Before we were lead by men, and there was no progress. Now women are involved, and look what

has been achieved." The support for traditional leadership is thus combined with support for all institutions willing to assist in the development of the village.

The main reason for the exceptionally high material and immaterial support does, however, seem to lie in the complete absence of alternative public institutions. "We are staying far away from the government", as one old woman says. Other community members agree: "There must be some authority in the land" or "how can we stay without a *kgoši*? What if a conflict arises; where shall we take it?". 69 % of the people has never heard of the TLC. A young woman explains: "In the mountains we still pay respect to the *magoši*, because they are closest to us. We still have to see the importance of these elected people." In section 6 I will argue that there are four reasons why people (don't) support traditional leadership and state that these lie in the realm of: tradition or culture, the state support for traditional leadership, its performance and a default "need to rule." 50 % of the people in Hoepakranz legitimates their support for traditional leader by somehow referring to the "need to be ruled." No herd of cattle, as it was often repeated, can take care of itself.

Another reason is that traditional leaders are perceived as the only stepping stone to access the state. "*Bogoši* is the mainroad to all government. They are useful to politics and can engage local structures", says one man. Another agrees: "The chief is the eye of the government. If something goes wrong, he is the one to report it to them." Even if the traditional leaders in Hoepakranz are not paid by the government, this image is enforced in the contacts with various state institutions, in particular the magistrate. "At the magistrate you'll always have to produce an identity letter from the palace"; "you can't take a case there directly, they'll always ask if you have been through *mošate* first" and "many letters still need the approval of the *kgoši*."

This outside reinforcement of the power of traditional leaders brings to mind Piot's observations of how boundedness and 'traditional' cultural orientations are, even the most remote of villages, as often a result of wider forces and as they are local productions of meaning.³³ The wide-spread support for traditional leadership in Hoepakranz can, at a community level, be explained by cultural orientations but also by the lack of alternative structures and the systematic governmental enforcement of chiefly authority. With this in mind, we turn to Ga-Masha, a community in which the relations between local and other institutions are equally important, but are played out in an entirely different way from Hoepakranz.

Ga-Masha: one step away from riches

The high Leolo mountains form the backdrop to the potholed tar road that cuts through Ga-Masha and leads - past dilapidated bottle stores, an old garage, a general dealer with a Coca-Cola fridge next to a generator and women selling tiny pyramids of tomato's outside - out of Sekhukhune and into the former 'white' South Africa. Along this twenty kilometers of road five "officially recognized" traditional leaders and a plethora of headmen claiming they should be, were clumped together, with their people or people who never were, as part of the homeland removals in the fifties and sixties. Of the three communities considered, the approximately five-thousand people in Ga-Masha are the poorest. The ramshackle adobe and tinplate houses, the eroded soccer field covered with plastic bags, the singular scrawny goat scurrying on it, all strengthen an image of

desolation. Only 27 % of the people have access to an eroded field on the Steelpoort river, between cacti and ant-hills, and below the sparse trees sit many men with their yellow mining helmets still on their heads, but a retrenchment letter in their pockets.

Still, all this could change soon. Ga-Masha is one of the few communities that has a real chance of its socio-economic situation ameliorating drastically within the next few years. Not only does a claim for land lying on the opposite side of the tar road from which Masha people were removed in 1940 have a good real chance of succeeding. Underneath that land lies a rare reserve of Vanadium, the mineral used to give plasticity to both tweezers and buildings and to which a large mining company acquired the mineral rights lease. The past years have thus brought a flurry of meetings between the 'community' and the Land Claims Commission, government departments, the mining company's, lawyers and non-governmental organizations.

In all these contacts, two questions prevail: "who gets to represent the community?" and "if there are spoils to be had, by whom?"³⁴ The struggle of the eighties and the area's turbulent history had already turned Ga-Masha into a divided community, with two chiefly contenders, their supporters and an active civic organization fighting bitterly over the power to speak on behalf of "their people." But this has now worsened. "I have never attended a meeting of this community in which they didn't fight", complains the representant of a mineral rights N.G.O. And the project manager of the mining company tells how they started their dealings with the community: they drove in, asked for the traditional leader, had her sign a co-operation agreement, only to find that neither the supporters of the other chief, nor the youth organized in the civics, felt bound by it. The Land Commission officials ran into similar difficulties when they stimulated the election of a Land Claims Committee but stipulated that the traditional leaders should be left out. As one of the civic members said: "which committee to elect, that's our problem. Who should sign? And if there is some money, who will get it?". Thus, committees are chosen, contested and rechosen, all delaying the decision-making process.

How, now, does such a divided community regard traditional leadership? An overwhelming majority still supports a traditional leader, although less than in Hoepakranz: 82 %. Most of them (83 %), however, have never shown any material support for their traditional leader. People are also more critical about traditional leadership: even if the majority is neutral, opposition is vehement with many youngsters saying that "this institution must be thrown in the dust-bin because of its greediness" or "it is oppressive and should be shut down immediately." Only 56 % would want to retain the institution, sometimes with changes like "people should start voting for their traditional leaders." The reasons why people support traditional leadership also change. In this fast-changing community, there is a much higher emphasis on the "cultural" and "traditional" character of traditional leadership on the one hand, and its intimate relation with the government on the other. As we shall see in the next section, when looking at chiefly characteristics, this also has to do with the way in which chief Johannes Masha permanently and actively seeks government reaffirmation of his position.

What community characteristics explain the fact that support is lower than in Hoepakranz but higher - as we will see - than in Mamone? The decrease can partly be explained by cultural orientations. Even if 93 % of the - practically completely Bapedi - population went to initiation school, only 44 % of the people here are married customarily, and of those still to get married 92 % would not follow the Pedi custom. 33

% of the people was born elsewhere and there is a much more intensive contact, of men and women alike, with the nearby towns. At the community level (so with chiefly and personal characteristics put aside) the main variable explaining the high support again seems to be institutional make-up. Here, it is not the lack of presence of elected local government but its complete failure that has ensured continued support for traditional leadership. The Transitional Local Council under which Ga-Masha falls - a different one from the two other communities - completely collapsed a year after it was elected, with the councilors leaving to go back to work in the towns. While 77 % of the people knows the TLC, they are very negative about its performance, which 81 % deems to be bad. "We elected some guys but unfortunately they went hiding" and "those people promised us heaven and earth, but nothing has happened at all."

Thus, it is again a combination of cultural orientations and the performance of alternative inroads to the state that - at community level - explains how people think about traditional leadership. In the third community to be discussed, Mamone, there is a TLC that operates more or less effectively. Let us look at what this does for support for traditional leadership.

Mamone: retraditionalization in a fast-changing world

Even more so than Hoepakranz or Ga-Masha, Mamone defies easy characterizations. There is the township of Jane Furse, with its flashy shopping center, bustling taxi-rank and brand-new hospital. Just a few kilometers down the road, in Mamone village, lies another world, with traditional Pedi homesteads centered around the royal palace on the hill and the traditional court under the thorn tree. And then there are the eleven 'satellite villages', some of which lie over fifty kilometers of dusty dirt road from the palace, and in which life revolves around the maize-fields and cow-herding, and seems much more slow-paced than in Jane Furse. Within Mamone's population of about 40.000 - nearly ten times as large as Ga-Masha and a hundred times as large as Hoepakranz - there are groups which could be considered 'communities', but this does not apply to the whole.

Although the degree to which differs, the post-1994 has brought some development to the area. "At least there is a shopping center and some clean water, but we still need jobs." Electrical wires now seem to spin a web above many of the Mamone villages, and all the local institutions - from the ANC to the traditional leaders, and the TLC to the civics - seek to take the credit for having brought this government service to their communities. The reason that this area has at least seen some progress since 1994 seems to lie in the fact that the TLC that covers twenty-eight chieftaincies, has its office in Mamone. "Those TLC guys only take care of their own areas", as people from other villages complain. Although the council does not have the capacity to actually implement projects itself, it can decide to which area resources are channeled. As a result, 54 % of the Mamone people feel their standard of living has improved.

Another post-1994 development is the coronation of a new chief, Billy Sekwati Mampuru. This has led to vehement debates on the functions of a traditional leader, and a process that might be labeled "retraditionalization."³⁵ The traditional court has been revamped, the Mamone Bapedi discuss "going back to the roots" and a "road-show" of the new chief and some of his advisors tours around the satellite villages to convince people of the advantages of supporting a traditional leader - materially and immaterially.

Not only is traditional authority strengthened, other government institutions are actively summoned to keep out of Mamone business. Whether it is the TLC, the state magistrate or the police: when they interfere in what are deemed Mamone affairs they are told that "this is where Sekwati rules."

How do people in such a heterogeneous area feel about traditional leadership? While the number of people supporting a *kgoši* remains high, it is down to 73 %. People are also more critical about traditional leadership than in the two other areas: 27 % finds the institution to be bad, and 37 % is neutral. Most of the Mamone people have never seen "their" chief, let alone done anything for him: "I would like to talk to him first before I can tell you what I think of him." Only 61 % would want to retain the institution, with the rest saying things like "this is now a very old toothless animal, that should be buried for good." What is particularly interesting, is the shift in the justification for retaining traditional leadership. Now that the TLC has become active as an alternative governmental institution, the performance of the traditional leader becomes much more important. But even more so is the 'traditional and cultural' character of the institution: traditional leadership has moved from a 'mainroad to government' and 'a form of rule' to an institution celebrated because of its unique, local character. This, as we shall see in section 6, spurs the traditional authority to actively underline this difference and emphasize its 'traditional' character.

Again, an amalgam of community-level variables appear to determine this outcome. Mamone is, much more than Ga-Masha, an area considered 'traditionalist'. Even if less people have been to initiation school (70 %) people say: "Those Mamone Bapedi can go to Johannesburg for years, but they will always retain their accent, and long back for their area. Still, there are more non-Pedi speakers in this area than in the others (11 %), nearly half of the people (48 %) was born elsewhere and 65 % does not have fields. Another reason for the decrease in support might be the relative increase in the appreciation of the TLC: While 50 % of the people is still negative ("how can these boys drive around in fancy cars" and "the province should send their anti-corruption squads") and 37 % neutral, the rest does say things like "traditional leadership is finished as we now have TLCs".

It would seem from these three examples and the comparative Sekhukhune material, that support for traditional leadership decreases slightly in larger areas that are more developed and in which the TLCs present themselves and are accepted as an alternative government institution. Also, it changes in character, with the emphasis more on the "cultural and traditional" aspects than its instrumental character. In small communities, with less contact with the outside world and no "governmental" alternatives to the traditional leaders, the degree of support is highest. This, of course, are only general community characteristics. The features of the chiefs and the people concerned also determine their support for traditional leadership.

Question	Hoepakranz (N=133)	Ga-Masha (N = 100)	Mamone (N=121)	All (N=598)
<i>Have you ever heard of the TLC?</i>				
• Yes	31 %	76 %	68 %	66 %
• No	69 %	24 %	32 %	34 %
<i>Do you support a traditional leader?</i>				
• Yes	94 %	82 %	73 %	80 %
• No	6 %	18 %	27 %	20 %
<i>How would you rate the institution of traditional leadership?</i>				
• Very bad	1 %	1 %	0 %	3 %
• Bad	3 %	11 %	27 %	14 %
• Neutral	9 %	49 %	37 %	23 %
• Good	44 %	22 %	26 %	36 %
• Very good	43 %	17 %	10 %	24 %
<i>Do you think traditional leadership has a future?</i>				
• Yes	76 %	56 %	61 %	65 %
• No	23 %	44 %	39 %	35 %
<i>For which reason would you (not) want to retain traditional leadership?</i>				
• Culture, tradition	10 %	28 %	36 %	24 %
• Link with government	22 %	32 %	11 %	23 %
• Their performance	18 %	21 %	35 %	27 %
• Default: need some rule	50 %	19 %	18 %	26 %

4. Support dependent on chiefly characteristics

In the lush valley that cradles Hoepakranz, there are two royal palaces. The one belongs to Abel Nkosi, an old soft-spoken and unmarried man with a shy demeanor but a great deal of wisdom. He heads the local NG-church and acts as a chief together with his identical twin brother who used to be the school principal (and whom we first didn't know existed, causing us to wonder at Abel's omnipresence). His opponent in the local succession dispute, Joseph Nkosi, is a much younger, uneducated and brash bearded man with three wives, a tractor and a collection of guns in his house. Then there is the 'non-local' traditional leader, Kgolane, who presides over another village but can count on a great deal of support in Hoepakranz: he is a youngster who just ascended to power, likes drinking and girls, but also actively stimulates development in his area. In Ga-Masha, the picture is just as diverse. Johannes Masha is a fierce-looking man, who spends most of his time driving around government departments seeking recognition of his claims. Mante, his contender, is an warm gray-haired lady, who leaves ruling to her advisors and prefers looking after her grandchildren. In Mamone, Billy's ascension to the throne

inactivated the uneducated but shrewd uncle who contended with Billy's mother for over two decades. The new *kgoshi* himself is a born-again Christian with a college education, and a great fear of the community he is supposed to rule.

This small portrait gallery shows the differences that can exist between traditional leaders. The fact that not only the Sekhukhune paramountcy, but nearly every chieftaincy position in Sekhukhune is contested, allows us to compare how *chiefly characteristics* impact on the way in which people who live in one community and share the same personal characteristics see traditional leadership. Before turning to people's assessment of their individual leader, however, I will say a few words about the relation between support for a traditional leader and for traditional leadership. How do the way in which people think about the office and the incumbent relate to each other?

Supporting chiefs, supporting chieftaincy

In a seminal and still often-quoted article on the Tswana-speaking BaKgatla J. Comaroff describes how they make a distinction between their evaluation of the office of chieftainship and of its holder.³⁶ When speaking about chieftainship, the people will use a formal code and laud the virtues of the institution. Speaking about their individual chief, on the other hand, the BaKgatla use an evaluative code which can be highly critical.³⁷ The same distinction in evaluating the office and the incumbent as in Setswana is made in Sesotho culture. As a school principal, ANC-member and member of the Mamone royal family said:

"The whole system of *bogoshi* is a way of trying to keep stability in the community, to keep the community together. It is central in determining where people find themselves. All our customs and traditions are enshrined in *bogoshi*. Where there are *magoshi* you will find respect... The moral fiber of the whole society rests on *bogoshi*. It encompasses religion, tradition, governance, customs, everything... This system of governance is in our blood. They are above all politics and should be a symbol of unity.

This is why it's very annoying if a *kgoshi* is bad. Especially if the whole community has put their trust in him. But this is never, never a reason to do away with the institution. Instead, we should try to empower the institution instead of the person. If the *kgoshi* is bad, you can always still discuss with someone else in the institution."

This unlinking in *political oratory*, in local debate, of people's thoughts on chieftainship from their thoughts individual chiefs could easily suggest that people's *opinions* on chieftainship are not linked to how they feel about their individual chief. That they might, for instance, hold chieftainship in high esteem while critically evaluating their individual chief.

This, in Sekhukhune, is not the case. There is an exceptionally high correlation between the way in which people rate their traditional leader, and their rating of traditional leadership.³⁸ Thus, the young man who says "my chief does not respect his status as a chief and is a drunkard", will also say "*bogoshi* must come to an end." Just like the person who states "This guy is a chief because of his royal blood but does not have leadership abilities" feels that "this whole thing must just be dispersed." Conversely, the woman who feels that "my chief is fair and works together well with his people", states that "our chiefs must remain the way they are." And the young man who feels that "our *kgoshi* leads us well and gives us all the reference letters and stamps we need", also

reasons that "*bogoši* is good and progressive." The causal relation between the two variables is demonstrated by the fact that people who are uncertain about their leader, hesitate on what they should say about traditional leadership. In this vein, the old lady quoted before saying that Billy Sekwati that "is still young, we still have to see his true colors", says that traditional leadership is good nor bad.

People's feelings about *bogoši* are clearly influenced by their evaluation of their *kgoshi*. In the following section we will briefly consider how people evaluate their leader, and what criteria they use to do so.

Virtues and vices of traditional leaders

As Hammond-Tooke has pointed out, an elaborate set of premises of "good government", of which consensual decision-making was the most important, was traditionally used to evaluate chiefly performance.³⁹ This is also well documented for other areas: "The greater the degree to which a chief (and his supporters) can achieve a *convergence* between the public evaluation of his incumbency and the stated criteria of good government, the greater the extent to which he may expect to wield legitimate power."⁴⁰

What, in present-day Sekhukhune, are the criteria of good government?⁴¹ Most of the six-hundred responses to the open question "what do you think of your traditional leader?", whether they were positive or negative, concentrated on aspects of traditional leadership that can be categorized in five categories: its accountability, responsibility, wisdom, achievements and restraint.

"It is an obedient person", is how many people positively evaluate their traditional leader. Accountability is deemed a central virtue of a traditional leader, and the degree of control people feel they can exert over a chief determines their appraisal of him. "We work together well", villagers say contentedly, "he respects the people and his constituency" and "he does exactly what we want." The sense of ownership, of a good traditional leader operating on behalf of the community, is voiced by an old man in Ga-Mashabela: "A chief is there for the people. He must work through our mandate and can't go on his own. If he is bad, the community is bad as well." This means that a traditional leader perceived to "take unilateral decisions" and "undermine his advisors" will be severely criticized. Like the brash and individualistic Johannes Masha, who was accused of "being a young, ambitious fellow who just wants everything for himself."

While accountability is an important virtue, it should not be overdone. The capacity to take responsibility is deemed as important: a traditional leader should also have "leadership qualities" and "a vision of where the community is going." Courage and braveness are deemed as important today as ever, but traditional leaders are also respected for "having stood up for us in the dark days" of Apartheid. While listening to councilors is deemed vital, a traditional leader should take a decision independently.⁴² The supporters of Mante Masha, a soft-spoken and docile leader, complain that "her advisors use her as a tool; she just rubber-stamps anything" and "she is a passive person and not vocal at all." A traditional leader, it appears, should dare to take responsibility for individual decisions, even if they are unpopular.

Wisdom, and fairness, are deemed other important attributes, as becomes clear from satisfied responses like "he listens attentively to our community"; "he handles our issues with care"; "by being patient he is like a parent" and "he is very soft, he understands us

all." On the other hand, one of the most common complaints against traditional leaders is their bias. "He will always judge in favor of his relatives" and "in the traditional court they'll only look who you are, where you're from and what you've taken with you." This does not only impact on the assessment of traditional leaders, but also on how people feel about traditional courts. For instance, nearly 90 % of the supporters of traditional leaders like Abel and Joseph Nkosi and KK Sekhukhune like the traditional court, while this is only 50 % in the case of Johannes Masha: "In that place you will find some very greedy and discriminative minds together."

The achievements of a traditional leader form another important variable determining how people feel about him. Such achievements can include bringing 'projects' to the village, one of the reasons why Johannes Masha, who was criticized before by some, is popular with other villagers. "At least this guy is trying to create jobs for us" and "he has brought a poultry farm and a community garden to the village." Even if, in this case, it was not the traditional leader but an N.G.O. that took the initiative for the project, J. Masha managed to, in a classic role as gate-keeper, reap the benefits. Oppositely, it is also appreciated if a traditional leader facilitates access to (other) government institutions: "he gives us all the letters and stamps we need." A traditional leader who "fails to do anything for us" or "has never delivered at all" can count on a negative assessment. The least a traditional leader can do, people feel, is to not "disturb progress by refusing all sorts of development projects."

This is in line with a last feature valued in traditional leaders: restraint. "This guy doesn't give us any problems" and "we don't have to work in his fields or pay tribal levies". "He is not oppressive" and "he has never chased anyone from his village", are some of the reasons why people appreciate their chiefs. The traditional leader who "is an oppressor of underprivileged people by squeezing money from dry land" or "beats people while they're naked and throws cold water over them" can count on little sympathy. Leaders should be soft, and patient, which is why Christian traditional leaders are valued highly by some of their subjects. Others, however, doubt their ability to lead initiation schools and to "really stand up for the community."

These are thus the criteria by which Bapedi evaluate their traditional leaders and that influence their support for them and consequently, as we have seen in this section, their appraisal of traditional leadership in general. The fact that people assess their individual leaders, the office holders, on a yardstick that runs from accountability to restraint does not say anything about the way in which they legitimate their support for the institution of traditional leadership: this will be discussed in section 6. Here, we are merely concerned with the question why certain people enthusiastically support traditional leaders materially and immaterially and others don't. Part of the answer, we have seen, lies in the community they live in and the chiefs that rule it. But an important part also lies in their individual circumstances. It is to those personal characteristics that we turn to now.

5. Support at the individual level

A municipal laborer from Mhlaletse told us how he took the case of his neighbor's goats feasting on his corn fields to the traditional court, and the *kgôrô* decided in his favor. "I like our *kgoš*i because he settles disputes fairly, without looking where you come from." In his opinion traditional leadership should be respected, unlike the TLC which "does

nothing for us." In another interview we conducted, sitting on the top of a rock with chickens scurrying at our feet, an old lady told us why she would want traditional leadership to remain: "If my husband beats me up again, there is at least someone close I can turn to." A few hours later, we sat in the shade on an adobe porch meticulously polished deep red, talking to a woman who saw no need for the government to retain, let alone pay for, traditional leaders: "Why? What are they doing? If they would be doing something for us it would be a good idea, but I see nothing."

People, it appears, have highly personal reasons to support traditional leadership. What they perceive their traditional leader to (potentially) do for them plays an important role. Even if this link between interest and support surfaces clearly from the research, it is difficult to quantify. It is, however, important to keep it in mind as we turn to the variables that determine support at the personal level. Here, there are some clear patterns: the youth are more critical than the elders, men are a little more critical than women and a higher education and income also leads to a decrease in support. These variations can, however, to a large extent be explained by looking at the interest people have in a close association with the *kgoši*.

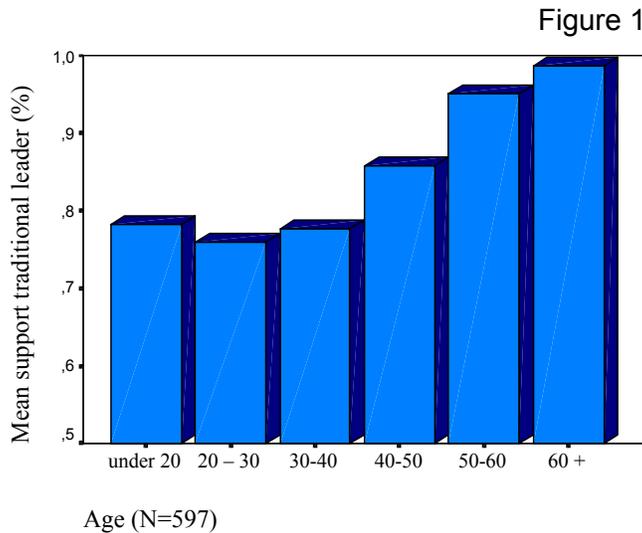
"This is a thing of our parents": the youth and the elders

The gangs of youngsters hanging outside schools and drinking holes where kwaito music thumps out of the speakers in every dusty Sekhukhune village - girls still in tattered black-and-white school uniforms but with children strapped on their back and lank boys with tight t-shirts (Che Guavara, reggae) and floppy hats - might well be the group that has lost out most in the new South Africa. During the Sekhukhuneland Revolt of 1986 the generation before them marched in protest against the old order, throwing stones, burning palaces and generally trying to wrest power from their parents' hands.⁴³ Far from bringing a new dawn, the new South Africa has brought youngsters much of the same: congested and broken-down classrooms, teachers with sjamboks under their arms and a demoralizing lack of job opportunities. A few former comrades might now "drive Mercedes Benz and have flashy girlfriends" but for the majority, life has inescapably slipped back into the rural humdrum.

In Sekhukhune 'youth' is very much a generic category, roughly used to designate those groups of people associated with the civics and resistance against traditional authority. This is why the same people who spearheaded the local revolutions in the eighties can still be referred to as the 'youth' today, even if they now have gray hairs and families. It is a category associated with the uninitiated, those not yet socialized into Bapedi 'tradition' and symbolic of resistance against it. When asked whether they feel they can participate in community affairs, many pensioners will grumble that "all this standing up and talking about democracy is something for the youth."

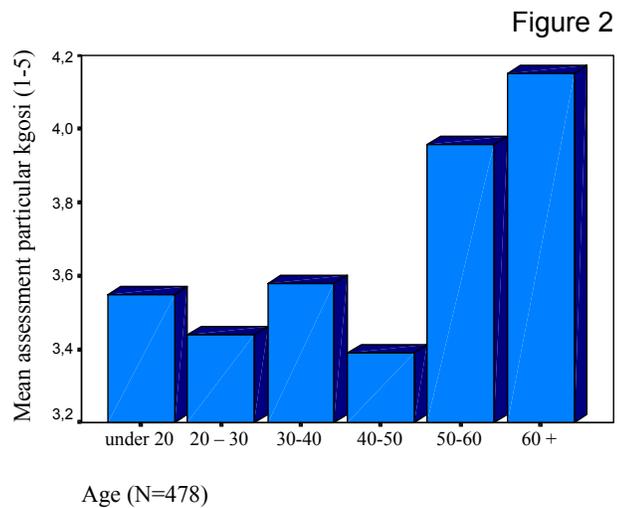
This image is reflected in the opinions of the youthful Bapedi on traditional leadership. While support is still high, only 71 % of the people under twenty support a traditional leader. This figure rises steadily to a staggering 97 % of the people over 60: only one of the seventy-two pensioners we spoke to did not support a *kgoši* (see figure 1). The youth are also more critical of their traditional leader than their parents. "For what good reason should I support a chief? I don't know him and I really don't care whether he knows me", as one boy says. The comrades from Ga-Moloi, in the same vein, state "our chief is a

power-monger and a money-monger, who changes colors whenever he feels like it." The youth also, to a much larger extent than their elders, legitimate their (lack of) support for traditional leadership by pointing at chiefly performance.



Of the people under 30, 38 % gives a performance-based reason to (not) retain traditional leadership, varying from "he does good things for us" to "he is anti-development." Of the people above 50, on the other hand, only 9 % considers chiefly performance to be the reason to maintain the institution, while 38 % gives a "cultural" form of legitimation (as opposed to 15 % of the youth). The critical

approach held by the youth is also echoed in the way Bapedi under 30 rate their traditional leader. The mean rating on a one to five scale is about 3.6 with people under twenty, and rises to nearly 4.2 with the population over 60. A possible explanation for the two dips in figure II is the fact that the formative years of the people between 40-50 took place at the very height of the implementation of homeland policies in the late sixties and early seventies with the unpopular role for traditional leaders in it, while the youth between 20-30 were the ones who marched to the *mešate*, torches and stones in their hands. Also, there are many migrants amongst the men between 30 and 40, and they tend to be more positive about traditional leaders than their peers who remain behind in Sekhukhune.



The youth, as young and old agree, have less respect for traditional leadership than the elders. "As youngsters we seem to be forgetting about our culture by not respecting *magoši*", says one boy. An elderly community member points at the vigilante organization that forcedly helps traditional leaders back into power and states: "we need Mapogo to beat these young tigers and teach them some respect because they are claiming to be mature." Traditional leadership as an institution systematically favors elders, as the man from Mhlaletse acknowledged by saying traditional leadership is needed "to know who is young and who is old, who is

who in the land." Following the premise that those people will support traditional leadership who can expect to get something out of their support, the critical attitude of the youth can be understood. Conversely, the pensioners who have grown up with traditional leadership, sit in the traditional courts and have much more to expect from this institution than from the young elected councilors, are overwhelmingly positive: "we were born to find chieftaincy, so I think it is better left alone."

The paradox of the women

The opinions youngsters hold are easily explained by looking at how traditional leadership, generally speaking, treats them. This is not as obvious when one looks at women's opinions. In the South African debate on the 'future of traditional leadership', critics invariably point at the discriminatory character of the institution.⁴⁴ They are right in arguing that rural women 'hold the knife on the sharp edge.'⁴⁵ An average Sekhukhune woman will wake up at dawn to sweep the yard, feed the children maize-porridge made on a wood fire, walk endlessly with a jerry-can of water or spiky branches of firewood poking in her head, work on the fields and meanwhile hope that an often absent partner will send back some money for the schoolfees. While there is a high degree of self-organization amongst women and they are represented in many village 'structures', their access to the chiefly politics is often limited. In many villages - like Mamone and Ga-Masha, but not in Hoepakranz - they are not allowed to act as adjudicators, and even if they bring on a case they have to remain seated on the ground, their head covered and their eyes cast.⁴⁶ As it is often the women who stay behind when their husbands leave to work in the towns, they get to do the bulk of chores for the traditional leaders: brewing the beer, hoeing the fields and even scraping together the tribal levies.

For all these reasons, one would expect women to be much less enthusiastic about *bogoši* than men. The opposite seems to be the case: there are slightly more women than men who support a traditional leader. These women also rate their traditional leader slightly higher than male villagers, with an average of 3.74/5 as opposed to 3.55. "They should continue what they're doing; we appreciate their work", says one old woman. And when a chief enters a village it are the women who ululate, kick up sand during traditional dances with brightly colored feather-dusters, and - if they're lucky - get to say *direto*, praises of the chief in high Sepedi: "I see the man who wears the leopard-skin and I stand shivering; before we were moving through thick bush, now we see light."

	Support kgoši	Don't support
Men	80 %	20 %
Women	83 %	17 %

Does this female support for traditional leadership mean that women feel the institution does not discriminate? The answer is mixed: 42 % of the women, as opposed to 28 % of the men, feel *bogoši* discriminates, but the majority doesn't. "Everything goes well and we can participate in all activities"; "if we want to say things we can do so in the school and other places"; "even if I as a woman come to *mošate* with a problem they will listen to me"; "maybe women can't stand up at the *kgôrô* but that is not discrimination; it's just our culture." Some women go even further, to say that "*tša etwa ke e tshadi pele, diwela ka leopeng* - if a woman leads, the nation goes astray." Still, many others do have problems with their role in the institution. "If there is one place I really don't like it is

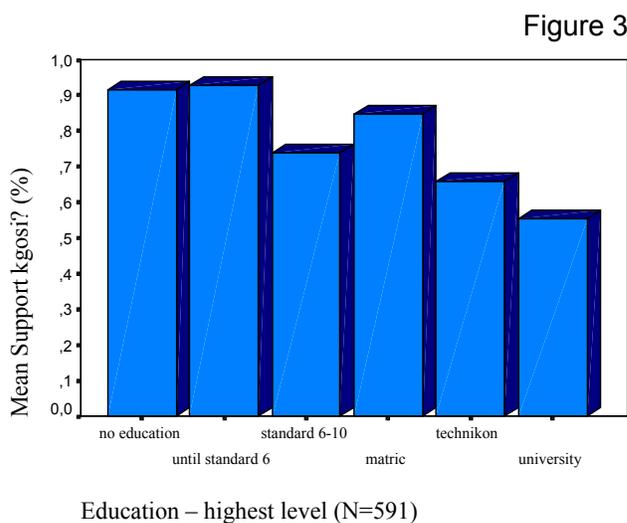
mošate: women sit in a separate corner and can't even stand up" and "the *kgôró* doesn't listen to women, no matter how truthful their story is." The larger and more 'developed' the area in which they live, the more critical women become: while only 29 % of the women in the small village of Hoepakranz feel discriminated against by traditional leadership, this is 39 % in Ga-Masha and 54 % in Mamone. Here, more and more women say things like: "We live in a free and democratic country but at *mošate* a woman can't raise her voice or stand up against her husband. It is very peculiar."

The fact that a majority of the Bapedi women supports traditional leadership and even feels it does not discriminate can be explained - again - by the interest they have in supporting the institution. Traditional leadership is, especially in remote villages like Hoepakranz, often still the only form of government available, and the only portal through which to access wider state structures. In addition, it can be controlled more easily than other, remote governmental structures. Even if women have no official role in the traditional authority - that of the candle-wife and possible regent aside - there are all sorts of informal ways in which women can exert influence over the authorities in their midst. Lydia Ngwenya's observation that it's better "to have the devil you know than the devil you don't", comes to mind. The proximity of traditional leaders also make that they can function as a check on abusive husbands: "at least if I'm given a lash at home I will know who to turn to", quite a few women say, although others remark that "a woman is not always supported at the *kgôró* if she is beaten by her husband."

Moving up, moving out: education & income

The above shows that age as well as sex determine support for traditional leadership - the first strongly, the second marginally. Two other correlated variables for which this is the case are education and income: as socio-economic status increases, support for traditional leadership slightly decreases. Thus, while 92 % of the people without an education support a traditional leader, this is only 53 % among university graduates (figure III).⁴⁷

The same relation is found between income and support for traditional leadership: among



the lowest incomes 89 % of the people support a traditional leader, while this is 71 % in the highest income group (figure IV).⁴⁸ To take one example out of many, a relatively rich Mohlaletse taxi-driver is critical about traditional leadership: "*Bogoši* has failed to do anything for us. It is really is not managed well, so it should not be allocated means by the government." Such a cynical approach is not taken by all people with a high income. A man who spent most of his life toiling in the Benoni mines and earns more than

most other villagers muses: "This is our history and heritage. They build the community

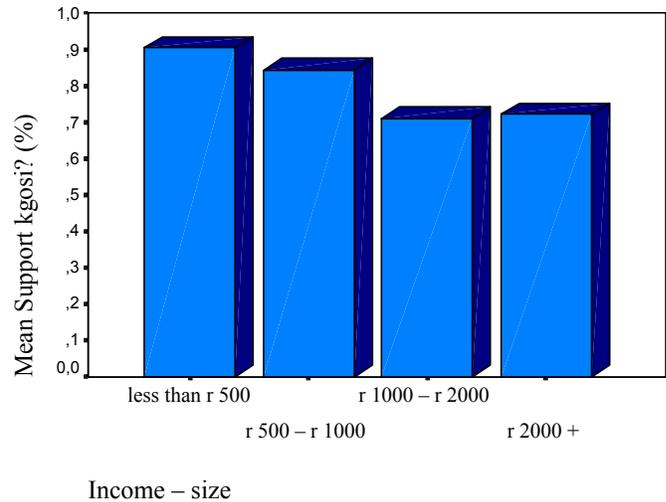
and encourage unity." Thus, his opinion does not differ much from that of the old illiterate man in the Leolo mountains, whose self-proclaimed profession is "guarding the village from monkeys" conversely states that "*Bogoši* is our proof of our being human. Also, we just found this thing to be here; where else would we go with problems?"

People with a higher income or education are not only - relatively - less inclined to support a traditional leader, but also more critical of that leader: the mean support among people without an education is 4.04/5, while this is down to 3.10 with university and technikon graduates. The same applies to income differentiation: people who earn less than r 500,- monthly give their traditional leader an average rating of 4.04, while this is 3.15 with people in the highest income bracket.

How to explain this relative decrease in support? A first reason is that people with a higher education are likely to be more critical of the *kgoši*, and what he does for his community. They will, for instance, more often legitimate their support by pointing at the performance of a traditional leaders than people with no education at all. Also, they are more likely to know about alternative forms of government and to compare between institutions: 85 % of the people who have completed secondary education know the TLC, as opposed to 27 % of the people with no education at all. Another reason lies, again, in whether people have an interest in traditional leadership and perceive traditional leadership it to be beneficial to their personal situation. Let's take the example of land tenure. 45 % of the people with a low income appreciates the system in which communal land is allocated by the traditional leader, because it - arbitrary and insecure as it may be - provides them with a better chance of obtaining a plot of land than a market-based system. With the people in the highest income brackets, this is only 30 %. The relatively rich would often want to invest in face-brick houses and businesses on the land they have already acquired, but feel the quitrent tenure is too insecure and the risk that "the *kgoši* might just chase me one day" too high.

The migrant workers, often with a relatively high income but little education, form a separate case. While they spend most of their time in the mines or factories, they feel strongly linked to the place where they left their wives, children and ploughing fields. During their meetings in dance groups, saving clubs and other organization they'll spend a great deal of time discussing affairs back home and, according to those left behind, "it are those migrants with their money who really run this place, even if they are hardly there."⁴⁹ This group generally tends to feel strongly about traditional leadership: not only do they consider it a symbol of their rural identity but traditional leaders can also - instrumentally - look after their families and property while they are away.

Figure 4



The answer to our second question - *who* support traditional leaders - is thus that this depends on personal characteristics, chiefly performance and community characteristics. Although the motivations for support are personal and largely determined by whether people feel that supporting a traditional leader is in their interest, some general trends can be distinguished. People who live in large, fast-developing areas are less likely to support a traditional leader than those in small villages, far away from alternative government institutions. Traditional leaders following the criteria of "good governance" can count on more support than those who don't. And the elder are more supportive than the youth, women slightly more so than men and those with less income or education more so than people with a higher socio-economic status.

In looking *who* support traditional leaders, we have also found part of the answer to our second question - *why* do people support traditional leaders(hip). Bapedi support traditional leadership because, and to the extent that, this is in their interest. This is more so, for instance, for an old male migrant, than for a young girl just out of school. What we have not yet addressed is the *justification* of support, the way in which people legitimize their ideas about local rule. It is to this issue that the next section is dedicated.

6. Why do people support traditional leaders?

If, five years into the "new" South Africa with its democracy and elected local government, 80 % of the people in a dusty and remote corner of the country still support traditional leaders(hip), how do they justify this support? While most of the literature on the subject points at the cultural, or traditional legitimacy of traditional leadership, all of the above suggests that support is justified in other ways as well.⁵⁰ These various forms of justification can be understood by looking at the patterns in people's answers to the open question "how do you see the position of traditional leadership in the new South Africa?" While 65 % of the people felt *bogoši* still had a role to play, their motivations varied from "traditional leaders represent our ancestors and should be protected" to "the government must pay the *magoši* so you have a meeting of government and tradition."

For all their variation, the bulk of the answers seemed to fall into four reasons to (not) see a future for traditional leadership and thus four spheres of justification of support for the institution. A first form of justification lies in the realm of tradition, of culture and of the links the institution holds with the ancestors. When recoded, 24 % of the people comes up with reasons like "*magoši* represent our culture and they are from God."⁵¹ Second, 27 % of the people justify their (lack of) support by pointing at the performance of the institution: "let's abolish it. They have governed us for all those years but do you see any progress?". A third realm of justification lies in pointing at the governmental recognition of traditional leadership: 23 % of the people says things like "*bogoši* is not good, the government should replace it" or "they are guarding us on behalf of the government." Finally, 26 % of the people seems to justify traditional leadership by default, not because of the merits of the institution but because of the lack of alternatives: "we are staying very far away from the government so we just have this thing."

Naturally, these four spheres of justification - tradition, performance, governmental recognition and the default need for rule - are intertwined and people can legitimate their support in more than one way. But they do demonstrate that "cultural legitimacy" is but one of the sources of justification traditional leadership can draw on. In the following, we

will first look at the four forms of legitimation and how they differ per area and how they shape the strategies chiefs use to come to, and to stay in, power.

"These are our roots" - traditional legitimacy

"*Bogoši* is our culture and should therefore be protected and promoted"; "traditional leaders are precious gifts from God and we must care for them"; "this is about royal blood, you can't abolish that"; "*Bogoši* should be kept as a symbol of unity and pride of black culture". About a quarter of the Sekhukhune population legitimizes its support for traditional leadership by referring to culture, tradition, the ancestors or God. The essence here is that present arrangements of order are justified by reference to the past, the "established belief in the sanctity of immemorial traditions and the legitimacy of those exercising authority under them".⁵²

This, of course, does not mean that the arrangements and practices referred to actually existed in the past. Life in Sekhukhune is full of "invented traditions", from the "traditional Pedi dances" in red checkered skirts that arose out of an armed encounter with a Scottish regiment in the nineteenth century, to the leopard skin around the shoulders of a newly inaugurated chief bought in a Johannesburg store a week before.⁵³ Even where present practices do echo the past, the bright potpourri of history offers enough ambiguity to legitimize practically every form of order, and it often depends on present power relations which and whose version makes it.⁵⁴ A Mamone meeting can serve as an example: one winter morning as we sat huddled in the *kgôrô*, the chief's brother suggested it was time to "go back to our tradition of not working on the fields on Wednesday, as this is the day to settle disputes". This caused a great deal of surprise, especially amongst the old men of which one pondered "I've never heard of this rule. I know for sure that my father would go to the fields on Wednesday, as would my grandfather. What tradition is this?". His words were not taken into account. After a protracted discussion the chiefs' brother, fatigued, stamped on the sand with his walking stick and belched: "let's close this discussion. This is our tradition, we're going back to it now and who does not follow will be fined."

It might be surprising that this example is derived from Mamone, the largest and most-developed of our case-studies, but it is not perchance. As studies of ethnicity and identity formation have shown us over and over, the underlining of difference that is central to ethnic identity originates over boundaries, in contact with others.⁵⁵ In such encounters, the ostentatious exposition of ethnic markers and the performative aspects of culture become more and more important, as if to convince the encroaching world of the uniqueness and difference of the people involved.⁵⁶ The fact that in Mamone 36 % of the people legitimizes their support for traditional leadership by pointing at culture or tradition, while this is only 10 % in the "traditional", out-of-the-way mudhut village of Hoepakranz is precisely because of Mamone's encounters with the outside world. The active TLC, the televisions flashing in the new shopping center, the foreigners coming in to live in the area all question the existing order and force it to legitimize itself in terms of its distinctiveness. The centrality of traditional authority to this process of asserting identity is clear from motivations as: "*Bogoši* is a good instrument to reinstall our tradition"; "it is about consolidating our roots" and "without it we would not have a community."

Thus, while the traditional leaders in Hoepakranz wear old business suits and continue to hold court in their yards under the leafy mango tree, or on the flat rock outside, the Mamone chief and the structures around him took on a more and more "traditional appearance" in the years of fast-paced change after the 1994 elections. The tribal office has been repainted with a colorful "tribesman" and the Mamone Bapedi totem of the porcupine, there is talk about opening a museum, and the slumbering conflict over the missing skeleton of the first Sekwati, who was hanged by the Boers a century ago, is once again high up on the agenda. The performative character of this "retraditionalization" became clear on the day when girls from a posh boarding school who were reading the Sepedi classic *Kgôrông ya mošate* visited the Mamone traditional authority. After the male elders had patiently answered dozens of questions on the reasons for paying tribute, marrying candle-wives and having a chief, the kids were led to the palace. There, under a banner with "welcome to the Mamone Bapedi" spray-painted on it, sat the chief with a leopard skin around his shoulders - its tail between his legs - looking miserable on an ornate chair surrounded by yellowed portraits of his forefathers, reed baskets, tortoiseshells and divining bones with silk flowers in-between.

The Mamone respondents, but others as well, also show how traditional legitimacy is increasingly blended with reference to God. Since the first missionaries arrived in Sekhukhune in the 1860s the relation between Christianity and chieftainship has been tense.⁵⁷ At that time, *Bakristi* (the people of Christ) were often seen as antithetical to tradition because of their rejection of initiation schools and ancestral beliefs. However, as the century rolled by and more and more chiefs became Christians while churches incorporated elements of local cosmology, this position vanished, although some people still protest that their chief is "too soft, too Christian" and therefore not fit to rule.⁵⁸ They are in the minority: many others see a future for traditional leadership because "God said that at the end of life chiefs will shine like stars - how can we then talk about their fate?" and "God made the chiefs and they should be there as long as God is alive." Accordingly, the Mamone traditional councilors urge people to support their traditional leader by quoting freely from the bible: "if you fight your leader, you fight God."⁵⁹

"They do good things for us" - performance as a source of legitimation

If tradition, culture and religion combined form one important source of legitimation, chiefly performance is another. As we have seen above, it is not only values that guide people in their assessment of traditional authority, but also interest.⁶⁰ 27 % of the people evaluated traditional leadership in terms of performance, varying from "let's abolish them: they were corrupt before and are still corrupt" and "they have delayed progress in the community" to "they are the people bringing development."

There is, again, a relation between the presence of alternative government institutions - be it the TLC, the magistrates' court or other government departments - and an increase in this form of legitimation: while in Hoepakranz 18 % of the people legitimate their support by pointing at chiefly performance, this is 21 % in Ga-Masha and 35 % in Mamone. People in the two larger areas compare the traditional authorities with other government institutions, and judge them accordingly, which in turn also shapes chiefly strategies. Followers of Johannes Masha, for instance, see a future for traditional leadership now that their chief has brought a poultry project and a communal garden to

the village. And in Mamone Billy Sekwati is applauded for his attempts to bring in tourism, and to start a computer project in those areas with electricity.

This attitude of comparing institutions - without, as I have emphasized before, this leading to an absolute and exclusive support - is particularly clear where it concerns the traditional courts. The majority of the Bapedi believe the traditional court to be substantively better than magistrates court - because of its accessibility, the amount of people present, the restorative justice promoted, the judgement by acquaintances and the lack of lawyers. "Cases are solved correctly locally, in the way it should be done." Traditional authorities, especially those faced with competition, underline these unique features of traditional courts, - people do not only shop forums, but forums also shop for people.⁶¹ In Mamone, for example, after the a long day of settling disputes and with calabashes of beer in sight, the audience was given a summary of the many cases heard in the past weeks: " They were all solved amicably and all those people have come back to praise us. At least we try to build people here, instead of the magistrate's court where you never know what they'll decide."

It is not surprising that, when compared to alternative state institutions, traditional leaders often finish first. They are close to the people and can thus involve them in a decision-making process that often seems more democratic than casting one's ballot once every five years to never see the candidate again - unless it is from a distance in a brand-new Mercedes Benz. Chiefs are local, and thus controlled more easily than councilors: "my chief is an obedient one". But they also have access to much more resources than the undercapacitated TLCs: from the chiefly salaries pouring in to state-sponsored tribal offices with entire administrations. This continued governmental support for traditional leadership has in itself become a source of legitimation for the institution, as we will see in the next paragraph.

"They guard us for the government"

Large stacks of literature describe exhaustively how colonialism and Apartheid cast traditional leaders in a precarious balancing act between the bureaucratic demands of their new rulers and the - often opposite - interests of the populace. The information on how this system of "decentralized despotism" influenced people's perspectives on traditional leadership is more tentative, and generally suggests a sure loss of legitimacy of the institution.⁶² The evidence from Sekhukhune does not support this view. Quite the contrary: the inclusion in the government seems to have provided traditional leadership with an extra, "legal-rational" claim to legitimacy. In this vein, people say that "the government should solve all these succession disputes"; "*bogoši* is in the hands of government departments"; "I hear the government has built them a House of Traditional Leaders". Or, alternatively, "the government should stop buying the faces of these magoši and dissolve this structure."

The extent to which many people associate traditional leaders with the government becomes clear from how they motivate their response when asked whether the government should pay the *magoši*. It should, according to 68 % of the people, and apart from pointing at (lack of) performance and the poverty of the community, many say things like: "the chiefs are the ears and the mouth of the government"; "they work for the government just like any other civil servant" or even "of course; they are the

government." In these cases, traditional leaders do not derive their legitimacy from their antagonism to, but rather from their association with the State. The traditional leader is considered the 'mainroad to the government' without whom access is impossible. "There is no way we can go straight to the magistrate, we will always have to go via mošate."

It is of course hardly surprising that over a century of inclusion of traditional leadership into wider statal structures has left its imprint on how many people see their chiefs - as "government workers" and "civil servants." Nor does it come as a surprise that all the laws and decrees passed compelling people to respect and obey the Tribal Authorities, from the Natives Land Act to the recent recognition of traditional leadership, have resulted in support for traditional leadership also being legitimated in legal-rational terms, with reference to their role in the government. Although often depreciated, these are some of the inevitable social effects of legislation on customary law and traditional leadership.⁶³ Traditional leaders, in turn, emphasize this governmental support, for instance when it comes to succession disputes.

The degree to which traditional leaders can claim legitimacy as 'portals to the government' does not only depend on chiefly agency but also, again, on the presence of alternative governmental institutions. Thus, there are two possible explanations for the fact that 32 % of the Ga-Masha community members legitimate their (non-) support for traditional leadership by pointing at the government support for the institution. The first is the personality of one Masha chief, Johannes, who keeps underlining that "I am the umbrella of the community, everything must go through me" and actively presents himself as the intermediate between the government and the community. The second is the lack of alternative institutions: as we have seen before the TLC in this area was a dismal failure, and did not bring about any development. In Mamone, by contrast, where the TLC-office lies a few kilometers from the tribal court and has an active presence, only 11 % of the people legitimate their support for traditional leaders by pointing at their inclusion in government.

"What else is there?" - default legitimation

During the interviews in the adobe homesteads in Hoepakranz there was one reason people gave to retain traditional leadership that surpassed the traditional roots, performance or governmental support for the institution: the lack of alternatives. Here, the legitimation for support did not lie in the merits of the institution or the values associated with it, but in the complete absence of other options. 50 % of the people said something like: "you see, we are staying far away from the government, that's why we just have this thing"; "it should remain: where else could I go if I am fighting with someone?" or "you need to have some authority in the land."

On the other hand there were people, mostly in Mamone (18 %), who saw the installation of the TLCs as the inevitable end of traditional leadership. They argued that "*bogoši* is something of the past: we now have elected leaders so that we can throw them out if they are out of order"; "*bogoši* should be rested and TLCs given a chance to see what they can do" and "*magoši* are not important anymore: we are governed without them now." In this perspective, there is no essential difference between the TLCs and traditional leaders: both are thought of as a form of local rule, and there is no need to have both.

As people legitimate their support for traditional leaders in different ways, this also shapes chiefly strategies to come to, and to stay in power. The more a traditional leader manages to draw on various sources of legitimacy, the larger his power will be: organizing development projects, seeking government recognition and underlining the unique features of tradition, and the absence of alternatives are not mutually exclusive sources of legitimation but, on the contrary, potentially reinforce each other.

7. Conclusion

In the light of South African history in general, and the Sekhukhune past in particular, the thrust of this paper is surprising. How could it be that in 1999, five years after the last remnant of the artificial homeland edifice had been pulled down and the first democratic local and national elections were held in the area, a staggering 80 % of the Bapedi said they still supported a traditional leader? That the traditional leaders, instead of making the silent retreat envisaged for them during the 1980s youth revolt against the older order in which traditional leaders were chased, their houses burnt and their role as "puppets of Apartheid" ridiculed, did not only stay on but even seemed reinforced?

A large part of this paper has been dedicated to a qualification of this high degree of support, and a debunking of many of the assumptions held nationally on the way in which rural people support their traditional leaders. I have shown how support is, first of all, limited: it is mostly immaterial, and very little people actually do something for their *kgoši*, be it giving presents, paying levies, or working for him. Also, if support is given, it is not always voluntary but often enforced by external means. Support is also related to certain issues - dispute settlement, land allocation and the organization of initiation schools - while others are thought to better be left to alternative governmental structures. These structures can well coexist with traditional leadership: support is not exclusive and the fear of having 'two bulls in a kraal' seems more of a chiefly than a popular preoccupation. Far from being stabile, support is also dynamic, the result of a ongoing dialogue between rulers and ruled, a permanent weighing of interests and alternatives. ...The benefits people see in their association with traditional leadership guide them in their support for and their assessment of the institution. Although there are some general patterns that surface, with variables at the individual, chiefly and community level determining support, their base lies in these individual motivations. The woman who feels the chief can protect her from her abusive husband, the migrant worker for whom he symbolizes home and the young boy who feels left out, come to mind. But even as people get richer, or more educated, or spend a larger part of their lives in town, most of them will continue to support traditional leadership, albeit in a different way - with more emphasis on performance and culture.

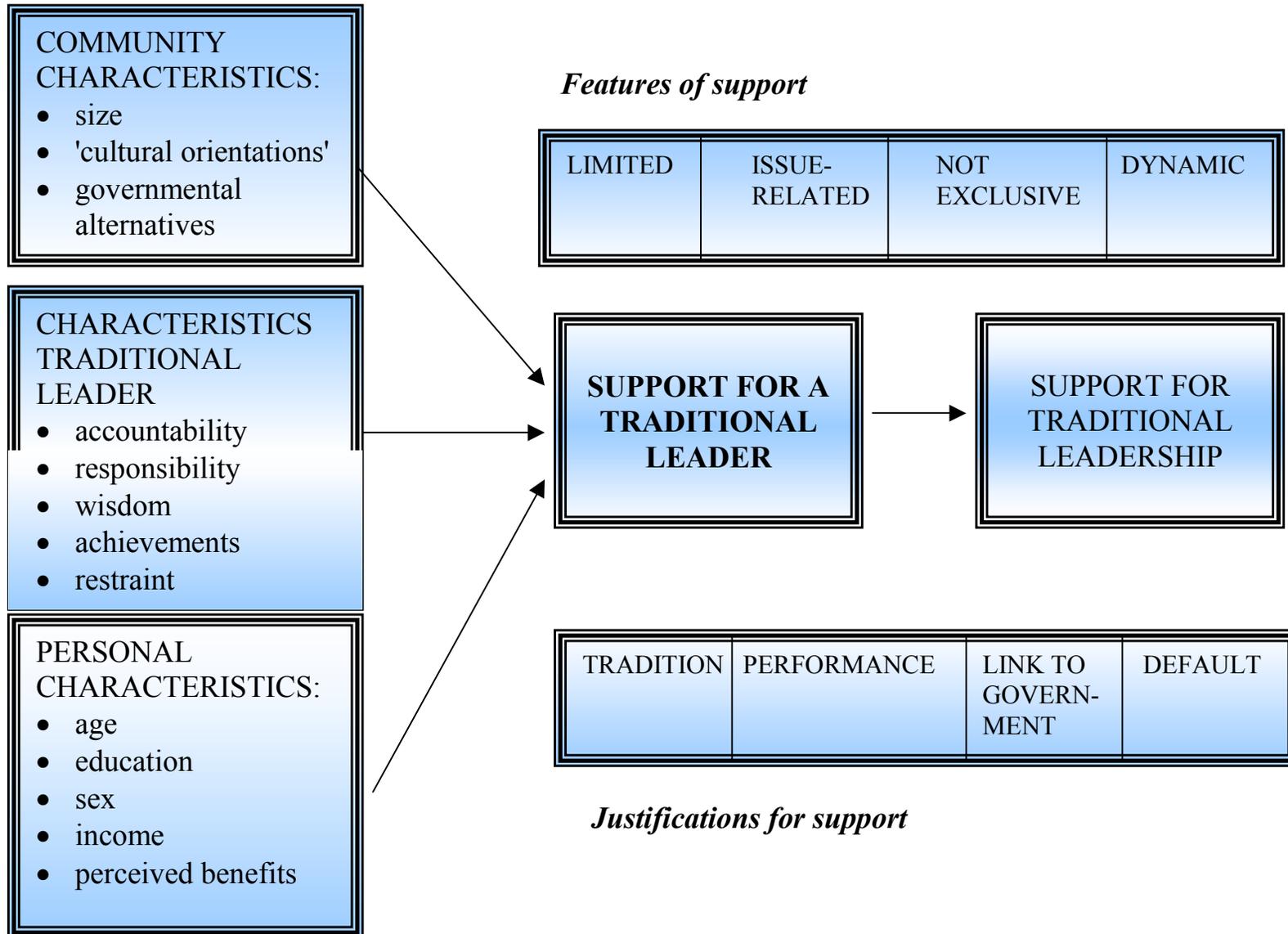
Even if the above partly explains the (extent of) chiefly resilience, it is the comparison between Hoepakranz, Ga-Masha and Mamone and the way in which support for traditional leadership is justified in these three case-studies that allows us to understand the potential held by the institution in the new South Africa. They seem to present three scenarios out of the many that are possible. In the mountain village of Hoepakranz, where the new South Africa has caused mere ripples and certainly no progress, chiefly power is rooted in the lack of alternatives: "we are staying far away from the government here,

where else would we go with problems." In Ga-Masha, by contrast, Johannes Masha bases his power on, and derives legitimacy from, his association with the government, from insisting on being "the umbrella of the community", the mainroad to government. This scenario, a reverberation of the Apartheid situation with the traditional leader as the 'clenched fist', the sole authority in the area, works because of the early collapse of the TLC and the continued governmental support of traditional leaders.⁶⁴

It is Mamone, the third case study, that offers us one possible scenario of what *can* happen once the promises of democracy do substantialize locally, be it through active TLCs, development projects or an increased exposure to the outside world. Here, the traditional authority does not present itself as an extension of government anymore, but reinvents itself, and gets accepted as, an alternative to it. It becomes more performative, underlining its otherness and its unique features, in discourse - "we solve disputes better" and in display: the museum, the leopardskin, the revamped traditional court. If such a traditional authority also succeeds in bringing tangible benefits, its potential is high: after all, it embodies a form of rule deemed local, within reach and thus control, a focal point for identity formation, a locally grown reed to hold on to as rivers of change swirl on.

Together, the three cases demonstrate the essential potential of traditional leadership: its ability to slip in and out of roles, to arrive on stage as the messenger of the state one day and as its most powerful rival, heavily cloaked in tradition, the next. In its dressing room stands a colorful collection of attributes to endorse this role, from symbols of tradition to faded piles of legislation, a long track record and - if needed - guns and sjamboks. The attributes pulled out, and the role played, are determined in a permanent dialogue with the people. As J. Comaroff wrote about the Tswana: "the chief and his subjects are thought to be involved in a permanent transactional process in which the former discharges obligations and, in return, receives the accepted right to influence policy and command people."⁶⁵ It is this ongoing dialogue of legitimation, of debate between rulers and ruled that seems central to an understanding of the relation between indigenous socio-political structures, the state and the local populace today.

Justified support for traditional leaders(hip) in Sekhukhune



NOTES

¹ Sally Falk Moore, "Law and Social Change: The Semi-Autonomous Social Field as an Appropriate Subject of Study," *Law and Society Review* 7 (1973), Jeremy Gould, "Resurrecting Makumba: Chiefly Powers and the Local State in Zambia's Third Republic" (paper presented at the 14th International Congress of Anthropological and Ethnological Sciences, Williamsburg, VA (USA), 1998), D. I. Ray and E.A.B. Van Rouveroy van Nieuwaal, "The New Relevance of Traditional Authorities in Africa. The Conference: Major Themes; Reflections on Chieftaincy in Africa; Future Directions," *Journal of Legal Pluralism and Unofficial Law* 37-38, no. Special double issue on The New Relevance of Traditional Authorities to Africa's Future (1996).

² P. Geschiere, "Chiefs and the Problem of Witchcraft: Varying Patterns in South and West Cameroon," *Journal of Legal Pluralism and Unofficial Law* 37-38, no. Special double issue on The New Relevance of Traditional Authorities to Africa's Future (1996).

³ Seminal legislation was the The President, "Black Administration Act," (as amended up to Act 47 of 1997, 1927), that demarcated the "powers of chiefs and headmen", and simultaneously determined the Governor-General (today the president) to be "the Supreme Chief of all Blacks in the Republic". The role of traditional leaders as the local administrators in the "Native reserves", often later to become the homelands, was determined in the The president, "Black Authorities Act," (1951), that installed tribal authorities, provided for their "powers, functions and duties". The "Regulations Prescribing the Duties, Powers, Privileges and Conditions of Service of Chiefs and Headmen (as Amended, for Northern Province)," (1957). determined that chiefs were entitled to the "loyalty, respect and obedience of all Black residents in his area" (s 3). All this legislation still applies. In addition, the "The Constitution of the Republic of South Africa," (1996). recognises the "institutions, status and role of traditional leadership, according to customary law" and "subject to the constitution"(s 211)

⁴ Most local-level research that is done on the subject concentrates on chiefly agency: the way in which chiefs come to power and manage to stay there. There is a broad range of classic and excellent studies on leadership structures in kinship-based societies in which the national state does not play a role, cf Max Gluckman, *Politics, Law and Ritual in Tribal Society* (Oxford: Basil Blackwell, 1965).. In addition, many recent works do explicitly focus on the co-optation of traditional authority by the nation-state, and describe the way in which traditional leaders have come to draw on different sources of legitimation in their role as "hinge points" between the state and their community. They describe the creative way in which traditional leaders interweave "traditionalist" legitimising discourses with reliance on state support and the interplay between "chieftaincy politics, elite formation, communal identities and the struggle for state power." See for South Africa W.D. Hammond-Tooke, *Command or Consensus: The Development of Transkeian Local Government* (Cape Town: David Philip, 1975). and Mahmood Mamdani, *Citizen and Subject: Contemporary Africa and the Legacy of Late Colonialism, Princeton Studies in Culture/Power/History* (Princeton: Princeton University Press, 1996). and for interesting comparative material: Richard Rathbone, *Nkrumah & the Chiefs: The Politics of Chieftaincy in Ghana 1951-60, Western African Studies* (Accra: F. Reimmer, 2000).; E.A.B. Van Rouveroy van Nieuwaal, "States and Chiefs: Are Chiefs Mere Puppets?," *Journal of Legal Pluralism and Unofficial Law* 37-38, no. Special double issue on The New Relevance of Traditional Authorities to Africa's Future (1996), E.A.B. Van Rouveroy van Nieuwaal and Rijk Van Dijk, eds., *African Chieftaincy in a New Socio-Political Landscape* (Hamburg: Lit Verlag, 1999). and Olufemi Vaughan, *Nigerian Chiefs: Traditional Power in Modern Politics, 1890s-1990s*, vol. 7, *Rochester Studies in African History and the Diaspora* (Rochester: University of Rochester Press, 2000).

⁵ The first quotation is from the Department of Constitutional Development, "A Discussion Document Towards a White Paper on Local Government in South Africa," (Pretoria: Department of Constitutional Development, 2000), the second from Chris Tapscott, "The Institutionalisation of Rural Local Government in Post-Apartheid South Africa," in *Traditional and Contemporary Forms of Local Participation and Self-Government in Africa: International Conference - Nairobi, Kenya, 9-12 October 1996*, ed. Wilhelm Hofmeister and Ingo Scholz (Johannesburg: Konrad Adenauer Stiftung, 1997).

⁶ Cf. Jabu Sindane, "The Future of Traditional Leadership, Ubuntu and Nation-Building," in *Traditional Leadership in Southern Africa*, ed. Konrad Adenauer Stiftung (Johannesburg: Konrad Adenauer Stiftung, 1997), Thando Zuma, "The Role of the Chiefs in the Struggle for Liberation," *The African Communist* 121 (1990).

⁷ N. Pillay and C. Prinsloo, "Tradition in Transition?: Exploring the Role of Traditional Authorities," *Information update* 5, no. 3 (1995).

⁸ Schlemmer, L. (1996) quoted in: Gregory Houston, "Traditional Leadership and the Restructuring of Rural Local Government," in *Traditional Leadership in Southern Africa*, ed. Konrad Adenauer Stiftung (Johannesburg: Konrad Adenauer Stiftung, 1997).

⁹ The term semi-autonomous field is Sally Falk Moore's: Falk Moore, "Law and Social Change: The Semi-Autonomous Social Field as an Appropriate Subject of Study." I hold that, in studying such a field, one should also look at its institutionally plural character.

¹⁰ N = 607, of which 52 % female, 48 %; 5 % under 20, 28 % 20-30, 22 % 30-40, 19 % 40-50, 14 % 50-60 and 12 % 60 +; 20 % no education, 21 % upto standard 6, 42 % standard 6-10, 7 % matric, 7 % technicon, 3 % university; only 27 % formally employed; This is more or less representative of the Sekhukhune *adult* population as a whole, cf. CSS, "October Household Survey 1995: Statistical Release P0317," (Pretoria: Central Statistical Service, 1995).; Development Bank of South Africa, "Statistical Macroeconomic Review Northern Province," (Midrand: Development Bank of South Africa, 1995). and based on Probability Proportionate to Size samples in the three fieldwork areas (N= 367) and other Sekhukhune traditional authority areas (N=240) (see on PPS-sampling H. Russel Bernard, *Research Methods in Anthropology: Qualitative and Quantitative Approaches* (London: Sage Publications, 1995). @98-101). The interviews were conducted by Tsepo Phasha, Patson Phala and myself or by two of us, usually in Sepedi, in personal, face-to-face interviews based on a Sepedi questionnaire with 45 closed and open questions, which would typically take 1-2 hours and have been translated to English by the interviewers. The data in this paper derive from uni-, bi- and multivariate analysis in SPSS. Unless mentioned otherwise, the data presented are the valid percentages. The quotes in this paper are, unless mentioned otherwise, drawn from these anonymous interviews, which is why speakers remain nameless. Neither the set-up of the quantitative parts of the research nor the analysis of the data would have been possible without the unwavering assistance of Herman Lelieveldt, for which I am deeply grateful

¹¹ The approach is, of course, Weberian: William Connolly, ed., *Legitimacy and the State, Readings in Social and Political Theory* (Oxford: Basil Blackwell, 1984), Max Rheinstein, ed., *Max Weber on Law in Economy and Society* (New York: Simon and Schuster, 1967), Max Weber, "What Is Politics?," in *Social Theory: The Multicultural & Classic Readings*, ed. Charles Lemert (Boulder, Colorado: Westview Press, 1993).. Legitimate power is referred to as authority. Cf Hammond-Tooke, *Command or Consensus: The Development of Transkeian Local Government*, 48-49, Ian Hamnett, *Chieftainship and Legitimacy : An Anthropological Study of Executive Law in Lesotho*, ed. Adam Kuper, *International Library of Anthropology* (London and Boston: Routledge & Kegan Paul, 1975), 22. Note that I, in line with common usage, use authority both in the sense of "legitimate power" as to indicate the institution surrounding the individual traditional leader

¹² D.G. Hatt, "Establishing Tradition: The Development of Chiefly Authority in the Western High Atlas Mountains of Morocco," *Journal of Legal Pluralism and Unofficial Law* 37-38, no. Special double issue on The New Relevance of Traditional Authorities to Africa's Future (1996).

¹³ 25 % is neutral, 11 % says he's bad and 4 % that he is very bad (of the valid percent). N= 606

¹⁴ Cf Stephen Ellis, ed., *Africa Now: People, Policies, Institutions* (The Hague: DGIS in association with James Curry; Heinemann, 1996).

¹⁵ R 20,- is an amount often noted in other communities as well, although there are also reports of people paying as much as r 250 -300 yearly

¹⁶ Weber, "What Is Politics?."

¹⁷ Marcel Mauss, *The Gift: Froms and Functions of Exchange in Archaic Societies* (New York: Norton, 1925), Charles Piot, *Remotely Global: Village Modernity in West-Africa* (University of Chicago Press, 1999), 64.

¹⁸ I will use the Sepedi terms for traditional leader(s) and traditional leadership from time to time: a *kgoši* (plur. *Magoši*). *Bogoši* represents the institution and the values associated with it

¹⁹ Interview magistrate M.Z. Ramothwala, Nebo, 17 June 1999

²⁰ This contrasts sharply with Richard Levin, "Participatory Research and Democratic Agrarian Transformation: The Case of the Eastern Transvaal Central Lowveld," *Transformation* 25 (1994). who found 85 % of the people in four Northern Province villages opposed to traditional leaders allocating land. In my data, N = 606, 75 % feels the traditional leader should allocate land, 11 % that it should be the

government, 7 % democratically elected councils, 4 % TLC's, 1 % other and 2 % does not know/did not answer

²¹ I thank J.M. Otto for this insight

²² It could well be that the average rate of initiation in Sekhukhune is higher than 67 %, as 128 of my cases are from Hoepakranz which has a very large Swazi population, that does not go to initiation school. If these data are filtered out, the percentage rate is 80 %

²³ Group interview Ga-Moloi, 14 June 1999

²⁴ Northern Province Circumcision Act 6/1999

²⁵ On a discussion of the notion of the social effects of law see J. Griffiths, "Une Législation Efficace: Une Approche Comparative," in *La Création Du Droit En Afrique*, ed. Dominique Darbon and Jean Du Bois de Gaudusson (Paris: Karthala, 1997).

²⁶ The Witchcraft Suppression Act 3/1957, as amended by the Justice Laws Rationalisation Act 18/1996 denies the belief in witchcraft and makes witchcraft accusations a criminal offence. The Local Government Municipal Structures Amendment Bill 4223/2000 suggested that "matters relating to witchcraft" be tried by traditional leaders, but was never enacted

²⁷ Kate Crehan, *The Fractured Community: Landscapes of Power and Gender in Rural Zambia* (Berkeley Los Angeles: University of California Press, 1997).

²⁸ Sara Singleton and Michael Taylor, "Common Property, Collective Action and Community," *Journal of Theoretical Politics* 4, no. 3 (1992).. Cf Themba Kepe, "The Problem of Defining 'Community': Challenges for the Land Reform Programme in Rural South Africa," (Cape Town: School of Government, University of the Western Cape, 1998).

²⁹ Cf Stefan Schirmer, "Removals and Resistance: Rural Communities in Lydenburg, South Africa, 1940-1961," *Journal of Historical Sociology* 9, no. 2 (1996).

³⁰ As Charles Piot has pointed out, the reasons for "remoteness" often lie as much in wider, "global" forces as in local factors. One such external reason why Hoepakranz remains so inaccessible is the marijuana fields that also lie hidden in the lush mountains and undeniably tie the village to a much wider economy: Piot, *Remotely Global: Village Modernity in West-Africa*.

³¹ An important difference between Bapedi and Swazi people is that the latter do - normally - not attend initiation school (there are exceptions). The Sepedi and Swazi people in Hoepakranz do however not differ significantly in their opinions on traditional leadership, so I will pay no further attention to this issue

³² I agree with Van Binsbergen that "cultures" as such do not exist, and that it is preferable to use the term "cultural orientations": Wim Van Binsbergen, *'Culturen Bestaan Niet': Het Onderzoek Van Interculturaliteit Als Een Openbreken Van Vanzelfsprekendheden*, vol. XXIV, *Rotterdamse Filosofische Studies* (Rotterdam: Erasmus Universiteit, 1999).

³³ Piot, *Remotely Global: Village Modernity in West-Africa*., cf Birgit Meyer and Peter Geschiere, "Introduction," in *Globalization and Identity: Dialectics of Flow and Closure*, ed. Birgit Meyer and Peter Geschiere (Oxford: Blackwell, 1999).

³⁴ Barbara Oomen, "The Underlying Question: Land Restitution, Mineral Rights and Indigenous Communities in South Africa" (paper presented at the Folk Law and Legal Pluralism: Challenges in the Third Millennium, Arica, Chili, 2000).

³⁵ Cf B. Oomen, "'We Must Now Go Back to Our History': Retraditionalisation in a Northern Province Chieftaincy," *African Studies* 59, no. 1 (2000).

³⁶ John Comaroff, "Talking Politics: Oratory and Authority in a Tswana Chiefdom," in *Political Language and Oratory in Traditional Society*, ed. Maurice Bloch (London: Academic Press, 1975)., cf John L. Comaroff, "Chiefship in a South African Homeland: A Case Study of the Tshidi Chiefdom of Boputhatswana," *Journal of Southern African Studies* 1 (1974).

³⁷ Comaroff, "Talking Politics: Oratory and Authority in a Tswana Chiefdom."

³⁸ Kendall's tau_b = 0,710 (N = 450). Respondents were asked "how do you feel about your traditional leader?" and "how do you feel about traditional leadership?" as two open questions, but also asked to rate their chief and the institution on a scale from 1 (very bad) through 3 (neutral) to 5 (very good). In 73 % of the cases people feel the same about the institution as they do about their traditional leader

³⁹ Hammond-Tooke, *Command or Consensus: The Development of Transkeian Local Government*., cf Adam Kuper, *Kalahari Village Politics* (1970).; John L. Comaroff and S. Roberts, *Rules and Processes: The Cultural Logic of Dispute in an African Context* (Chicago: Chicago University Press, 1981).

⁴⁰ Comaroff, "Talking Politics: Oratory and Authority in a Tswana Chiefdom."

⁴¹ See for a general discussion in Dutch of the evanescent notion of good governance in development cooperation: J.M. Otto, "Goed Bestuur En Rechtzekerheid Als Doelen Van Ontwikking," in *Ontwikkelingsbeleid En Goed Bestuur*, ed. Wetenschappelijke Raad voor het Regeringsbeleid, *Rapporten Aan De Regering* (Den Haag: Sdu Uitgevers, 2001).

⁴² Cf J.M. Otto, *Aan De Voet Van De Piramide: Overheidsinstellingen En Plattelandsontwikkeling in Egypte: Een Onderzoek Aan De Basis* (Leiden: 1987).

⁴³ Cf Peter Delius, *A Lion Amongst the Cattle: Reconstruction and Resistance in the Northern Transvaal*, ed. Jean Hay, *Heinemann Social History of Africa Series* (Portsmouth: Heinemann, 1996), Peter Delius, "Migrants, Comrades and Rural Revolt: Sekhukhuneland 1950-1987," *Transformation* 13 (1990), Ineke Van Kessel, *'Beyond Our Wildest Dreams': The United Democratic Front and the Transformation of South Africa*, ed. Richard Elphick and Jeffrey Butler, *Reconsiderations in Southern African History* (Charlottesville and London: University Press of Virginia, 2000).

⁴⁴ Shamin Meer, ed., *Women, Land and Authority: Perspectives from South Africa* (Cape Town: David Philip, 1997), Pillay and Prinsloo, "Tradition in Transition?: Exploring the Role of Traditional Authorities.", Sibongile Zungu, "Traditional Leaders' Capability and Disposition for Democracy: The Example of South Africa," in *Traditional and Contemporary Forms of Local Participation and Self-Government in Africa*, ed. Wilhelm Hofmeister and Ingo Scholz (Johannesburg: Konrad Adenauer Stiftung, 1997).

⁴⁵ Transvaal Rural Action Committee, *The Rural Women's Movement: Holding the Knife on the Sharp Edge* (Johannesburg: TRAC, 1994).

⁴⁶ cf Janet Small, "Women's Land Rights: A Case Study from the Northern Transvaal," in *Women, Land and Authority: Perspectives from South Africa*, ed. Shamin Meer (Cape Town: David Philip, 1997).

⁴⁷

	Percentage
No education	21 %
Until standard 6	20 %
Standard 6-10	42 %
Matric	7 %
Technicon	7 %
University	3 %

⁴⁸

Household income	
Under r 500	27 %
R 500 -1000	34 %
R 1000 - 2000	22 %
R 2000 +	17 %

⁴⁹ For an interesting discussion on how migrancy strenghtens and reconstitutes ethnicity and forms a way of interacting with people within the "world of work and city" see Deborah James, "Bagagesu (Those of My Home): Women Migrants, Ethnicity, and Performance in South Africa," *American Ethnologist* 26, no. 1 (1999).

⁵⁰ Cf note 3 and Konrad Adenauer Stiftung, *Traditional Leadership in Southern Africa* (Johannesburg: Konrad Adenauer Stiftung, 1997), B. Sansom, "Leadership and Authority in a Pedi Chiefdom" (PhD-thesis, University of Manchester, 1970), Richard Wilson, "Reconciliation and Revenge in Post-Apartheid South Africa," *Current Anthropology* 41, no. 1 (2000).

⁵¹ The question "how do you see the position of traditional leadership in the new South Africa" (*Go mmušo o moswa o re lego goona naa le bona bogoši bjang?*) can of course be answered in various different ways and we had never expected the open answers to provide such clear information on why people feel strongly about the institution. Still, 477 of the 606 valid answers could be coded this way. This is in line with theories on legitimacy being evaluative: Seymour Martin Lipset, "Social Conflict, Legitimacy and Democracy," in *Legitimacy and the State*, ed. William Connolly, *Readings in Social and Political Theory* (Oxford: Basil Blackwell, 1984).. The other 129 were people who said things like "it should just be kept" and did not provide reasons.

⁵² Max Weber, "Economy and Society," in *Economy and Society*, ed. Guenther Roth and Claus Wittich (Berkeley: University of California Press, 1978).

⁵³ Eric Hobsbawm and Terence Ranger, eds., *The Invention of Tradition, Past and Present Publications* (Cambridge: Cambridge University Press, 1983), Terence Ranger, "The Invention of Tradition Revisited: The Case of Colonial Africa," in *Legitimacy and the State in Twentieth Century Africa: Essays in the Honour of A.H.M. Kirk-Greene*, ed. Terence Ranger and O. Vaughan (Basingstoke: MacMillan, 1993).

⁵⁴ This is one of the central point in the next , that looks at the power of definition of custom and culture, which is why I will not elaborate now

⁵⁵ F Barth, *Ethnic Groups and Boundaries: The Social Organization of Cultural Difference (Results of a Symposium Held at the University of Bergen, 23rd to 27th February 1967)* (Bergen: Universitetsforlaget, 1969), James Clifford, *The Predicament of Culture* (Cambridge: Harvard University Press, 1988), Hans Vermeulen and Cora Govers, *The Anthropology of Ethnicity: Beyond " Ethnic Groups and Boundaries"*, *Studies on Migration and Ethnicity* (Amsterdam: Het Spinhuis, 1994), Edwin N. Wilmsen and Patrick McAllister, eds., *The Politics of Difference: Ethnic Premises in a World of Power* (Chicago London: The University of Chicago Press, 1996), Crawford Young, *The Rising Tide of Cultural Pluralism: The Nation State at Bay?* (Madison: The University of Wisconsin Press, 1993).

⁵⁶ Van Binsbergen, 'Culture Bestaan Niet': *Het Onderzoek Van Interculturaliteit Als Een Openbreken Van Vanzelfsprekendheden*.

⁵⁷ Peter Delius, *The Land Belongs to Us: The Pedi Polity, the Boers and the British in Nineteenth-Century Transvaal* (Johannesburg: Ravan Press, 1983), Delius, *A Lion Amongst the Cattle: Reconstruction and Resistance in the Northern Transvaal*.

⁵⁸ In 1970 Sansom ("Leadership and Authority in a Pedi Chieftdom." PhD-thesis, University of Manchester, 1970) still wrote that he only knew of 2 christians chiefs in Sekhukhune, this number has multiplied today. On the relation between chieftainship and christianity in general see: Jean Comaroff and John Comaroff, *Of Revelation and Revolution: The Dialectics of Modernity on a South African Frontier*, vol. II (Chicago: University of Chicago Press, 1997), David Maxwell, *Christians and Chiefs in Zimbabwe: A Social History of the Hwesa People C. 1870s-1990s* (Edinburgh: Edinburgh University Press, 1999).

⁵⁹ When asked, the councilors said they referred to Proverbs 8:15 "By me kings reign and rulers make laws that are just. By me princes govern and all nobles who rule on earth".

⁶⁰ Cf Juergen Habermas, "What Does a Legitimation Crisis Mean Today? Legitimation Problems in Late Capitalism," in *Legitimacy and the State*, ed. William Connolly, *Readings in Social and Political Theory* (Oxford: Basil Blackwell, 1984). who speaks of the performance ideology

⁶¹ Keebet Von Benda-Beckmann, *The Broken Stairways to Consensus: Village Justice and State Courts in Minangkabau* (Dordrecht: ICG printing, 1984).

⁶² Mamdani, *Citizen and Subject: Contemporary Africa and the Legacy of Late Colonialism*, 24.

⁶³ Griffiths, J. "Une Législation Efficace: Une Approche Comparative." In *La Création Du Droit En Afrique*, edited by Dominique Darbon and Jean Du Bois de Gaudusson, 41-71. Paris: Karthala, 1997.

⁶⁴ Mamdani, *Citizen and Subject: Contemporary Africa and the Legacy of Late Colonialism*, 23.

⁶⁵ Comaroff, "Chiefship in a South African Homeland: A Case Study of the Tshidi Chieftdom of Boputhatswana," 41.

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