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**DISSERTATION**

**TITLE: SOURCES OF SUCCESSION DISPUTES IN RESPECT OF  
*UBUKHOSI* / CHIEFTAINSHIP WITH REGARD TO THE CELE AND  
AMANGWANE CHIEFDOMS, KwaZulu-Natal.**

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## DECLARATION

I, Mlungisi Ngubane, hereby declare that the work contained in this study project is my own original work and that I have not previously, in its entirety or in part, submitted it at any university for a degree.

Signature: 

Date: 29 March 2005

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**M. Ngubane**

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## **ABSTRACT**

This dissertation seeks to take up the challenge of contributing to such an understanding of chieftainship by looking at the chieftainship succession disputes in the Cele clan of Phungashe and AmaNgwane clan of Bergville in the Province of KwaZulu - Natal, South Africa. The incorporation of indigenous political structures within the wider South African state has a long history, starting from the movements of people from one area to the other, the formation of smaller chiefdoms and bigger chiefdoms and to the rise of the Zulu kingdom. The entire process of Zulu state formation has been through a series of succession disputes which exist among many clans even nowadays.

Also, the role of successions runs from the arrangements of indirect rule at the latter part of the nineteenth-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 and the enactment of the Traditional Leadership and Governance Framework Act. No. 41 of 2003 which makes provision for the establishment of the Chieftainship Dispute Resolution Commission.

## **CHAPTER ONE**

### **INTRODUCTION AND RESEARCH METHODOLOGY**

In this research I have used a multidisciplinary approach. I have presented both history and anthropology. According to Evans-Pritchard, both history and anthropology are humanistic and interpretative, which do not aim at a scientific or law like understanding of human social life, but rather at an interpretation and translation of social and cultural phenomena (Seymour-Smith, 1986: 137).

Another aspect of the relationship between the two disciplines is the use of historical materials and historical methods in anthropology. Modern fieldwork has increasingly moved away from exclusive reliance on synchronic analysis and participant observation as anthropologists have come to recognize the need to include historical information, both ethnohistory and the historical background to the regional, national and international context of the fieldwork setting. The fieldworker today must therefore be prepared to evaluate documentary, testimonial and other historical sources critically and employ them usefully (Seymour-Smith, 1986: 138).

Levi-Strauss said, "Both history and ethnography are concerned with societies other than the one in which we live" (Comaroff, 1992: 7). A historical ethnography, then, must begin by constructing its own archive. It cannot content itself with established canons of documentary evidence, because these are themselves part of the culture of global modernism. As anthropologists, therefore we must work both in and outside the official record, both with and beyond the guardians of memory in the societies we study. In

order to reconstruct the annals of a cultural imagination, we have to operate with working theory not merely of the social world, but also of the role of inscriptions of various kinds in the making of ideology and argument ( Comaroff, 1992 : 37).

Many contemporary studies of African chieftaincy are devoted to the unraveling of chiefly tradition. They have tried to unmask chieftaincy as an artifact of modernist projects of colonial rule, missionary activity and post- colonial state formation. Tradition and customs have been interpreted as products of codification, petrification and coercion, all applied in furtherance of such projects (Bodley 2001: 197).

Beyond such processes of imposition, however, African chiefs and their authority have often been focal points in the imagination of social and political power and in the creation and subjugation of ethnicities. Research on chieftaincy has revealed continuities and discontinuities that are highly pertinent to the understanding of African societies today (Bodley, 2001: 198).

As an ethnologist in the KwaZulu-Natal Department of Traditional and Local Government Affairs I am tasked with various responsibilities namely, to undertake research on histories of clans, to draw up genealogies, to make recommendations to the Deputy Director -General for the appointment of chief / *inkosi*, regent / *ibambabukhosi*, deputy chief / *isekelalenkosi*. In cases where chieftainship/*ubukhosi* is disputed I facilitate and mediate. Should the dispute be unsolvable I then recommend to the Deputy Director - General the appointment of a Dispute Resolution Commission which comprised legal experts and the ruling of the commission on any case is final



and its recommendations are implemented forthwith. Looking at the large number of chieftainship disputes in the Province (approximately 55) at present over ten years, I therefore decided to have an in-depth look at the sources of these disputes and how they can be avoided.

I have indeed noted that in terms of Act 3 of 1987, the KwaZulu General Law Amendment Act, 1987 provides for change of the official titles of holders of certain offices referred to in laws applicable in KwaZulu and the word chief was changed to *Inkosi*. In this dissertation I have used these words interchangeably as the majority of the literature I have consulted used the word chief.

As with many technical anthropological terms, “clan” is loosely used in common speech to designate many different kinds of fundamental social units. The anthropological definition narrows the meaning to a unilineal descent group whose members do not trace genealogical links to a supposedly historical founding ancestor. Rights in the group are simply derived from a father, in a patrilineal system as the Zulu clan.

Even though there are chieftainship disputes in many parts of the KwaZulu-Natal Province, I will use two clans as examples in this dissertation, one from the north and the other from south, they are:

- **Celes from the Ixopo district**

In 1811 during Dingiswayo Mthethwa's years, the Celes were still united under the common chief Dibandlela son of Mkhokheleli. From Nonoti the Cele's land extended southward along the coast as far as the Thongathi river. Chief

Dibandlela had the misfortune to behold his sons contending over succession while he himself was amongst them. His sons, Magaye and Mande fought over heirship and up to now the chieftainship is disputed by Mande's descendants as we shall see in this dissertation.

- **Amangwane from the Bergville district.**

Matiwane the *Inkosi* / chief of the Amangwane was living on the White Mfolozi approximately in the early 1820s from which he was driven, possibly by the Ndwandwe leader Zwide before the emergence of Shaka. He fled southwest to the foothills of the Drakensberg, the original home of the Hlubi and Zizi. This first invasion initiated his career as a conqueror. Matiwane compelled defeated chiefs to give up their eldest sons and their fattest cattle in return for being left alone. These captured men were organised into age-regiments, but ethnic hierarchy persisted and the Ngwane regarded the Hlubi as their servants. When Shaka defeated Zwide and laid claim to sole authority in the northern Nguni-speaking region, Matiwane realised that he could no longer hold his ground. He decided to preserve his power by relocating his chiefdom.

In both these clans chieftainship is being fiercely contested and the basis of the disputes differ from one clan to the other as we shall see in the dissertation. First I have looked into the historical background of chieftainship in the pre-Shakan era, where chieftainship was formed by the amalgamation of various homesteads and how life was managed in these homesteads.

In theory the chief had total power over his people:

- The chief owned all land.

However *amaKhosi* feel that, the Communal Land Rights Act No. 11 of 2004 shows that the national Government is hell bent on uprooting completely the institution of traditional leadership. The Communal Land Rights Act No. 11 of 2004 intends to deprive traditional leaders of the power to allocate, administer and determine the use of land which is pivotal to the institution of traditional leadership and the entire system of indigenous and customary law which governs traditional communities, which is a recipe for disaster as it will completely destabilize the social fabric of rural areas. The Communal Land Rights Act No. 11 of 2004 is likely to be the cause of bloodshed in rural areas as it is likely to promote faction fighting as people will create or be trapped into the conflict arising out of decisions on the establishment of the new administrative authorities which will allocate and administer land. The fact that more than one administrative authority can be established in the area of a traditional leader will be conducive to splitting communities and will give rise to extensive conflict as different factions or groups will want to demarcate land differently and give to each of such authorities different jurisdiction over different portions of what is currently a unified community under the *Inkosi* / chief. The fact that the administrative structures is not headed by a traditional leader, that traditional leadership cannot be represented in it for more than 25% and has no power to determine decision making or veto anything indicate the intention of sidelining traditional leadership.

- The Constitution of the Republic of South Africa provides for the recognition of customs and cultures, as well as traditional authorities, subject to the Constitution

and the Bill of Rights. It is worth noting that whenever African customary practices are given some recognition it is subject to the Constitution, a trite point that is never highlighted when reference is made with respect to other values and systems. *Amakhosi* feel that it is as if the recognition is given grudgingly. It is common knowledge that traditional authorities constitute an important level in the indigenous system of the administration of justice among the millions of African people. The Constitution makes provision for the various levels in the judicial system of the country. Strangely the relevant chapter is silent on the question of the courts of traditional leaders. Such lack of recognition notwithstanding, courts of traditional leaders continue to dispense justice in their traditional communities. The indigenous system of justice administration basically begins at the level of the clan and close relatives, especially if the parties are from the same clan. The next rung in the ladder is the court of the *Inkosi*. Officially this is the traditional authority. His area of jurisdiction comprises the administrative areas of the headmen under him. The last level in the hierarchy in the indigenous system of the administration of justice is the court of the king. Officially this would in a number of instances be the regional authority. This is the last court of appeal. These structures will, of course, differ from clan to clan and from province to province. The basic formula, however remains the same. The courts of traditional leaders have jurisdiction over both criminal and civil cases. Proceedings are held in the open, literally and figuratively, under a chosen tree or near the cattle byre. The process is inclusive, allowing all present to participate in the examination and cross-examination of all the parties to a case. There is an atmosphere of relaxation and informality in the court, with rules against hearsay evidence not strictly enforced. This should not be understood to mean that

there is chaos and disorder in these courts. There is decorum and respect for authority.

- The *Inkosi* / chief was a national religious leader.
- The *Inkosi* / chief was the wealthiest man and had the most wives in his society.

Chieftainship is one of the oldest institutions of traditional leadership in Africa. It has enjoyed the glory, powers and prestige of pre-colonial times, has survived through the vicissitudes of colonial times, and has reconciled to the new political system of the post-independence period in which status, powers and functions of traditional leaders have been gradually reduced. The traditional leaders during the pre-colonial period enjoyed unlimited and undefined powers over their clans. Each clan owned a given piece of land, which was controlled by its chief (*inkosi*).

The chief was the custodian of clan land and allocated it to clansmen and those who are prepared to serve him, for ploughing or residential purposes. However as is discussed below this was extended to outsiders as well as a form of political consolidation. The villages were divided into several wards, each headed by a headman (*induna*). The chief settled disputes, pronounced on tribal customs and traditions and ruled on matters concerning the clan in consultation with its members.

In practice most chiefs were much more like constitutional monarchs with many checks on their power. A chief who was unpopular could quickly lose his people and his position (Minnaar, 1991: 20).

Custom and tradition decreed that only a member of the royal clan could be chief so no outsider could supplant a chief. However with polygynous royal families, there were always brothers, including half brothers, enough to make a plausible claim to the throne.

Chiefly power depended on the number of followers and subjects, as newcomers strengthened a chief they were usually welcomed. Thus an unpopular chief would find his power draining away even as his neighbouring rivals were being strengthened. He would begin to lose land and cattle to his rivals and would become even less popular and less respected.

### **Assassination of the chief**

The person of the chief was sacred as far as the majority of people, the commoners, were concerned but relatives in the royal clan were not so restricted because it was believed that they could never harm a member of their own blood. This is what happened even to Shaka, as well as to his assassin and successor, Dingane.

In many societies, the heir to the previous chief was the eldest son of the Great Wife. The Great Wife is the wife whose *lobolo* (bridewealth) was provide by the clan and she is usually married late in life or if the chief received no contributions from his clan he will therefore declare any of his wives as the Great Wife and the one to bear his heir.

In some cases an unpopular chief could be deposed by his family by downgrading the status of his mother. This could only arise if the status of the Great Wife was not clearly defined, however in many clans this status was clearly defined. By downgrading the

status of his mother, it could be claimed that his succession was not legitimate and he would be deposed.

- **The kraal /umuzi setting and division of houses and the role played by these houses :**

In the *umuzi* we have the great house / *indlunkulu*, the second house / *iqadi* and third house / *ikhohlo*. I have explore the roles played by the sons of these houses. Customs such as *ukuvusa* /to raise, *ukungena*/levirate, *ukufakwa*/to be affiliated are extensively explored in the dissertation as their interpretations have often led to disputes.

- **The history of King Shaka and its impact on the formation of the Zulu nation.**

Shaka was born in the Zululand region of present day southeastern South Africa. His father, Senzangakhona, was the Zulu chief and his mother was Nandi the daughter of Mbhengi who was the chief of the Langeni people. The Langeni, like the Zulu owed allegiance to the Mthethwa, one of the major chiefdoms in the region. Nandi who would be Senzangakhona's third wife conceived Shaka while still betrothed and according to tradition, attributed her growing belly to a *shaka* / intestinal beetle. Nandi reputedly had a difficult temperament and in about 1794 Senzangakhona drove her and her son Shaka into exile. They took refuge among the Langeni where, according to traditional accounts, they were looked down upon and illtreated. In this period Shaka began to display the aggressive and domineering traits that would characterize his personality for

the rest of his life. In the early 1800's Nandi married a commoner and her son Shaka left home and placed himself under the protection of Jobe, the chief of the Mthethwa (Mountain, 1999 : 18).

Jobe died in about 1807 and his son Dingiswayo succeeded him. In the years that followed, the Mthethwa fought frequently for regional dominance with the Ndwandwe who were led by Zwide. Shaka fought alongside the Mthethwa and Dingiswayo soon recognized his extraordinary military skills. He placed considerable trust in Shaka, and the young Zulu became a prominent figure. When Senzangakhona died in 1816, Dingiswayo backed Shaka's claim for the Zulu chieftainship and aided the assassination of Senzangakhona's designated heir, Shaka's half brother Sigujana. Once chief, Shaka took immediate revenge on those responsible for the afflictions of his childhood, ordering the massacre of large numbers of the Langeni. Within his kingdom Shaka faced opposition from rivals in the royal house and from lesser chiefs who resented being incorporated into the Zulu state. In 1824 Shaka was seriously wounded in an assassination attempt which was blamed on the Qwabe, a dissident subject chiefdom.

The attempt on his life gave Shaka the opportunity to eliminate internal opponents and he crushed and dispersed several groups. In 1827 the death of his mother Nandi and his subsequent declaration of mandatory public mourning again served as an excuse for Shaka to execute his rivals and critics. Such actions, however, simply encouraged others who felt threatened to conspire against him. Even his *amabutho* ( warriors) began turning against him because they were exhausted by the incessant campaigns and wanted an opportunity to enjoy the fruits of their conquests (Krige, 1936 : 1) .



Shaka's half brothers Dingane and Mhlangana plotted his assassination and with the approval of their politically influential aunt Mkabayi and with the help of Mbopha, Shaka's trusted personal attendant they assassinated Shaka on September 24, 1828 at kwaDukuza, his royal residence. Shaka had no heirs, as any of his wives who became pregnant were killed. Two explanations are often given for this procedure:

- Shaka wanted no sons who might become a focus for the discontented.
- Shaka was impotent and knew that any wives who became pregnant must be guilty of adultery.

In choosing chiefs and headmen for the subordinate levels of bureaucracy, Shaka did not choose members of the royal family or members of the aristocracy, he chose commoners often from able regimental leaders who would have little or no traditional rights to be chiefs and who were, therefore, indebted to and dependent upon Shaka for their position. They would be likely to support Shaka faithfully. At a later stage the positions of subordinate chiefs and headmen became hereditary. Certainly Shaka would probably never have allowed this, but this kind of evolution is very common in a personal bureaucracy.

Dingane subsequently seized the throne. Shaka's kingdom survived his death by only 50 years when the British conquered it. In a period of about ten years then, Shaka succeeded in building a large kingdom and a powerful sense of identity that has remained, in spite of a number of disasters, down to the present. That is a considerable achievement.

The *Mfecane* is an African expression used to refer to chaos and disturbances. It probably means something like crushing and originated from events leading to the rise to power of Shaka. He conquered the Nguni peoples between Thukela and Phongolo rivers in the beginning of the nineteenth century and created a militaristic kingdom.

Like the epicentre of an earthquake, the creation of the Zulu kingdom and militarism upon which it was based sent shock waves throughout southeastern Africa. Its effects and ramifications were felt much further afield up into central Africa as far as modern Tanzania and lasted for decades (Peires, 1995: 213).

By the end of the process the surviving northern Nguni had either been incorporated into the Zulu state or had been driven out. Refugees and smashed chieftaincies were set in motion, some groups were small and not well organised although even they were often desperate and starving, while other groups were organised and had powerful fighting units.

We shall also discuss the interference by successive governments or administrations with the institution of chieftainship, this was done by people like Theophilus Shepstone a Diplomatic Agent to the Native Tribe of Natal in 1846 whose function was to administer the affairs of the African population. He appointed various chiefs as a form of indirect rule over African people, Sir Garnet Wolseley known as *Wohlo* by Zulu speakers, instituted the boundary commission which demarcated the entire Zululand and appointed chiefs like John Dunn, Hamu and Zibhebhu, I have discussed this process in this dissertation in Chapter 2.

The Union of South Africa was constituted under the South African Act, 1909, which provided for the union of four pre-existing Colonies on terms and conditions to which they had agreed by resolutions of their respective Parliaments. In Natal, the Governor had been constituted Supreme Chief of the Native population with certain extraordinary powers expressly defined in the Natal Code of Native Law.

Under that code the Governor, as Supreme Chief, exercised all political power over Natives in Natal, the Governor appointed and removed chiefs, he decided questions of heirship to deceased chiefs, he could divide and amalgamate clans, he might remove clans or portions of clans or individual Natives, he might call out armed men or levies and had power to call upon Natives to supply labour for public works, he was the upper guardian of Native orphans and minors, he could punish political offenders and impose penalties for disobedience to his orders, he might impose a fine upon a Native community as a whole for suppressing evidence of crime and finally his actions as Supreme Chief were not cognizable by the courts. When the National Party Government took power in 1948, the State President transferred these roles to homelands governments under their Chief Ministers who then performed the above roles.

When the winds of change began to blow in South Africa and negotiations got under way, traditional leaders were optimistic that the institution would be recognized and would be afforded a legitimate role. However far from it, the institution was regarded as irrelevant and was at times threatened with erasure.

The year 2003 saw the enactment of two critical pieces of legislation, namely the Traditional Leadership and Governance Framework Bill and the Communal Land Rights Bill, respectively. The above bills make provision for a role for traditional leaders within governance at all three tiers of government- local, provincial and national. They recognize the significance and relevance of the institution in the post – apartheid era and the developmental role it must play as the custodian of communal land and traditions and customs.

The National Framework on Traditional Leadership and Governance Act No. 41 of 2003 entrenches the role of traditional leadership and it observes that, in the rural areas, the institution of traditional leadership can play a key role in supporting government to improve the quality of life of the people. The following are some of the roles that the institution play:

- Promote socio-economic development.
- Promote service delivery.
- Contribute to nation building.
- Promote peace and stability amongst the community members.
- Promote social cohesiveness of communities.
- Promote the preservation of the moral fibre and regeneration of society.
- Promote and preserve the culture and tradition of communities.
- Promote the social well - being and welfare of communities.

However the Government made it clear that it would not bow to pressure from traditional leaders to introduce a constitutional amendment giving them powers bestowed upon local government by the constitution. According to Government, the powers, which traditional leaders performed prior to 1994, were inconsistent with the constitution.

Lastly, the survival of the institution depends on the correct interpretations of our customs, which regulate the correct functioning of the institution. Educating our communities on these customs will help eliminate or completely eradicate chieftainship disputes. I am of the opinion that culture is subject to change and if our cultures are doing no good to us but create unnecessary disputes where innocent lives are lost why should we stick to that? I have alluded to the Basotho experience and have suggested that our clans begin to look at implementing that system and I think it will work for them as it is working for Basotho people where chieftainship disputes are few.

## **RESEARCH METHODOLOGY**

This research was conducted among two clans in the KwaZulu - Natal Province and these were the Celes in the south of the province and Amangwane in the north of the province.

- **Ethical principles**

In this research, as an ethnologist my paramount responsibility was to those I was studying. When there is conflict of interest, my informants had to come first. As an ethnologist I had to do everything within my power to protect their physical, social, and

psychological welfare and to honour their dignity and privacy. Informants are human beings with problems, concerns, and interests ( Spradley, 1980: 20). Where research involves the acquisition of material and information transferred on the assumption of trust between persons, it is axiomatic that the rights, interests and sensitivities of those studied must be safe guarded.

Social scientists should never injure participants, regardless of whether or not participants volunteered for the study. This second principle pertains primarily to psychological harm, which may result from asking people to reveal deviant behavior and demeaning personal characteristics (Wagenaar and Babbie, 1998: 286).

It was very important to reveal the aims of my study to my informants before I continued with the study. I felt that my informants have a right to know my aims. Communicating the aims of research must often become a process of unfolding rather than a once and for all declaration (Spradely, 1980: 22).

As I have already mentioned that my informants have a right to remain anonymous. I have made sure that this right is respected. These strictures apply to the collection of data by means of cameras, tape recorders and other data gathering devices. Before I could use a tape recorder during interviews, I had to let my informants understand the capacity of such device. My informants accepted the use of a tape recorder.

During this study I have made sure that I do not exploit my informants. Personal gain becomes exploitative when the informant gains nothing or actually suffers harm from

the research. When conducting lengthy interviews, one might consider payment and transporting of informants to the place where interviews will be held.

The anthropologist cannot simply hang around or get absorbed. He also record, describe, analyze the culture. Such a formulation is the result of fieldwork (Peacock, 1986: 55).

- **Recording of data**

Data has strong associations with evidence, information and proof as well as being associated with the products of more conventional research methods ( Gray, 2003: 81).

In both clans I used a tape recorder to record. Interviews were conducted in the Zulu language and this was quite advantageous to me as a Zulu speaker myself. These interviews were transcribed and translated into English language by me.

- **Documentation study**

In addition to the above, the more conventional notions of data is inclusive of such things as books, archive materials, newspapers, government reports and historical papers were used during the study. The research material I have generated is the core of my research. In particular the archive material contains:

- The early history of the clan.
- The genealogies of the chiefly houses.
- Succession disputes and how they were resolved.
- Proclamations and appointment letters of chiefs.
- Status of each wife of the chief.

- Boundary demarcation and maps.

- **Interviews**

My linguistic and cultural background made it little bit easier for me to interact with these communities, however as the government ethnologist I was accepted with skepticism. I had to clearly explain my intentions and the benefit of the study to them.

This research was conducted between March 2003 and September 2004. I used qualitative data collection and analysis, where the information was in the form of words and pictures, meaning interviews and documentation study ( Neuman, 1999: 517).

The interviews with my informants from both clans were unstructured. This is an interview in which the interviewer specifies only the topic in advance, but specifies no particular questions (Bailey, 1987: 474). Interviews were held over three months for each informant and it was a three hour session from one o'clock to three o'clock in the afternoon, Meetings with Ndoda Mkhwanazi and Bajabhile Jwara were held at the Phungashe Magistrate Offices and I provided transport for them. Meetings with AmaNgwaneni informants were held at the Bergville Magistrate's Offices and I also provided transport for them.

### **Limitations**

Many potential informants refused to be interviewed and they all mentioned safety as their concern. They would not like to be seen with a person from the Department of Traditional and Local Government Affairs.



I could not move freely in both these areas because of fear of intimidation, as both the contesting parties did not trust any government official who has an interest in their disputes. As a result for the safety of those who agreed to be interviewed I had to find an alternative venue, which was considered safe, and I used Magistrates offices.

### **The Cele clan**

#### **1. LOCATION**

The Cele chiefdom is situated around the Highflats town and St Faith Mission. It is about 75 kilometres away from Port Shepstone in the south and 60 kilometers from the northern town of Ixopo. The chiefdom lies more or less between the northern boundary of the Madlala clan and the southern boundaries of the Hlubi and the Nyavini clans. It is situated approximately 150 kilometres away from the city of Durban.

#### **2. CUSTOM AND CULTURE RELATIONS**

The Cele chiefship's ruling family is Cele although they are addressed as *Ndosi* after their founding father. This clan acknowledges the current Zulu king as their senior head. Due to the current chieftainship dispute customs like the organizing of regiments are no longer practiced. However young girls are still dispatched to Nongoma during the Reed Dance ceremony, which takes place yearly.

This ceremony encourages young girls to remain virgins and to be proud of their bodies. Before the ceremony commences, every girl who is participating will undergo a virginity testing to determine their virginity and a girl who is found to be no longer a virgin will be

removed from the pack. Old women conduct this testing. When this testing is completed, each girl will be given her reed and delivers it to the king or places it in his kraal. In the olden days, the king chose his wife during the ceremony.

### **3. RELATIONSHIP WITH NEIGHBOURING CLANS**

Despite their internal problems the Cele clans live harmoniously with the neighbouring clans. They still marry girls from other clans and also their girls marry from their neighbours. The Nguni clans construct kinship groupings, roles, and relationship by tracing descent exclusively through the male line.

The Nguni clans' marriage institutions are marked by the extensive prohibitions on unions between close relatives. Men and women are forbidden to marry within their patrilineage, and those of their mother and father's mother. This regulation eliminates not only parallel cousin marriage but also rules out cross cousins.

### **4. ABOUT MY INFORMANTS**

With the help of the local *induna* / headman who asked to remain anonymous, I was able to locate my informants in the area. I have given pseudonyms to them.

- Mr Ndoda Mkhwanazi, one of my informants, is a well known man in Nhlabwane. Nhlabwane is one of the many wards which are under the Cele clan of Phungashe. Mr Mkhwanazi was born and grew up in the area seventy two years ago. As a young man, he worked at the Bluff in Durban for about twenty years before returning to Nhlabwane Reserve. In 1980 he was asked by *Inkosi*

Phumokwakhe Cele to join his traditional council as an *induna*/headman. After four years of serving as a junior headman, he was promoted to the level of a senior *Induna* /headman. A senior headman is person who acts as chief in the absence of the chief and he will temporarily administer the affairs of the tribe. Ndoda acted on numerous occasions in the absence of chief.

Mr Ndoda Mkhwanazi is a polygynist, he has three wives and each of his wives has her own kraal. He has a total number of twenty two children and almost thirty grandchildren and great grand children and all his children are still alive. Mr Ndoda Mkhwanazi is an *imbongi* / praise singer or wisdom keeper. He is also *isibonda*, *isibonda* is a person who is respected by his community and has knowledge of what is happening at the traditional court and has the knowledge of the history of the clan.

- Mrs Bajabhile Rose Jwara who is also my informant is sixty eight years old and was married to Ndabayakhe Jwara who passed away on 27 May 2001. Originally, Mrs Jwara came from Lusikisiki in the Eastern Cape. She arrived at Ngcengezi, which is one the of the wards belonging to the Cele clan, as a young woman in the early 1940s to marry her late husband Ndabayakhe Jwara. Though Ndabayakhe was not an *induna* at that time, his father was an *induna* and Ndabayakhe succeeded his father. Ndabayakhe became an *induna* in 1977 and retired in 1999 due to ill health and old age and was replaced by his eldest son Jojo Jwara.

### The AmaNgwane clan

## **1. LOCATION**

This chieftdom is situated at the foothills of the Drakensberg mountains or *Okhahlamba*. The nearest town is Bergville, which is about 20 kilometres away, and the majority of people work in this small impoverished town. Some work in Ladysmith, which is about 50 kilometres away from the area. However their major city is Pietermaritzburg, which is preferred by many residents of the chieftdom because it has many shops and factory shops for street hawkers. It shares its northern boundary with the Amazizi clan. The majority of neighbours are white owned farms.

## **2. CUSTOM AND CULTURE RELATIONS**

The AmaNgwane chiefly ruling family is Hlongwane though they refer to themselves as AmaNgwane. It is because of their strong connection in terms of language and culture with the Swazi people that they believe that they originally came from Swaziland. However, they recognise the seniority of the Zulu king and pay tribute to him. The chieftainship dispute and factionalism has eroded many customs, like the first fruit ceremony and Nomkhubulwane /the Rain Queen festivities. They no longer send their daughters to Nongoma during the reed dance ceremony.

## **3. RELATIONSHIP WITH THE NEIGHBOURING CLAN**

Members of the clan have a cordial relationship with the Amazizi clan. They marry one another and no fighting between the two clans in recent times has occurred.

## **4. ABOUT MY INFORMANTS**

In 2003 a commission on the chieftainship dispute sat in Bergville to resolve this

chieftainship and it was during this time that I had my first contact with my informants. They acceded to my request to interview them but asked not to be revealed therefore this dissertation has used pseudonyms to protect them.

I managed to interview a total of seven members of the clan who were born in the area and have blood ties with the royal family.

- MaNgcobo (Ntombini) my first informant was the first wife of Zingelwayo. She is seventy five years old. According to her, she has no claim to chieftainship, as there are customs that are governing that. According to the amaNgwane customs, the first married wife does not produce the heir. She married the chief when she was twenty six years old.
- Anthony Hlongwane is forty four years old and he is a distant member of the family but traces his descent to one known founding father of the clan.
- Vusimuzi Hlongwane is fifty two years old and was born and bred at Mangwaneni. He belongs to the royal family and his father was the family convener.
- Rev. Johannes Dlamini once worked as the tribal secretary for nine months and was present at the beginning of the dispute.
- Cornelius Gasa was the chief headman of chief Zingelwayo. He is sixty three years old. He was appointed acting chief after the death of Inkosi Zingelwayo.
- Japhet Mandlenkosi Hlongwane is sixty seven years old. His father was Albert Hlongwane who was the chief advisor of chief Zingelwayo and
- Majubane Hlongwane is sixty six years old. He was still young when Zingelwayo became a chief.

## Chapter Two

### HISTORICAL BACKGROUND

It does however seem reasonably certain that in pre-Shakan era social relationships within the homestead were structured according to principles of kinship. Religious practices pivoted on the head of the lineage or the head of the clan. Especially in times of emergency or distress, a man called first on his relatives and clansmen. Above all, the social organisation of production within the homestead depended on kinship (Peires, 1983: 5).

I must however note that no homestead could stand alone. Each was linked to its neighbours by the need for local co-operation in herding, hunting, feasting and defence. And since neighbours were not necessarily clansmen, some concept of territorially based authority was inevitable. In Nguni society, such authority took the form of hereditary chiefship.

The chiefs or *Izikhulu* were by no means superfluous parasites. They performed manifold duties for the community. The chief was responsible for protecting the people against the designs of their enemies and the unpredictability of their environment. He resolved internal disputes and, where necessary, he provided bride wealth and subsistence to the young and poor. In order to provide for this, he needed revenues, which he received through tribute and judicial fines (Peires, 1983: 6).

According to Professor Jeff Guy, on the death of the homestead - head, the homestead would then break up and the sons of each house would establish homesteads of their own (Peires, 1985: 55). The total unit is called a clan, that is a social unit made up of men and women who believe they have descended from a common ancestor through the male line.

We must note that marriage within the clan was prohibited and wives had to be drawn from other clans. The movement of cattle marked this transaction; a daughter's father received cattle when she left his homestead to marry. The lineages and homesteads within the clan were not egalitarian units. The eldest son of the homestead inherited the bulk of his father's property, most of it in cattle, and could obtain more wives and as a result the size of his lineage was increased. There was thus a concentration of wealth within the chiefly lineage and members of this lineage could trace their dominant position back to the original clan founder, as we shall see in this dissertation. We need to note that in the past the clan was a discrete unit. The chiefdom consisted of a number of clans and one was politically dominant.

Up until the eighteenth century the territory of the northern and southern Nguni was almost certainly occupied by numerous relatively small chiefdoms. The more centralised socio-political structure that later came to differentiate the northern from the southern Nguni was not apparent at that time. However by the late eighteenth century a process of political consolidation among the northern Nguni was well underway and a number of power blocs had emerged (Maylam, 1986: 25).

The wars of the late eighteenth and early nineteenth centuries were struggles between large chiefdoms like the Ngwane under Matiwane kaMasumpa, the Ndwandwe under Zwile and the Mthethwa under Dingiswayo whose leaders were attempting to increase their power by forcible acquisition of land and the incorporation of different clans into their chiefdoms (Peires, 1983: 56).

From the small Zulu clan came a powerful chief who later formed the Zulu nation.

When chief Senzangakhona died in 1816, Shaka claimed what he believed to be his birthright to the Zulu chieftainship. This, however had gone to Senzangakhona's favourite son Sigujana. There is much controversy as to how Shaka became a chief of the Zulu people. Some say he marched on Sigujana, had him killed and simply took over the chieftainship. Others believe that Shaka usurped the Zulu chieftainship by having his half brother Ngwadi assassinate Sigujana (Mountain, 1999 : 19).

Out of fighting between the Ngwane, Ndwandwe and Mthethwa chiefdoms, the Zulu chiefdom under Shaka emerged victorious. Shaka built up a large society and chiefdoms who survived joined him and became part of what was to be known by the dominant clan name Zulu.

The patrilineal segmentary lineage system was the basis of Zulu social organisation, as the homestead unit was the basis of its economy and with similar consequences to state integration. Lineage segmentation gave rise to clans in which there was a concentration of wealth in the dominant lineage. The clan formed part of a chiefdom, where political power was vested in the dominant lineage of the strongest clan ( Laband, J. 1990: 2).



A distinct division of labour characterized a clan. In the clan social system every kraal was self contained and self supporting. The male provided and maintained the fabric of the homestead. The female provided the family and supported it, in other words she found food. The men were working as artisans and herdsman, the women as the housekeepers and cultivators (Ritter, 1955: 3).

The responsibilities of the men included the building of the hut, repairing it and erecting fences of the cattle-fold and homestead, to cutting down the bush and the long grass from such spots as the females were to cultivate, to milk cows and generally tend all stock. In these duties it is important to note that all take part, from the kraalhead, even the *Inkosi*/ chief himself, down to the smallest boy. All who have passed the age of infancy, that is, who are already beyond their sixth year, be they female or male, must work or be ready to do so when called upon, the male under the direction of the father and the females under the direction of the mother.

Besides the aforementioned duties pertaining to the general maintenance of the home, every man had every day some small private task of his own like the making of sticks, spears, headring, snuffbox and medicinal herbs for himself.

The boys up to the age of sixteen go out with the cattle after sunrise, returning with them, first towards midday for milking and finally in the evening about sundown thus spending the whole of their days in the exhilarating sunshine and free life of the open veld. In winter often very cold weather, the younger boys are permitted to remain in the home, but the elder have to seek manfully to their tasks as a fine, healthy life produced a

vigorous and robust type of manhood.

On the other hand the wives and their daughters, would immediately after break of day in summer as early as four o' clock in the morning shoulder their hoes and go to plant or weed in their gardens. Each wife was allotted her own separate hut, and often her own separate milk cow and also received her own separate garden plots to be attended by herself and her daughters and to provide for her family. Throughout the early morning the smaller girls, when their mothers and elder sisters were in the fields, looked after babies, swept the huts and fetched water (Ritter, 1955: 5).

During meal times, people were seated according to their gender and seniority, males on the right of the fireplace as one enters the hut, the elders were near the doorway and females and children were on the left. Before each group, male and female, a daughter of the house places a common bowl of food. Fast eating and greed was checked in children. Before the meal all hands were washed in a special clay basin and after eating, mouth and teeth were rinsed with water (Ritter, 1955: 6).

A clan home in olden times was a model of discipline and manners. Amidst the crudest of surroundings, children learn to behave themselves and have good manners. The dominant rule was that of complete submission to parental authority and authority was drastically enforced. Unquestioning obedience was demanded by the supreme power. Every failure to obey was punishable without mercy. While persistent insubordination often led to expulsion or even death. In terms of the general rules that govern behavior the child was forced into innumerable ways of proper behavior. In fact there were rules of

etiquette governing almost every phase of clan daily life, how one conducts himself in front of the elders, how to behave at meals and how to respect the places and property of others.

Two or three years after having reached the period of sexual maturity, *ukutomba*, which occurs between the age of fourteen and nineteen years, the boy moved to another rank. With other boys of his age he will *kleza*, that is drink milk squirted direct from the udder into his mouth in the military kraal. During the two or three years of his stay in the military kraal, milk-drinking and cattle herding, the young man was confined entirely to the male society of the young soldiers.

Life and manners in the military kraal were much as they are at their homes. The spirit of joviality, comradeship a *esprit de corps* ever strong in the African nature, was here at its best. While ease and freedom were enjoyed, stern discipline continuously reigned but it was wholly a moral force, the young men being thrown entirely on their honour, without standing regulations and without supervision and they seldom dishonoured that trust. They were there for the sole purpose of fulfilling the clan leader's command.

In such ways as this was each and every individual of the Nguni clan, boys and girls, women and men alike, taught obedience, first to father then to the clan leader (Ritter, 1955 : 8).

Zulus as one of the most powerful nation rose to power during the reign of Shaka when he began that career of conquest and destruction which made itself felt over half of the

African continent. Before this the Zulus were one of many hundreds of insignificant coastal clans of South - East Africa who had come down from the north in various bands (Krige, 1936:1).

According to Krige, that is how the Bantu people came to occupy what was to be known as Natal, but where they came from and their relationship to each other is controversial. Some believe that the South - Eastern Bantu came from some locality on or near the west coast of Africa, so that their route of migration lay across that of the South - Central tribes on their journey down the central plateau.

This conclusion is based largely on the fact that when in 1498 the first Portuguese fleet that crossed the Indian Ocean touched at the mouth of the Limpopo river, a man on board, called Martin Affonso, who could speak several dialects was able to make himself understood by some of the people on shore (Krige, 1936: 2).

The Nguni family of Bantu - speakers who later formed the Zulu nation migrated into south - eastern Africa about the middle of the fifteenth century. They were pastoralists practising shifting cultivation. They lived in scattered homesteads occupied by male agnates and their families. These homesteads were united under a chief, the heir of their senior line, into a tribe (Fortes, Evans - Pritchard, 1970: 25).

However according to Dr M. V Gumede, African people originated in Central Africa, a place commonly known in Zulu as "*KwaMadlantule*"(Sahara Desert). From there they moved southward and northward over the continent in search of greener pastures

( Gumedde, 1990 : 1).

In the fifteenth century came the great irruption from the north - west into the lower valley of the Zambesi of devastating bands, the largest of which was known as the Amazimba. They drove before them a group of fugitives, remnants of many tribes destroyed on the way from the Atlantic, known generally as Abambo. According to the Portuguese, the Abambo group made its first appearance above Tete, on the lower Zambesi in 1570. Before this time there were few people inhabiting Natal ( Krige, 1936 : 3). According to Krige the fact that in 1594 we read of a certain vaMbe tribe living south of St. Lucia Bay a name very similar to that of Abambo, and by the fact that to this day the Thembu-Xhosa tribes refer to Natal as eMbo, the country of the Abambo. The Zulus are therefore descended from the Abambo ( Krige, 1936 : 3).

The Zulus were not different from their neighbours and closely related in blood and customs to all other clans in Natal. Historically they were not superior to their neighbours. It is purely the result of historical accident, for in similar circumstances and with the leader like Shaka any one of the small Nguni clans must have made the same achievements. The factors that led to the rise of Zulu power can be traced back to a quarrel in the Mthethwa chieftainship, a quarrel setting into motion a long chain of events that was to end in Zulu domination over the whole of what is today known as Zululand and Natal (Krige, 1936: 6).

Between 1785 and 1795 a quarrel broke out in the royal house of the Mthethwa tribe. It is said that the sons of Jobe plotted to kill their father who after hearing this ordered their

death. One brother was killed but Godongwane escaped. He was severely wounded and fled to a nearby field where he was discovered by his sister who provided him with food and a skin blanket and he escaped from the district. He wandered from tribe to tribe to the south where he came into contact with white people. Ultimately he obtained horses and returned to the area. At this time his brother was a chief and because of his fear for the horse, as in those days the horse was more greatly feared than a lion, Godongwane succeeded in putting him to death and became a chief. At that time Godongwane had changed his name to Dingiswayo. While Dingiswayo was building up the Mthethwa power, however, the Ndwandwe were enlarging their sphere of influence beyond the Umfolozi. They too had conquered many clans around them and at the time of Dingiswayo and they were ruled by Zwide.

As each of these two great powers extended its influence over neighbouring tribes, it became more apparent that they would soon have to measure their strength against each other. No one viewed this Ndwandwe-Mthethwa rivalry with greater satisfaction than Shaka the young subordinate and protégé of Dingiswayo and later chief of the Zulu clan (Krige, 1936: 9).

Increasing political amalgamation and socioeconomic stratification produced inequalities in access to productive resources between and within chiefdoms, resulting in famine in times of drought and provoking the political revolution among the Mthethwa and the Zulu in the early nineteenth century. The changed sociopolitical context explains why strategies of famine resistance had broken down so that the drought of 1800 to 1803 had severe consequences, including widespread famine, even though dry periods had

occurred in the past without similar consequences. In its earliest stages drought compelled herders from neighbouring societies to compete over pastures because the sufficient carrying capacity of the area for their herds declined dramatically. Without water or forage, animals died quickly and stored grain provided the most secure food supply for people. The production of surplus grain for storage in case of scarcity required access to fertile and well watered land. Extended droughts or crop failure brought people into overt conflict either over grain stores or over riverine lands which supported minimal crops even in dry years and in normal years produced surpluses (Eldredge, 1995: 155).

During droughts the wealthy and powerful took advantage of their great access to food resources while the poor suffered disproportionately, provoking conflict. Drought provided an incentive and opportunity for the powerful to consolidate further their control over fertile and wellwatered arable land at the expense of weaker neighbours. Furthermore, droughts made evident the extreme vulnerability of the poor and weak to food scarcity and increased their incentive to submit to political authority even when extremely oppressive, because such submission promised security from starvation.

There is considerable evidence that early conflicts involving the Mthethwa and the Zulu were related to competition over arable lands. Both the Ngwane under Sobhuza and the Ndwandwe under Zwide consolidated and expanded their areas of control on the banks of the Phongolo River and the major struggle between them over arable lands arose over there. Among the regional soils many were poor and unsuitable for cultivation and fertile arable land that was well watered and drought resistant was relatively scarce. Zulu military establishments were located in very fertile areas, good for cultivation. The

conflicts generated during political consolidation under the Zulu must be seen in the context of the ongoing competition for both land and people. Growing vulnerability to famine in times of food scarcity drew people to any strong leader who could provide them with livelihood and protection. The *Mfecane* was essentially a process of social, political and military change, internal to African society and taking place with explosive rapidity (Peires, 1995: 213 ).

During the 1820s the entire region of Southern Africa was affected directly or indirectly by tremendous demographic upheaval and revolutionary social and political change. Massive migrations, sporadic raids and battles and frequent periods of famine marked the period in the region. The sociopolitical changes and associated demographic turmoil and violence of the early nineteenth century in southern Africa were the result of complex factors governed by the physical environment and local patterns of economic and political organisation (Eldredge, 1995: 123).

Increasing inequalities within and between societies coupled with a series of environmental crises at the beginning of the nineteenth century transformed the longstanding competition over natural resources and trade in south-eastern Africa into violent struggles for dominance and survival. Increasing political inequality between chiefdoms and increasing socioeconomic inequality within societies made weaker people, with fewer entitlements to food, more vulnerable to famine in times of drought induced food scarcity. Those who had already consolidated their power prevailed over weaker groups after the open contests that emerged. The weak found themselves incorporated into lower echelons of stronger societies, either conquered involuntarily or



submitting voluntarily for the sake of survival. The stage was set for the emergence of various strong leaders like Shaka (Eldredge, 1995: 123). It has generally been assumed that the emergence of the Zulu kingdom under Shaka was the key event responsible for the ensuing devastation of southern African societies.

However, Cobbing (Eldredge, 1995 :26) removes ultimate responsibility for the ensuing period of violence from Shaka and the Zulu by correctly pointing out that the earliest conflicts involved the Mthethwa, the Ngwane and the Ndwandwe prior to Shaka's rise to power. He pinpoints the attack of Zwide's Ndwandwe on Matiwane's Ngwane in 1817 as initiating the *Mfecane* (Eldredge, 1995 : 126). The beginning of the *Mfecane* thus predated the emergence of the Zulu under Shaka, who were then still subordinate to the Mthethwa. This battle also moves the locus of violence northwards away from the site of the latter Zulu state to the banks of the Mzinyathi River. Ndwandwe attacks on Sobhuza's Ngwane on the Phongolo River dating from this period as well also occurred further north. Cobbing identifies slave raiding as the cause of these early conflicts. The Ngwane flights from the Mzinyathi was a response either directly to slave raiders or to secondary raiders such as the Ndwandwe, Mthethwa and Zulu who were themselves turned against each other by the compressions of the slave trade and by the prospects of profitable business (Eldredge, 1995: 127).

Sporadic fighting and demographic dislocation in southern Africa persisted into the 1830s and the Zulu have long served as convenient scapegoats for the continuing violence. In fact neither Zulu nor such related breakaway groups as the Ndebele were ultimately responsible for most conflict in the interior of southern Africa. After an initial

period of migration and localised struggles between various African chiefdoms, slave-raiding by Europeans and their agents played the primary role in fostering and exacerbating conflicts throughout the region.

The Hlubi and Ngwane under Matiwane fought a decisive battle in 1825 and in the aftermath the Hlubi chief Mpangazitha was killed and his followers dispersed. This left the Ngwane dominant in the area of the Caledon River until they were disbanded in 1827. In the meantime their raids had dislodged various Sotho and Tswana speaking groups further north, including the Fokeng under Sebatwane, the Phuting under Tsowane and the Hlakwana under Nkaranye ( Eldredge, 1995 : 141).

More recently, Jeff Guy pursued the idea of environmental influences by seeking to explain the rise of the Zulu kingdom in terms of stock- keeping and the physical environment of Zululand. He argued that in the area that became the Zulu state cattle needed access to varying types of grasses found in different areas, according to topography and rainfall, during the changing seasons of the year. The need for access to the whole range of pasture types governed the location of settlement sites and created an incentive for bringing more land under Zulu control. According to Guy, deterioration of the land from over use, combined with drought, produced famines in the late eighteenth century, which brought about conflict and political change and eventually led to state formation (Guy, 1980: 102).

In Zulu society, before the days of Shaka, the tribe could be defined as a body which recognised the authority of a single chief. His authority was the strongest and sometimes

the only, link between the discrete units of the individual kraals, and the tribe could not act as a whole except at his decree. The chief was playing a major role in the economic system of his tribe.

The chief is in the first place the theoretical owner of all tribal land, hunting, grazing or agriculture. In actual fact the nation is his, the people, the cattle, the lands and everything. In this capacity he receives tribute of all produce so derived, stores which he has in many cases to redistribute to his people or to hold as reserves. Secondly, he is definitely responsible for organizing certain forms of activity like the chiefly hunting / *inqina*. Thirdly, he has important magic functions as a producer of rain and officiates at the first fruit ceremonies (Richards, 1932: 145).

A report on Native Laws and Customs in 1883 stated that, according to native customs, the land occupied by the tribe is regarded theoretically as the property of the chief and in relation to the tribe, he is a trustee, holding it for the people, who occupy and use it, in subordination to him, on a sharing principles (Richards, 1932: 146).

Through his headmen, the chief gets to know the wishes of his people. The members of the tribe respect their sovereign, but the chief must also respect his people. They are mutually dependent on each other. The Zulu society is well organised in terms of a hierarchy. The chief comes first in this order of precedence. Furthermore he is regarded and treated as a father, because he provides food and protection and members of his tribe are his children. He has the obvious right to be the leader of his children.

The Zulu have never had any other political organization but the hereditary chieftainship. The heir to the sovereignty over the tribe after the chief's death is the eldest son born of his *indlunkulu* / great wife or wife whose bride wealth was contributed by the clan which means that it is practically never the chiefs eldest son who takes over his father's position after his death but one of the younger ones, since the chief as a rule does not take his *indlunkulu* / great wife until rather late in life. It is not unusual for the legitimate successor, born of royal blood, to be a minor on the death of the chief, his father. In such cases the dead chief's eldest brother, who will even have had a certain influence on the government of the tribe during the chief's lifetime, reigns until the son has grown up (Peterson, 1953 : 31). However in recent times it is permissible for mothers of heirs to act as regent during their minority stage because uncles and junior fathers often refused to vacate when the heir is ready to take his position.

In both the pre-Shakan and the post-Shakan era, the chief's position was of the greatest importance. He was at one and the same time civil, military, judicial and religious head of his people. His court was the supreme court of appeal from his people and his decisions in all matters were final.

However, the position of a chief was not absolute and he was expected to rule with advice from the leading men and in accordance with custom and the general consensus of opinion (Omer-Cooper, 1966: 21).

Chieftaincy was regarded as inhering more in the royal lineage than in particular individual. Though there was a definite law of succession it was not regarded as important because where the heir was judged incapable he was replaced by another. As we are going to see in this dissertation, the rule of succession itself, instead of helping to resolve problems of conflict between potential heirs tended to exacerbate them. Succession thus rarely passed undisputed and though the law of inheritance was universally accepted it is doubtful whether it was actually followed in a majority of cases. In these disputes one of the protagonists might overcome his opponents but left the tribe divided. Succession disputes were often accompanied by fighting, and when a tribe split, the two sections sometimes continued to nourish feelings of hostility for many years (Omer-Cooper, 1966 : 21) as in the examples I give of the Celes and AmaNgwanes.

History tells us that Shaka the founding father of the Zulu tribe was murdered at his Dukuza kraal. His murderers were his two half brothers Dingane and Mhlangana and Mbopha kaSitayi, his personal aide. However, the main figure behind the plot was Mkabayi the full sister of Senzangakhona his father and the late Zulu chief. It was not long before the two royal conspirators that is Dingane and Mhlangana, began to plot against each other. The ostensible cause of conflict was the allocation of Shaka's cattle, but Dingane had the superior genealogical credentials and apparently had long regarded himself as the rightful claimant to the kingship. Assisted by Mkabayi, he was able to eliminate his rivals.

Dispute over succession was the common source of conflict throughout the history of the Zulu Kingdom and this has spread, as rivalry occurs between the sons of chiefs who are

fighting over the position. I would say what happened during the 1850s in the Zulu royal house was an indication of what was going to happen in many clans in the Province of KwaZulu-Natal. During the years 1856 to 1861 there was much unrest and discontent owing to uncertainty about the future heir, Cetshwayo. Succession disputes considerably weakened the Zulu state embedding tensions within Zulu society which came during the later civil war, as a result of the succession dispute between Cetshwayo and Mbuyazi who were King Mpande's sons.

It is a fact that in Zulu society existed a set of rules governing succession and inheritance. These rules simply stated that the heir to the chieftainship or king was the first born son of the great wife. In practice, it was difficult to keep to these rules because sometimes the chief will fail to declare the status of his wives during his lifetime. This means that the rules did not preclude competition, although they did succeed in defining the field of competitors, providing a legitimating basis for their respective claims.

In Mpande's case, a Zulu king who took over from his half brother Dingane as the King of the Zulus, as well as those of his immediate predecessors, these rules had apparently been set aside, for he had forcibly dethroned Dingane, Dingane had assassinated Shaka and Shaka had killed Sigujana, who succeeded Senzangakhona as Zulu chief. Mpande said that, as Cetshwayo and Mbuyazi were fighting, he won his kingship by force, so others must do like him and his house was appointed but gained kingship by fighting.

In this instance, however, events were to show that disregarding the settled principle of succession was by no means the preferred option among the Zulu, nor a guarantee of

success (Colenbrander, 1989 : 103 ).

Mpande himself had not always displayed such contempt for the conventions. Contrary to the assertion that he had never clearly designated an heir, he had in fact nominated Cetshwayo, at the time of his temporary stay in Natal. He had however changed his mind by the early 1850's and when he began to foster Mbuyazi's cause, he claimed the right to repudiate his earlier action on the grounds that he himself had not been the king at that time. He further argued that as he had fathered Mbuyazi for Shaka as Shaka was impotent, Mbuyazi was therefore, in terms of the Zulu levirate / *ukungena* custom, the true heir to the great founding father Shaka. It would seem that it was only when this manipulation of the ideology of succession had clearly failed to undermine support for Cetshwayo's candidature, that Mpande began to advocate a more violent solution, in the hope thereby of securing Mbuyazi's right of succession.

We need however, to note that there are two sets of chiefs in the Province, there are hereditary and appointed chiefs. Theophilus Shepstone was appointed as the Diplomatic Agent to the Native Tribes of Natal in 1846. His function was to keep peace and administer justice among the African population, collect taxes, fines and fees imposed on Africans by the government and regulate the movement of Africans across the internal and external boundaries of the Colony (Etherington, 1989: 170). In order to achieve peace, Shepstone wanted to place white superintendents in charge of various reserves. A lack of financial resources forced Shepstone to abandon his plans of appointing these superintendents but instead he opted for the revival of the tribal system and to appoint chiefs who would assist him in administering Africans. He attached

smaller tribes to larger ones but that created problems for the smaller groups who were not liked by their new chiefs.

Shepstone then appointed commoners as chiefs. According to the 1881/ 1882 Natal Native Commission it was discovered that of 173 chiefs or headmen in Natal, 46 were created as chiefs and 28 were appointed as headmen. These new chiefs legitimacy was based on Shepstone's indirect rule and was not based on hereditary claims. In other cases, Shepstone rewarded the so called trusted African assistants by putting them in charge of entirely artificial chiefdoms ( Minnaar, 1991: 13, Etherington, 1989 : 178). And these appointed chiefs were controlled by the colonial government.

The chieftainship today is a mere shadow of its former self. European administration has robbed the chief of his former powers and with them has departed much of the function of the chieftainship. In the old days the chief was the leader of war, the source of law and order, the custodian of the customs and also the innovator of new customs (Cook, 1931 : 147).

The use of a chief in the administration of reserves was necessary due to the fact that the civil servants were small in number, there were only eleven magistrates in Zululand and Natal.

The magistrates had to make use of the chiefs to control Africans in the reserve. The resurrection of the tribal system by Shepstone also entailed the acceptance of Native law for use in the reserves. Accordingly a chief held all the land in trust for the tribe and the



right of the individuals to settle on land was permissive. Up to 1851 when the first magistrates were appointed, Shepstone had relied almost entirely on the chiefs in controlling their tribes.

The chiefs had total control of all tribal matters and could apply punishment for any offences against tribal law. However, the appointment of magistrates reduced the power enjoyed by chiefs. Serious crimes were tried by the colonial courts and chiefs were allowed to preside over cases involving Africans and civil cases between Africans outside the reserves. Even after magistrates were appointed, up to 1882 the chiefs still had more power in their locations than the magistrates (Minnaar, 1991:14 ).

Historically, the appointment of a person to a traditional leadership position was determined by custom and customary law. Each tribe knew who was eligible to be a successor, based on the history, norms, values and customary law of that particular tribe. Males succeeded to the position of traditional leadership in accordance with custom. In the early 1990s, wives of late chiefs among various Zulu clans, were acting as regents on behalf of their young sons and this is one of the tools which is employed by the government in order to avert succession disputes.

After Shepstone's location policy, the apartheid government instituted various pieces of legislation to handle the tribal affairs. For instance, sub-section (7) of Section 2 of the Black Administration Act ( Act 38 of 1927 ), conferred upon the KwaZulu cabinet authority to recognise or appoint any person as the chief in charge of the tribe. No descendant or other relative of a deceased chief had the definite legal right to succeed

to a chieftainship but it was within the right of the Chief Minister as a matter of policy, to recommend for the appointment of the successor to chief of any person and his decision to be ratified by the Cabinet. Any claimant despite providing sufficient reasons for his claim could be overruled.

Also according to sub-section (16) of Chapter 3 of KwaZulu Amakhosi and Iziphakanyiswa, Act of 1990, for the purpose of general succession as in section 81 of the KwaZulu Act on the Code of Zulu Law, 1985 ( Act No. 16 of 1985) defined, the heir of a deceased hereditary Inkosi shall be the person whom the Minister appoints or recognises under section 12 as successor to such deceased hereditary *inkosi*.

In South Africa the Colonial administration effectively fulfilled the functions of the old Zulu Monarchy. But whereas the national age regiments provided the cohesion and unity of the Zulu state, the authorities in Natal and later in KwaZulu prohibited the formation of national age group regiments. However each clan did establish its own age regiments to ensure clan unity. But no longer were these national age-group regiments to prevent clans and their different chiefs from clashing (Minnaar, 1991: 11). Shepstone applied the indirect rule to control the African population by using traditional leaders to keep order in Zululand and Natal, at the same time Shepstone used every method to reduce the independent powers of the chiefs by making them completely subordinate to colonial authority, insubordination often meant removal from office and a new person appointed. For an example, Bhambatha of the Zondi clan was deposed because he resisted the implementation of legislation on poll tax and on 23 February 1906 was deposed by the colonial regime. On 23 March 1906, his brother Funizwe, was recognized as the chief by

the government (N1/1/3(11)5 archive material).

The 1891 Natal Code stipulated that the Governor of the Colony, as supreme chief would appoint chiefs and remove them, and that the chief in charge of a clan, is a minor deputy of the Supreme chief (Etherington, 1989 : 172). As minor deputies of an administration which was often hostile to the interests of the African people of Natal Traditional Leaders were, by definition, no longer the representatives of the people. The power to appoint and remove was taken out of the hands of the clan although in fact the system of hereditary succession was allowed to operate provided it did not challenge the colonial government (Etherington, 189 : 173). The often arbitrary replacement of hereditary chiefs by the government appointees in turn led to tensions within clans between the supporters of the old chief and those supporting the newly appointed chief.

The existence of appointed Zulu chiefs dates back to the defeat of the Zulu kingdom by British soldiers in 1879. Following the battle of Ulundi on 4 January 1879 Sir Garnet Wolseley, the British High Commissioner for South East Africa, sought to convince chiefs that they could have land if they would abandon King Cetshwayo.

Many were inclined to accept his terms because the British troops had established British ascendancy in the heart of Zululand. King Cetshwayo was exiled to Cape Town and by right of conquest the whole of Zululand became vested in Her Majesty Queen Victoria. Thus, on 19 July 1879 Wolseley promulgated the fall of the Zulu kingdom and his plan was to divide Zululand into 13 districts, to be controlled by traditional leaders nominated by him. Wolseley appointed a Boundary commission to demarcate the external border of Zululand and the internal boundaries of thirteen chiefdoms. As far as

the external border was concerned Wolseley failed to implement his pledge that the Zulu would be left in full possession of their land (Guy, 1979 : 72).

After the capture of King Cetshwayo, Wolseley's confidence increased. He ordered the Boundary Commission to lay down the borders of the chiefdoms and to inform chiefs that Zululand was now under the rule of Her Majesty Queen Victoria and her law was supreme. As an act of grace to the Zulu people she has divided the country into independent chieftainships. Therefore she could determine the extent of territory to be occupied by each chief. She appointed chiefs as an attempt to resuscitate the pre-Shakan chiefdoms, The majority of chiefs appointed failed to reflect the pre-Shakan system. Two of the appointed chiefs were aliens and John Dunn was the most important of these. In return for his services to the British in the war and as a result of confidence Wolseley had gained in him, he was awarded the largest chieftainship in Zululand (Guy, 1979 : 73).

This chieftainship was situated between the Mhlatuze and Thukela rivers, occupying most of southern Zululand and comprised about one fifth of the total area of Zululand. It included both the Nkandla and Qhudeni forests and portions of the Mpungose and Biyela as well as the Ntuli, Chube, Mchunu, Sithole and Sibiya chiefdoms as well as the homestead of Dabulamanzi and his followers (Guy, 1979: 73).

According to Guy, in Zululand itself three of the appointed chiefs, Dunn, Hamu and Zibhebhu were self -seeking, individualistic and had direct contact with the colonial world. Zibhebhu and Hamu were leading members of the Zulu royal house. Dunn and

Zibhebhu were deeply involved in trading and labour recruiting. On the other hand the settlement excluded from positions of authority and undermined the power of many Zulu of great status and influence as representatives of the old Zulu order. In the conjunction of these elements lay the origins of the Zulu civil war (Guy, 1979 : 78).

According to the draft White Paper on Traditional Leadership and Governance, in the past the colonial and apartheid regimes tended to interfere with the succession of traditional leaders. They could choose a chief or headman and depose such persons as they deemed fit. The existing succession rules are in conflict with the principles contained in the Bill of Rights (Draft White Paper on Traditional Leadership and Governance, 2002: 40 ). The approach to succession to traditional leadership positions should be as follows:

- custom and customary law should generally be the basis for regulating succession.
- custom and customary law should adapt and transform to comply with the principle of equality in the Bill of Rights and the Constitution so as to allow those qualifying to succeed as traditional leaders in their own right.

Government must play a limited role in the designation of traditional leaders. It is firstly the prerogative of the royal family, acting in consultation with other members of the traditional council, to identify a traditional leader. Government's role should be to confirm that customary processes have been followed, and to issue a certificate of recognition to such a traditional leader to endorse and recognise such an appointment.

Traditional leaders at the turn of the 20<sup>th</sup> century were still haunted by the 1891 Natal

Code in terms of their appointments and removal. After the Union of South Africa, frequent and subsequent legislation dealt with the role of chiefs, most important being the 1927 Native Administration Act which did little to change this position.

Later the State President of the Republic of South Africa became the Supreme Chief to reflect the Republican status of South Africa. Even the KwaZulu legislation known as Zulu Chiefs and Headmen Act (8 of 1974) dealing with the functions of chiefs followed the central state's allocation of roles and duties. This Act stipulated the duties, powers, authorities and functions of chiefs and headmen.

Late in 1974 the then Chief Minister of KwaZulu made an effort to make chiefs more effective. He said they will preserve the traditional system of chieftainship in KwaZulu and re-affirm our constitutional relationship with the King and build their State with due regard to their cultural heritage and traditions adapted and fructified by the ideals of Western civilization and democracy and modern scientific principles (Buthelezi, 1974).

Buthelezi argued that the KwaZulu Legislative Assembly was not a mere transplant of Western democracy upon the Zulu nation, but a natural extension and development of traditional Zulu culture and government (Buthelezi, 1974).

On 22 December 1993 a new Constitution was passed by the South African Parliament in CapeTown. It was amended by Parliament on 3 March 1994 and again on 26 April 1994. It became effective on election day 27 April 1994. The constitution among other things, dealt with traditional indigenous authorities and leaders. It guaranteed the

continuance of traditional authorities observing a system of indigenous law.

Traditional leaders residing on land within the area of jurisdiction of an elected government were entitled to be ex- officio members of that local government. They were also eligible to be elected to any office of such local government. Each provincial legislature was empowered to establish a House of Traditional Leaders. Such structures consisted of representatives elected or nominated by the traditional authorities in the province where such authorities existed. The House of Traditional Leaders played an advisory role and made proposals to provincial legislature. This was with regard to matters relating to traditional authorities and indigenous law. The House of Traditional Leaders could not pass any Bill dealing with traditions and customs of traditional communities before comments and also before the National House of Traditional Leaders was established.

Though in relation to the above argument, in theory the chief ruled for life, in practice and under normal circumstances he ruled only as long as his people allowed it. Government had a legal obligation in that a despotic chief would usually be deposed long before the people needed to consider a rebellion (Minnaar, 1991:17). On 6 August 1976 Chief Gilbert Mbatha of the Mbatha clan in Mahlabathini was charged with misconduct and removed from office for killing and maltreating his people. A chief must be deposed at any time if he failed to perform his traditional duties or his people so wished irrespective of how long he had been in office.

The chief can be removed in several ways:

- by the people according to traditional procedures.
- by the traditional council
- by a House of Traditional Leaders- a body solely for the chiefs.

The first step in deposing the chief must involve bringing up deposition charges against him. He must be given ample time to answer charges (Jackson, 1968:87).

In theory, chiefs are observed as autocratic because of the vast powers they are wielding. But in a day to day administration and legislation, the chief rarely made policy. If the village had a social problem the chief would raise the issue with the inner council of elders for proposals and debate. He would normally remain silent during the course of the debates and would assess the various positions. If there was no unanimity, the issue would be discussed before the village assembly to gather majority opinion before he took further action. In this sense, the chief did not rule or dictate (Minnaar, 1991:14).

The chief's governing role was not autocratic but consultative, since his foremost concern was the preservation of his clan and the protection of the interest of all his tribesmen as individuals. He acted as an umpire to ensure fair play and equal justice for all (Jackson, 1968 : 88).

There are two factors that made it unthinkable for the chief to impose his will on his people or to act despotically. First, the chieftaincy as the repository of ancestral spirits, was sacred. The chief could not oppress his people and expect the blessing or co-operation of his ancestral spirits.



Second such dictatorial tendencies would bring shame to his lineage. A member of the founding lineage might be provoked to replace the chief who acted dictatorially. If these two checks and balances failed there were advisors who monitored public opinion and passed the information to the chief. If he continued with his despotic ways the council abandoned him.

It is imperative to note that the institution of chieftaincy remains in many parts of Africa today, but the roles and functions of chiefs have been changing. Thus chieftaincy is a dynamic and adaptive institution.

Mpumelelo Mkhabela wrote in the City Press newspaper of 5 October 2003 that, with the elections looming, the government is still debating formalizing the political status and authority of traditional leaders, who claim to be the voice of rural South Africa. It was now almost a decade into democracy and the place and role of traditional leadership in the new constitutional state is one of the most hotly contested and unresolved issues (Mkhabela,2003). The difference between the position of the government and that of traditional leaders lies in the tricky question of how should their powers be restored or should they be restored entirely?

Attempts to address this matter through the Traditional Leaders Framework Bill appear to be achieving nothing. Since discussions on the Bill were held in Parliament, there have been contradictory views and no agreement. The government was arguing that after a lengthy consultation process and after undertaking extensive research on the issue, it came to the conclusion that the Bill was going to address the concerns of

traditional leaders and the finalisation of draft legislation itself was a sign of progress. Traditional Leaders were not convinced. They want more powers. But beyond this tussle, chiefs are also at war among themselves over who is the rightful heir. There is also a debate about whether in the age of gender equality, women should also have the opportunity to become chiefs.

The Bill provides that the government may, through legislation, provide a role for traditional leaders in, among other things, arts and culture, land and agriculture, economic development and the dissemination of information on government policies. Other areas are health, welfare, and the registration of births and customary marriages.

We must however note that, these roles are not given. They are subject to government's directive. The administrative structure of traditional leadership will consist of a new district house of traditional leaders, with the provincial and national houses retained. A commission will be formed to settle the disputes and claims of traditional leaders. This commission will investigate disputes dating back to 1927 in order to close the embarrassing chapter of traditional leadership.

However, traditional leaders are demanding equal authority and power as councillors. They want their original powers as they were prior to colonialism. They argued that traditional institutions have the original powers to administer the affairs of all people living in traditional communities in line with their own governance system. They are saying that traditional councils must continue to exercise the powers and functions exercised by traditional institutions before colonialism. The power to administer land should not be

negotiable.

Traditional leaders also want constitutional amendments. They claim that the constitution has omitted to define the roles of traditional leadership and they feel that there is no other way they can get their powers back.

On 19 December 2003, Act No. 41 of 2003: Traditional Leadership and Governance Framework Amendment Act, was signed into law by the President. The Act provides for the recognition of traditional communities; provides for the establishment and recognition of traditional councils; provides a statutory framework for leadership positions within the institution of traditional leadership, the recognition of traditional leaders and the removal from office of traditional leaders, provides for houses of traditional leaders, provides for the functions and roles of traditional leaders, provides for dispute resolution and the establishment of the Commission on Traditional Leadership Dispute and Claims, to provide for a code of conduct, to provide for amendments to the Remuneration of Public Office Bearers Act, 1998 and to provide for matters connected therewith.

Premier Sbu Ndebele in his State of the Province address in Pietermaritzburg on 25 May 2004 said the institutional framework for governance in our province is not yet complete. The most glaring omission is that there is no legislative recognition of the role, status and powers of our Monarch. The government is committed to ensuring that the roles and status of the Monarch are finalized by the end of November 2004. According to Ndebele, this will be the first time since 1879 that His Majesty will be formally recognised, with defined powers and roles, by an institution of government in the province (Ndebele, 2003).

## **CURRENT DUTIES OF TRADITIONAL LEADERS**

In terms of the KwaZulu Amakhosi and Iziphakanyiswa Act No. 9 of 1990, the Inkosi enjoys the status, rights and privileges and is subject to the obligations and duties imposed upon his office by the recognized customs of his clan. He is entitled in the due fulfillment of the functions to the loyalty, respect, support and obedience of every resident of the area for which he has been appointed. He maintains law and order and reports to the Government, without delay, any matter of importance or concern, including any condition of unrest or dissatisfaction. He exercises within his area, in relation to any resident his powers of arrest, search and seizure conferred upon him in his capacity as a peace officer in terms of the provisions of the Criminal Procedure Act No. 51 of 1977. He has to ensure the protection of life, persons and property and the safety of bona fide travellers within his area and report forthwith to the magistrate of the district: -

- The death of any person from violence or other unnatural causes.
- The outbreak of any contagious or infectious disease.
- Any person or persons pretending to exercise witchcraft or divination.
- Any misuse of Government property.
- Any irregular receipt or use of public moneys.
- The holding of any unauthorized meeting, gathering or the distribution of undesirable literature in his area.
- The commission of any offence that does not fall within his area to be dealt with under his own jurisdiction.
- Disperse or order the dispersal of any assembly of armed persons or of any

riotous or unlawful meeting or gathering.

- Make known to the residents of his area the requirements of any new law.
- Ensure compliance with all laws and the orders and instructions of a competent authority.
- Prevent cruelty to animals.
- Detain and when so required by law, impound any livestock pastured illegally or found straying within or introduced unlawfully or under suspicious circumstances into his area and report the fact to the competent authority.
- Generally seek to promote the interest of his tribe or community and of the region and actively support and initiate measures for the advancement of his people (KwaZulu Amakhosi and Iziphakanyiswa Act No. 9 of 1990: 8 – 9).

## Chapter Three

### LITERATURE REVIEW

Chieftaincy was regarded as inhering more in the royal lineage than in any particular individual. The laws of succession were not regarded as sacred because if the heir was judged incapable or he was not liked by the family, he was bypassed in favor of an other member of the royal family. The rule of succession itself, instead of helping to resolve problems of conflict between potential heirs, tended to exacerbate them. In addition to that, Inkosi was expected to establish a great house which would be headed by the great wife. She could be married after the *inkosi's* ascension to power and her *lobolo* / bride wealth was paid by the contribution from the clan as a whole. She thus became the mother of the clan (Omer-Cooper, 1966 : 19 ).

A chief was succeeded as he usually still is, by the son of the great house and this was not the first married wife but the one married with the cattle from the clan and she was married when the chief was already married to two or three wives (Hunter, 1979 : 382).

The study of the unilateral kinship leads us directly to consider the structure of the clan itself, since the latter, according to recent anthropological definition, is also a unilateral group. To older anthropologists, such as Morgan and Bachofen, the clan was the primary unit, and the monogamous family a later product of evolution. Others have pointed out that the clan is in reality an outgrowth of the family and kinship group, an extension on one side of the family, matrilineal or patrilineal, which defines descent and succession (Richards, 1932 : 140 ).

Kinship is the most basic principle of organizing individuals into social groups, roles and categories. Some form of organization based on parentage and marriage is present in every human society. In modern industrial communities family structures have been weakened by the dominance of the market economy and the provision of state organized social services. However, the nuclear family household is still the fundamental institution responsible for rearing children and organizing consumption.

In non -industrial contexts, kinship units normally have a much wider array of functions. They often serve as basic units of production, political representation and even as religious bodies for the worship of spiritual beings, who are themselves considered members of the kin group.

According to Keesing, in tribal societies, a person's place in the scheme of things has been structured by the circumstances of birth (Keesing, 1981 : 212). A chief is a chief because he is born to it. It means that a chief succeeds automatically to his office by right of birth and a chief is never elected. Seniority is determined firstly by priority of birth. An eldest son is always senior to the second, who in turn is senior to the third son and so on (Schapera, 1994 : 53 - 54 ). Moreover, kinship ties serve as models or templates for relationships to non-relations and often to deities (Keesing, 1981 : 215). When a Zulu speaks about kinship, he is not speaking about the whole clan in the sense of a bounded group but he is speaking about those people who can be called on for help, for instance when there is a succession dispute, and their identity marker is *isibongo* / clan name, which can be used as a resource in making claims to status (Hammond-Tooke, 1991, 189).

Hammond-Tooke would however say that, not wider than the clan, kinship group among the Zulus was a fairly small grouping and usually termed *uzalo* / lineage. Most agnatic group members can link their genealogies to a wider genealogy of five to six generations back, but this wider genealogy had no reference to the group on the ground (Hammond - Tooke, 1991: 191).

The most frequent type of household in most urban areas is based upon the nuclear family composed of a man, his wife and their children. Relatives or dependants of either the man or woman may be present (Preston -Whyte, 1978: 56 ).

According to Vilakazi, Zulu kinship structures are marked by a grading into these categories of genealogical groupings which are of the utmost importance in the determination of the order in which the affairs of the group shall be managed and which describe the manner of relationships and behaviour patterns that must exist between members. The groups are:-

- The lineage (*umndeni*, *uzalo*, *isende* ).
- The kraal or homestead (*umuzi*).
- The house (*indlu*) ( Vilakazi, 1962 : 15 ).

As a distinguishable aspect of culture, kinship comprises phenomena such as marriage, the family and guardianship, and as the term indicates, has as its purpose the ordering of kinship relationships. Kinship is usually produced by marriage and determines membership of kin-groups. In addition, it may determine the choice of marriage partners, genealogical rank, succession and residence (Myburgh, 1981:85).



Many societies construct kinship groupings, roles, relationships by tracing descent exclusively through the male - patrilineal or female -matrilineal line. The resulting units are called unilineal descent groups. Zulu society is patrilineal or agnatic and Zulus trace descent exclusively through males from a founding male ancestor. The Zulu are divided into a number of exogamous clans, each of which is an association of dispersed agnatic lineages which are corporate groups of kinspeople who today trace common descent in a putative patrilineal line over six to nine generations. Thereafter there is a genealogical gap before clan founders are referred to. However this genealogical gap dates from the establishing of the Zulu kingdom in 1818-28, before that the people of the Zululand region were organized in small tribes whose nuclei were lineages with a genealogical framework of some twelve generations depth, since these nuclei were then localized groups (Radcliffe-Brown, Forde, 1950 : 169).

The lineages within the clan are usually residential units. Their segments are cores of villages and a number of segments living in one neighbourhood form a recognized group (*umndeni*) against other similar groups, in their own similar groups, in their own and other clans. The segments are placed in a genealogical structure. Members of a segment hold rights in each others herds and lands, consult on personal questions and arbitrate in quarrels between members. The *umndeni* exists even when its constituent villages are divided by political boundaries between provinces of nations or between nations. There are also rights and obligations between fellow clansmen. They have residual inheritance rights, they should be hospitable to and help one another, they may drink milk with each other, they may not marry each others sisters, they share a common clan - head and his ancestors and a sacred clan song (*ihubo lesizwe*) and common ritual and taboos

(Radcliffe - Brown, Forde, 1950 : 170).

Each exogamous clan obtains wives from other clans by giving cattle (*lobolo*) which transfer to the husbands and their agnates rights to all children of the wives, whoever are their genitors. A child is by right a member of his mother's husband's lineage and all his rights of inheritance lie in it. He has also certain rights and duties in his mother's lineage. He cannot marry in it and he can drink its milk, but he does not inherit in it or normally come under its ancestors. An illegitimate child, unless redeemed by his genitor with cattle, or by his or another's subsequent marriage to the mother belongs to his mother's agnatic lineages (Radcliffe-Brown, Forde, 1950 : 170).

Among the Zulu it is considered proper that when a chief or important man married the chief wife, the heads of all the subordinate social groups under him should contribute the marriage cattle. Her son is then a child of the group who gave the cattle and therefore should rightly succeed to the heirship.

The eldest son of the *indlunkulu*, to the exclusion of all others, succeeds to the property and status of the kraal head. Should he be dead, his eldest son will succeed. Failing such eldest son and all male lineal descendants through him, the second son of the *indlunkulu* succeeds and failing him his male lineal descendants in due order of seniority. Failing a third and all other sons of the *indlunkulu* and all male lineal descendants there, the succession will devolve upon the eldest son of the house first affiliated to the *indlunkulu*. Failing all heirs of this house the succession devolves upon the next affiliated house and so on according to the order of affiliation. Failing an heir in

the *indlunkulu* or affiliated houses recourse will be had to the chief house on the *Qadi* side/ second chief wife in a kraal, failing which, to the affiliate houses in order of their affiliation to the *qadi* house. Only in the event of a failure in all these houses will the succession devolve upon the eldest son of the chief *khohlwa* / (wife of the left hand side or second in the order of marriage) in succession (Krige, 1950 : 180).

In the event of a failure of heirs on *qadi* and *khohlwa* sides, the kraal head's eldest brother succeeds and thereafter, failing his male descendants, all his brothers in turn. On the failure of all brothers and their male descendants, succession goes to the paternal grandfather and so on till the male lines of the next of kin and collaterals are closed (Krige, 1950 : 181). The *umuzi* / kraal is representative of the kraals used by all Nguni groups. Polygamous marriages are common and the *umuzi* is constructed in such a way that it provides accommodation for multiple family units. The living quarters of the Zulu kraal are circular in lay out and huts are grouped around the cattle kraal.

Separate provision is made for each wife and her children, with additional huts for the older sons and daughters respectively, as well as a hut for visitors. The cattle kraal of the Zulu is built in the middle of the *umuzi*. The chief and his head wife live in the main hut, which is positioned in such a way that the life of the kraal as a whole can be controlled and coordinated from there. The divisions of the kraal symbolise the status of the women and their children and their right to property and inheritance (Stoffberg, 1995 : 58).

In traditional polygamous society the great wife is not necessarily a man's first wife. In the case of a chief, the great wife is chosen in consultation with the elders. Her first born son

is the successor and heir to his father and he is the important son in the *umuzi*, and similarly her first daughter / *umafungwase* is the important daughter. Should the great wife fail to produce a male heir, the first born son of second wife *iqadi* would be heir (Msimanga, 1975 : 354; Roger and De La Harpe, Leicth , Derwent, 1998 : 44).

Succession of chiefs, both as regards chiefdom and kraal property is regulated on the same principle as succession to the kraal property, except that the great wife of a chief is differently chosen. In the case of a commoner the wife first married is the chief wife and her house is the *indlunkulu*, while wives subsequently married rank according to the status publicly announced at the marriage. According to original custom, however, the women first married was not necessarily the chief wife and the husband could appoint a chief wife at later date, after he had married several wives. A woman of rank, such as the daughter of a chief, even if married last, would always supersede other wives (Krige, 1950 : 181). In addition to this, in cases where a son had sufficient cattle of his own to marry two wives at the same time, one by the cattle of his father and one by his own, the woman taken with cattle of the hereditary estate was the one of authority. In the case of a chief, the great wife is generally married later in life than the others and her *lobola* is made up wholly or in part by the clan (Krige, 1950 : 181).

However in relation to what I have mentioned above, a ground-breaking Cape High Court decision that ruled the African customary law of inheritance unconstitutional will be sent to the Constitutional Court for confirmation, by the Women's Legal Centre. According to Michelle O' Sullivan, they are advising clients who are African women and children other than the eldest male child and who are currently involved in the winding up of family

estates where there is no will, to delay the conclusion of the proceedings pending the Constitutional Court's decision. If it is confirmed, it will mean that women and girl children, illegitimate children, and children other than the eldest male can inherit from their parent's estates regardless of the nature of their parents relationship (The Witness, 2/10/2003). Like the Zulus, the Ndebele of Langa and in particular those of Mapela, have distinct rules to regulate chiefly succession. An important link in the chain of succession is the principal wife, she is the wife married by a chief with marriage cattle contributed by the chiefdom as a whole on a representative basis (Jackson, 1968 : 77).

One of the testing moments for traditionalists is the case which is in Limpopo Province. Chantelle Benjamin writes that the Valoyi clan in the year 2002 appointed Phillia Shilubane (who was an ANC MP at that time) to be their chief. Her appointment has been challenged by her uncle in the Pretoria High Court. He is arguing on the basis that according to Tsonga / Shangaan custom a woman is not allowed to be appointed chief of the clan. On the other hand, Phillia has insisted on becoming the chief because her father the late Chief Foloza Nwamitwa wanted his first born daughter to succeed him. Phillia is saying her father was not worried when his first wife gave birth to a daughter and he waited for seven years to take a second wife who also had daughters. In order to avoid a similar conflict in the future, two years ago, Phillia took a candle wife who will bear the future heir. In terms of the Valoyi custom, if the principal wife does not have a son or cannot have children, her younger sister, known as candle wife may be selected to bear a successor. In fact this is the common practice amongst most of the Southern African clans and this is evident in the Hlongwane dispute which will be appearing later in the dissertation. This practice has created a bloody debate among many clans in the province

who have practiced this custom (Sunday Times, 14 August 2004 ).

The principal wife is the highest-ranking wife of a chief. It is her function and duty to give birth to the future chief. The chieftainship as a whole has a special interest in her because members contributed towards her marriage cattle. Through her, they also have a stake in the chiefly succession because her son is the child of their cattle. Therefore the succession of the son of a different wife of the chief will normally not be tolerated if the principal wife has a suitable son (Jackson, 1968 : 77 ). The principal wife may be married either before or after her husband actually succeeds to the chieftainship.

The chieftainship is hereditary in the male line, passing from father to son and women never succeed but are only acting as regents. This practice has prevented many succession disputes, because many male regents would not want to vacate the position once the heir has reached his majority. This happened commonly when the regent was the close relative of the late chief (Schapera, 1994 : 53).

During the minority of a chief it is traditionally the council of chiefly relatives which decides who shall rule and the matter is put to a tribal gathering / *imbizo* for the consent of the people. As the tribal history has it, the candidate is never one who himself could legitimately lay claim to the chieftainship, for this would obviously cause trouble when the young chief came of age. The regent must either be a prominent commoner or a member of the royal family of the next ascending generation to that of the legitimate chief. Such a choice is justified in the Zulu aphorism that the chieftainship never looks back, a confirmation of the chiefly function as a continuation of the corporate unity of the tribe in

time. While, however the regent cannot legitimately lay claim to the chieftainship, he is almost invariably difficult to dismiss when his services are no longer wanted (Reader, 1966 : 257).

The eldest son of the principal wife should succeed to the chieftainship. However, a number of circumstances may appear when the ruling chief dies which makes it impossible to follow this rule. The principal wife may be barren or have daughters only. She may die without sons, or the ruling chief may for one reason or another fail to marry a principal wife. The Zulu rulers seem to have remedies for all these possibilities.

If the eldest son of the principal wife is still too young to succeed when the chief dies or is dismissed, the late or dismissed chief is succeeded by his brother who is next in seniority or his half-brother who is next in rank. This person is then regent during the minority of the heir. Such was the case of the Mbatha clan in Mahlabathini. Inkosi Gilbert Bizo Mbatha was dismissed and his last day of service was 29 June 1977 (N1/1/3 (23) 2 an Archives material).

The *umndeni* was consulted regarding the appointment of an acting Inkosi and Mathandelani Khowabona Mbatha was nominated to act for Gilbert's heir, Sizwe who was five years of age at time. Mathandelane a younger brother of Chief Gilbert Mbatha was twenty seven years old. His appointment was recommended by the magistrate ( N1/1/3 (23) 2).

It is permissible also among the Zulus that, if the chief dies while the principal wife is still

young but before she has sons, the brother or half brother of the chief who is next in line of succession should enter into a levirate relationship in the capacity of regent for the unborn son of the principal wife, who is to be fathered by him, Inkosi Muzikawuthandwa of the Ndlovu clan in Maphumulo district died on 16 July 1980 survived by his three wives and seven children. MaMaHlaba, his principal wife, bore him one son, Lakeni. After Inkosi's death MaMaHlaba was *ngenad* by his younger brother Swelindawo This resulted in MaMahlaba having a second son, named Menzi. Swelindawo refused to take responsibility for Menzi and MaMahlaba was then *ngenad* by Magayisa the youngest brother of the late Inkosi. Magayisa became the father of Menzi. Tragically when Lakeni was old enough to take his father's position he died thus leaving Menzi as heir apparent. At the *umndeni* meeting on 15 May 1997, Magayisa was was nominated to act during Menzi's minority (N1/1/3 (11) 6).

It may become apparent that the principal wife is unable to produce a son. In such an event her younger sister or another female relative will be attached to her household to produce an heir on her behalf. Among Zulus, the widow, if still of child-bearing age, is taken by the next male relative of her husband. Any children born of this union are regarded as children of the original husband. This is the custom of *ukungena* (Hoernle, 1985 : 76).

If the chief dies before a principal wife has been married, his brother or half brother who is in line of succession, succeeds and marries a principal wife on his behalf. This brother is in the position of regent for the unborn son that he must beget on behalf of his late brother.



Although a chief is born a chief, his position is determined socially by the fact that he is the eldest son of the principal wife and biological paternity may play a part in deciding whether or not he will succeed. This is evident from the formal procedure that is followed when a new chief has to be appointed. The Zulu clansmen meet to discuss the matter and the Zulu clanswomen gather just out of earshot of men. The latter know pretty well who is the biological father of whom, and if the men deem it necessary they call the women in and consult them about the biological paternity of a candidate. If it becomes evident that he was fathered by the wrong man he may be turned out, which could almost certainly give rise to a dispute, or the fact could be used against him by an opposing faction (Jackson, 1968 : 80).

The levirate and sororate unions in connection with the principal wife are a common feature of the marriage customs of the Zulu people, as they are of many Nguni - speaking chiefdoms. The custom of raising up the seed to dead men to give them posterity is also common and is found with the levirate custom as far as the Nuer (Fortes, Evans-Pritchard, 1970 : 9 ). Among the Nuer, however, such marriage may be contracted for deceased maternal relatives, which is not the case with the Zulu tribe.

One can also draw a similarity between the Bavenda and practices of the Zulus.

Among the Bavenda as it is with the Zulus, the right of chieftainship is based on heredity, the position descending from father to son subject to certain qualifications. But among the BaVenda, the chief may obtain wives from anywhere he chooses, not being restricted to women of his own tribe, but the mother of the heir must always be a member of his own royal family ( Stayt, 1931 : 196).

Among the BaVenda when the succession is disputed it is the duty of the *makhadzi*, a father's sister, she is his eldest full sister and a very important personage in family affairs and *khotsimunene*, a father's young brother or anyone whom the father calls younger brother to try to come to a mutual agreement that will be satisfactory to all concerned, relationships are traced and every possible factor considered, but in the event of a deadlock ensuing the *makhadzi* has the final word. There are many possible complications preventing peaceful succession: possibly one of the chief's officials commits adultery with the royal wife who is to bear the next heir and the chief may disgrace this woman and refuse to acknowledge the legitimacy of her offspring. Possibly the heir commits incest with one of his father's wives, which in the olden days was punishable by death or banishment. In such cases, after the death of the chief, agreement becomes difficult, and before the lawful heir is proclaimed an ambitious brother may endeavour to usurp his rights, gaining the support of some of the headmen with promises of rewards and high offices ( Stayt, 1931 : 209).

Occasionally the chief may take a violent dislike to the heir and on his death - bed appoint another to succeed him. Inkosi Kwazikwakhe Shange of the Shange clan in Eshowe passed away on 24 April 1995. He is survived by five wives namely MaSikhakhane(*Indlunkulu*), MaLushozi, MaNtuli, MaMyeza and MaMhlongo and twelve children, Vela being the eldest son in the family. At the family (*umndeni*) meeting held on 20 October 1995 Vela Thandamuphi Shange the eldest son of the late Inkosi Kwazikwakhe Shange born to him by his first wife - MaSikhakhane was nominated and accepted as the rightful heir and a successor to the Shange chieftainship.

While arrangements were being made for his appointment, an objection through Mzuphi's attorneys was launched. Mzuphi is the eldest son of the fourth wife MaMyeza. He was objecting via allegations that his mother's *lobolo* was paid by the tribe therefore he should be appointed as Inkosi. He further stated that it is a fact that in 1985 his father, who was sick and was admitted to hospital called him and informed him that his mother, MaMyeza, was *lobolad* by the Shange tribe and further explained what that meant. Again in 1991 when his father's illness became serious, his father called him and informed him that he was to become the next Inkosi in the event of his death. These claims by Mzuphi were refuted by the family on the basis that the Shange tribe has never paid *lobolo* for any Inkosi and it is not their custom (N1/1/3 (9) 3) . In such cases, unless the heir has disgraced himself, the dying man's wishes are entirely disregarded.

If the royal wife bears only a female child, this daughter is in theory the legal heir e.g Shabalala (Madadeni), but she is not permitted to reign (N1/1/3 (44) 3). This situation is liable to lead to disruption as the chief's brothers may consider that some other son would suit their purpose better. In the Zulu culture , the identity of the heir is kept a close secret.

When the principal wife becomes pregnant she is sent away to her mother, and the chief will often pretend to neglect her, leaving her for years under the care of her mother or another chief. The heir meanwhile grows up among his brothers and sisters as one of them, although he is secretly protected by one or two trustworthy elders. He may have a shrewd idea that he is the legal heir, but he cannot be certain until his actual installation. When the time comes for this ceremony, a meeting is held around the royal hut, attended by all the late chief's brother's brothers and sisters. Here the identity of the new chief is secretly disclosed to them. It is where some members of his family will dispute his

nomination.

It is quite clear from the history of the Zulus that the rightful heir in terms of the rules of succession did not always succeed. The chiefly succession was sometimes hotly contested, which is still the case at the present time.

Each contestant has a personal following and emerges as the leader of a faction. These factions tend to persist long after the contest has been settled. The unsuccessful faction may remain in the chiefdom as a dissatisfied minority (Jackson, 1968 : 82). We must note that this was a risky thing to do in the past, because successful candidates tended to be quite ruthless about eliminating opposition. But they could remain safely if they gave no sign whatever of their opposition. The unsuccessful faction could, in the past, leave the chiefdom and seek sanctuary with, or even the military support of another chiefdom (Jackson, 1968: 82).

This option no longer exists to the same degree because there is no land available . The unsuccessful faction could also depart and establish a separate chiefdom if it was large and powerful enough, for instance Mzilikazi Khumalo left Zululand following his total disagreement with Shaka.

This is the way in which most new chiefdoms came into existence in the past. But this option has also fallen away due, on the one hand, to a lack of open land in which to settle and on the other, the tight control of the twentieth century.

The faction leaders, who are the contestants for the chieftainship, are invariably the rightful heir and someone who is very close in the line of succession (Jackson, 1968 : 82). The latter is usually the son of the household that ranks immediately after that of the rightful heir. Uterine brothers usually stand together.

However there are instances where sons of one woman seriously challenged one another over the succession e.g. among the Madzikane clan of Hlanganani, Inkosi Gwamazulu Zulu of the Madzikane clan passed away on 22 May 1986. On 5 December 1986 the members of the family (*umndeni*) approached the magistrate with the request that one Dlatipi Zulu be appointed Inkosi of the tribe. He was the younger brother of the late Inkosi. The members of the family (*umndeni*) stated to the magistrate that the late chief was married according to Christian rite and had no children. They stated further that because of their religion, it was not possible to raise his house (*vusa*) by any means of any known custom like *ukuvusa* or *ukungena*.

In these circumstances the family and the Magistrate recommended that the line of succession be directed to the house of Dlatipi, who was now the general heir of the Madzikane tribe. Inkosi Dlatipi Zulu was appointed Inkosi and assumed duties on 1 August 1987. He passed away on 6 April 2000 after a long period of illness. He is survived by his two wives, MaMncwabe (*Indlunkulu*), MaSosibo and four children. His *Indlunkulu* bore him two sons, his second son is contesting the chieftainship claiming that he was affiliated by his late father into the house of Gwamazulu who had no issue thus assuming the status of the general heir. His claim has created great animosity between him and his eldest brother who also claims the chieftainship on the

basis of being the first born son of the late Inkosi. The family is now divided on the matter and while there are supporters of the younger son, the majority of the family members support the eldest son thus limiting chances of the second son of becoming an Inkosi (N1/1/3 (3) 7).

Disputed succession was a common source of conflict throughout the history of Zulu kingdom. Rivalry between sons of chiefs was widespread especially if a chief died without formally indicating which son was to be heir. Often factions supporting rival claimants tried to enforce their choice by resorting to armed attacks. What happened within the Zulu Royal House during the mid-1850's was symptomatic of many of many of the tribes and clans within Zululand and Natal.

Mpande in not formally recognizing his eldest son Cetshwayo as his heir created tensions within Zulu society. By showing favour to a younger son, Mbuyazi, Mpande sowed the seeds for later confrontation between the various factions supporting the claimants to the Zulu throne. Thus during the years 1856 to 1861 there was much unrest and discontent owing to the uncertainty about the future heir and this resulted in Cetshwayo asserting his rights by eliminating rival claimants among his brothers. Cetshwayo's succession disputes considerably weakened the Zulu state, embedding tensions within Zulu society which came to the fore during the later civil war (Minnaar, 1991: 6-7).

Shepstone had originally intended to place White superintendents in control of the various reserves, but financial stringency forced him to revive the tribal system and appoint chiefs to assist him in administering the African population. As a result of the

disruption of the tribes in Natal, Shepstone had also found that a large number of the Africans were without hereditary chiefs. Accordingly he had temporarily attached fragments of tribes and other scattered groups to the most important chiefs in different reserves. But this did not work satisfactorily since it was found that chiefs discriminated against those who were not original members of their tribes. Shepstone then appointed commoners as chiefs. The 1881/82 Natal Native Commission had found that of 173 chiefs or headmen in Natal, 46 were created or appointed as chiefs while 28 were appointed as headmen, who were in charge of portions of tribes or collections of remnants of tribe and were considered to be practically the same as appointed chiefs.

Much of these new chiefs legitimacy was based on Shepstone's policy of indirect rule and not on hereditary claims. Hence the position of appointed chief was undermined on numerous occasions by individuals who curried favour with white officials or stirred up trouble for these chiefs. Any signs of opposition were often used by the Magistrate as an excuse for deposing chiefs and appointing court *indunas* or interpreters as a means of rewarding them for years of loyal service. At the same time the appointment of this type of chief made them more amenable to control by the Government (Minnaar, 1991 : 13). The use of chiefs in the administration of reserves had become necessary because of the small number of civil servants available. By 1871 the African population in Natal had reached 300 000 and the total number of Magistrates was only eleven. For the latter to exercise effective control they had to make use of the chiefs while at the same they had to give them power to be effective (Minnaar, 1991 : 13-14).

The resurrection of the tribal system by Shepstone also entailed the acceptance of Native

Law for use in the reserves. Accordingly a chief held all the land in trust for the tribe and the right of the individual to settle on land was permissive up to 1851 when the first Magistrates were appointed. Shepstone had relied almost entirely on the chiefs in controlling their tribes (Minnaar, 1991 : 40 ). This gave the chiefs considerable power, which was in turn upheld and strengthened by Shepstone's open support for chiefs. The chiefs had total jurisdiction and control of all tribal matters and could apply punishment for any offences against tribal law. The direct result of the appointment of Magistrates was the gradual weakening of the judicial power of the chiefs. By 1875 most cases of serious crime were tried by the colonial courts. However, customary law and the judicial powers of chiefs were still recognized in the reserves in cases involving Africans and in civil cases between blacks. Criminal cases involving Africans outside the reserves were heard under Roman-Dutch Law. Even after Magistrates were appointed, up to 1882 the chiefs had more power in their locations than the Magistrates ( Minnaar, 1991 : 14).

I think it is very important for us to find a solution to this problem of chiefly succession, hence I did not only look at Zulus but I have looked at other clans who have experienced these succession disputes and how they have succeeded in dealing with disputes and what we can learn from them. For instance, in the Basuthu system the heir was defined very early, though the choice was subject to confirmation by the lineage council after his father's death. The succession was defined beyond the immediate heir, as far as his son or even his grandson, and when the heir succeeded to his father's office, his own heir was already defined. Trouble over succession was very rare, but when it did happen the causes were the attempt of the late chief to alter the succession in favour of a son other than the rightful heir. The heir should be the eldest son of the first married wife and this



process is not complicated by the existence of the great wife and her affiliates as it is the case with the Zulu system (Jones, 1966 : 60 -61).

## Chapter Four

### **Ukufakwa / to be placed within the house of MaGwilika the first married wife (Guzu) versus the Great wife ( MaMadlala) : The case of heirship dispute among the Celes of Phungashe**

- **History of the Celes**

The area that is ruled by the Celes is made up of ten wards and each ward is run by an *induna*. These wards are, Nhlalwane, Mfulakazi, Mfomfo, Manyonga, Mahlabathini, Johnsdale, Phongolo, Gumatame, Nguza and Ngcengezi. Leaders of these wards form part of the Cele Traditional Authority. This Traditional Authority is headed by the Inkosi. They will assist the *Inkosi* in governing the clan, hear and assist the *Inkosi* when he tries cases. They will allocate land to people in their wards on behalf of the *Inkosi*. As is common among Zulu clans, these *Indunas* are men, as women are not allowed to serve as headmen. It is a common belief among Zulu clans, that land matters are solely handled by men and not only that even issues of Chieftainship are discussed by men.

As an ethnologist, I sometimes invite members of the family to discuss issues pertaining to Chieftainship, like the updating of the genealogy and to find out about the status of each Inkosi's wife if that particular Inkosi has more than one wife. Such meetings are only attended by men and when I ask why women are not present, men will tell me that women do not attend their meetings, I could

sometimes insist that women should be called in, as they are ones who provide us with information when updating genealogy. Then women will be called in and they will sit at the far back and some will not even talk as they *hlonipha* (respect) their husbands. They could not call their husband's fathers by name, fearing to be fined for being disrespectful. However these women provide the most valuable information and men will even thank them for their help. Among the Zulus, the choice of which son was to succeed lay in the hands of a council consisting of members of the chiefly lineage that meet on the death of Inkosi. We must note that this council is a males only council (Jones, 1966 : 59). Therefore the Cele politics has been largely dominated by males as we shall see in this research.

Mr Ndoda Mkhwanazi my informant is a well known man in Nhlabwane. Nhlabwane is one of the many wards which are under the Cele clan of Phungashe. He was born and grew up in the area seventy two years ago. As a youngman, he worked at the Bluff in Durban for about twenty years before returning to Nhlabwane Reserve. In 1980 he was asked by Inkosi Phumokwakhe Cele to join his traditional council as an *induna* (headman). After four years of serving as a junior headman, he was promoted to the level of a senior *induna* (headman). A senior induna is a person who acts as *inkosi* in the absence of the inkosi and he will temporarily administer the affairs of the tribe. Ndoda acted on numerous occasions in the absence of inkosi.

Mr Ndoda Mkhwanazi is a polygamist who has three wives and each of his wives

has her own kraal. He has a total number of twenty two children and almost thirty grandchildren and great grand children and all his children are still alive. Mr Ndoda Mkhwanazi is an *imbongi* or wisdom keeper. He is also an *isibonda*, an *isibonda* is a person who is respected by his community and has knowledge of what is happening at the traditional court and has the knowledge of the history of the clan.

According to Ndoda Mkhwanazi, the Celes were a large clan divided into several sections each bearing its own cognomen, as for instance, the emaDimeni or Shangases, emNdlanzini. However, in 1811 during Dingiswayo Mthethwa's years, all were still united under the common *Inkosi*, Dibandlela, son of Mkokeleli. From the Nonoti their land extended southward along the coast as far as the Tongati river.

Inkosi Dibandlela, like Mpande, had the misfortune to behold his sons contending over succession while he himself was still amongst them. This was one of the unavoidable results of the Zulu system of succession by which a younger son, usually an infant, generally became heir to the position, wealth and power of the chieftainship, while the eldest son of the family sank to the rank almost of a commoner in the clan. Zulus have distinct rules to regulate *Ubukhosi* (chiefly) succession. An important link in the chain of succession is the principal wife. She is married by Inkosi with marriage cattle contributed by the clan as whole on a representative basis ( Jackson, 1968 : 77 ). In terms of the Kwa-Zulu Act on the code of Zulu Law No. 16 of 1985, chapter 10 section 81, upon the death of a family

head who contracted a customary marriage and whose family home has been divided into sections, succession will be through males only in accordance with the following table:

- The eldest son of the *indlunkulu* or if he be dead such eldest son's senior male descendant.
- Failing such eldest son or any male descendant through him, the second son of the *Indlunkulu*, or if he be dead his senior male descendant and so on through the sons of the *indlunkulu* and their male descendants in due order of seniority.

The *indlunkulu* is the highest ranking wife of *Inkosi*. It is her function and duty to give birth to the heir and the future *Inkosi*. The entire clan has a special interest in her because they have contributed towards her marriage. Through her, they also have a stake in the chiefly succession because her son is the child of their cattle. It is not surprising sometimes to find the clan fully involved in succession disputes as they will not tolerate the succession to the throne of a son of the different wife if the principal wife has a suitable son (Jackson, 1968 : 77).

So in regard to the Celes, Magaye was constitutionally appointed tribal heir, but Mande was the elder half - brother. Mande and Magaye therefore fought over heirship. King Shaka played a major role in diffusing the conflict after the death of Inkosi Dibandlela. On one occasion King Shaka was away from home and hungry. He sent his messengers, first of all to Mande, demanding not solely his prompt submission, not even to Magaye but to himself, and further asked him to present

selected cows to him that he may with his army eat and gain strength, if need be, to fight. Instead, Mande pointed to a bony dog and addressed the messengers, saying that was their food and they must take it and go. Having taken due notice of this audacious insult, the Zulu messengers proceeded to Magaye and repeated the same demand. Clever enough to learn from past mistakes, Magaye entertained the royal emissaries with quite sumptuous hospitality and readily responded to their every demand after which they went home to report. Soon afterwards the hungry King Shaka arrived and was met by Magaye and his army with such a lavish supply of prime beef. On the other hand Mande fearing for his own life fled and left behind his herds of fine cattle in the enemy's hands as the price of his audacity. This sudden fall from the princely state to one of abject destitution did not at first prove by any means an intolerable fate to the unhappy Mande. Indeed, the fleshpots were kept more abundantly supplied than they had ever been before.

Mande's stay in the bush for two years proved eminently endurable, thanks to the herds of Magaye and his people so conveniently grazing just beyond the Tongati river and from which Mande liberally helped himself. And when Mande was faced with real famine he then requested his mortal foe Magaye to plead with King Shaka on his behalf and this Magaye generously did, and in response King Shaka willingly consented that the offending brother, should now be permitted to come out and re-occupy his former place ( Bryant, 1964 : 86 ).

After one of his returns from the bush and having securely re-established himself

on the open veld, then suddenly King Shaka's messengers reappeared in force and their mission was to kill Mande, "a dog". After his death, his people became the subject of Magaye.

Thus Magaye found favour in Shaka's sight and continued to do so until King Shaka died. The removal of King Shaka brought salvation to so many, but to Magaye it was destruction. Magaye was killed and his son Mkhonto was given a chance to rule for two years and was later killed in the year 1831. Magaye was killed because he was a friend of King Shaka. It was common that a person who has acquired a throne through force kill the friends of his enemy hence Magaye was killed by Dingane. As a result, many Celes fled from their home area and some members of the Cele clan joined the Zulu army and others were employed on the Bluff (Bryant, 1964 : 87).

Like King Shaka, Dingane wanted to keep his army active, therefore he sent his army to punish Ncaphayi, the Bhaca chief who lived over the Mzimkhulu river because of his refusal to pay tribute to him. In that army there were many Celes who had joined the Zulus. The Celes fearing that they might be attacked, fled without further delay to the area beyond the Mzimkhulu. The Celes who were part of that group originally belonged to the Mande section and they re-established themselves under Mande's son, Xabashe. After spending a few years beyond the Mzimkhulu, the major section of the Celes returned homeward and they settled at Mahlongwa river south of the Mkomazi river and they still

occupy that area today. Umkomazi is about 55 kilometres south of the city of Durban.

In 1836, Magaye's son Magidigidi who was their chief at that time, heard about their whereabouts and he left the Zulu army to join his people at that place. More than twenty years later he moved away with a large portion of his people and re-settled them in their former land over the Mzimkhulu and those that remained behind at Mahlongwa were placed under Mtungwana, a brother of Magaye. Mande's faction after their return from hiding settled at Umlazi - in those days a rural area and they are still occupying that area even today and it is called *Engonyameni*. This section of my dissertation focuses mainly on that section of Celes which were under Mande and subsequently his son Xabashe and later on Bhekameva. This group of Celes are found at Phungashe Magisterial area at Umzumbe in Ixopo district. Inkosi Xabashe died on 9 June 1896 and his son Bhekameva was appointed Inkosi of the clan on 24 August 1896. After long service Inkosi Bhekameva died on 19 September 1915 and an acting inkosi by the name of Sizibane was appointed in the place of Kufakwakhe, who after a car accident was incapacitated, and held this position until June 1951. Kufakwakhe nominated his son Phumokwakhe and his appointment was confirmed on 25 October 1951.

- **THE ORIGIN OF THE CELE SUCCESSION DISPUTE**

On 25 January 1993 Inkosi Phumokwakhe Cele retired as the Inkosi of the clan due



to old age and ill health. Prior to his retirement, Phumokwakhe had nominated his seventh wife MaMadlala to act as regent on behalf of her son, Matshezulu who was still a minor at the time. MaMadlala's lobolo was provided for by the clan, therefore she became the *Indlunkulu* (senior wife) and she was also the daughter of Inkosi Madlala of the Madlala clan. The principal wife may be married late after *inkosi* has married several wives or she can be married early after her husband actually succeeds to the chieftainship. We must note that, among Celes like many Zulu clans, *Indlunkulu* is not the first married wife, but the wife whose lobolo has been contributed by the clan and is married usually when the chief already has two or three wives. Once she has been married she cannot be put aside, however there are instances where another wife could find favour because of her skill of cooking and her husband might enjoy her food more than other wives cooking (Hunter, 1979 : 382). In terms of their custom, her eldest son was the general heir and successor to *ubukhosi*.

Mysteriously, Matshezulu who was the heir passed in January 2002 when he was sixteen years old. On 7 May 2002 MaMadlala also passed away. The Inkosi was living with MaMadlala at her kraal, whilst his other wives were at different kraals. After the death of MaMadlala, the Inkosi nominated Bathebuya, who is the second son of MaMadlala to be Inkosi. He is now 18 years old.

As a result of Inkosi Phumokwakhe's actions there has been conflict between him and his first son from his first married wife MaNzama. The name of his first son is

Guzu. The conflict is over succession. As I have stated earlier, that in terms of Zulu customs, the status of the heir of the hereditary chief in charge of a tribe is not declared until after the assumption by the chief of his chief wife who is usually taken later in life than the first and second wives. The lobolo of the chief wife usually is contributed wholly or in part by the tribe and her status is publicly announced. In the event of a hereditary chief who is the husband of several wives dying without having taken his chief wife, it is the duty of the elders of the clan to assemble and confer the status upon the widows, appointing the chief wife and determining the *ikhohlwa*, the *iqadi* and junior houses or in other customary and lawful manner fixing the rank of each house.

According to Mr Ndoda Mkhwanazi, the first son of the first married wife of Inkosi Phumokwakhe is arguing on the basis that Inkosi Bhekameva married MaNgcobo as his chief wife. Unfortunately, Bhekameva and MaNgcobo had no male issue and his family requested his wife MaNgcobo to choose a child from amongst the wives of Bhekameva and place him in her house, a custom in Zulu known as *ukuvusa indlu*. MaNgcobo appointed Kufakwakhe who led the clan until he was involved in a car accident and incapacitated. Kufakwakhe then appointed his brother Mhlanganyelwa to act on behalf of Vuthiwe his only son by his first married wife MaGwilika, whose whereabouts were not known at that time.

Mr Mkhwanazi further claimed that Mhlanganyelwa failed to perform his duties as Inkosi Kufakwakhe then nominated Guzu and placed him in the house of MaGwilika

and also appointed Phumokwakhe to act during the minority of Guzu and as result, Guzu, was sent to Bhekuzulu Royal School in Nongoma in 1974. The school was established by the Native Affairs Department and was named after King Bhekuzulu the father of the current King. The school was meant to provide training to the sons of chiefs of KwaZulu. This training included administration skills and financial management. However, when the KwaZulu Government took over the school in 1976 it became a public school and commoners' children were allowed to attend.

#### • **THE EVALUATION OF THE CELE SUCCESSION DISPUTE**

The Cele chieftainship is being disputed by a faction supporting the house of MaGwilika and another faction supporting the house of MaMadlala. As stated earlier that *Indlunkulu* MaMadlala acted on behalf of her son whilst the Inkosi was still alive. Matshezulu, heir and successor of Phumokwakhe died before his father. When Matshezulu died, recourse was had to MaMadlala to act now for the second son Bathebuya who was still young. Bathebuya is now the heir and successor of the late Inkosi Phumokwakhe. In terms of the Cele custom, wives take their order of status from their chronological order of marriage, however in the case where an Inkosi has married a daughter of another Inkosi, that daughter will assume the status of the senior wife and her son will be the heir to the chieftainship.

In this case, for an heir and successor, recourse was then had to Bathebuya by the seventh married wife MaMadlala, whom by virtue of her status, as she was the

daughter of Inkosi, had assumed the status of the senior wife. Guzu is now claiming *ubukhosi* (chiefship) on the basis that *Inkosi* Bhekameva married MaNgcobo as his senior wife and Bhekameva died without a male issue from MaNgcobo.

The family met and requested MaNgcobo to choose a child amongst the wives of Bhekameva and place him in her house, a custom in Zulu known as *ukuvusa indlu* or reviving the house. MaNgcobo therefore appointed Kufakwakhe who was the son of MaMthembu. Kufakwakhe ruled the clan from 1918 to 1929 when he was involved in an accident which left him incapacitated. He then appointed his brother Mhlanganyelwa to act on behalf of Vuthiwe his son by his first wife MaGwilika. Vuthiwe had absconded to Johannesburg and his whereabouts were not known at that time. It is alleged that Mhlanganyelwa failed to perform his duties as Inkosi and in his stead Kufakwakhe nominated Guzu and placed him in the house of MaGwilika and also appointed Phumokwakhe to act during the minority of Guzu. It is also claimed that Kufakwakhe sent Guzu to the Bhekuzulu School in Nongoma, which was known for providing training to sons of Amakhosi who will later become Amakhosi.

However this claim has been refuted by those clan members who nominated MaMadlala to act for her son and her appointment was also approved by the KwaZulu - Natal Cabinet per resolution no. 84 of 1996. Ever since MaMadlala was appointed, Guzu has declared himself an *Inkosi* and appointed his own *Indunas*

who are disregarding those appointed by the *Inkosi* Phumokwakhe. They illegally allocate sites to people without the knowledge of the legitimate traditional council (N1/1/3 (19) 9).

Mrs Bajabhile Rose Jwara who is also one of my informants is sixty eight years old and was married to Ndabayakhe Jwara who passed away on 27 May 2001. Originally, Mrs Jwara came from Lusisiki in the Eastern Cape. She arrived at Ngcengezi, which is one of the wards belonging to the Cele clan, as a young woman in the early 1940s to marry her late husband Ndabayakhe Jwara. Though Ndabayakhe was not an *induna* at that time, his father was an *induna* and Ndabayakhe succeeded his father. Ndabayakhe became an *induna* in 1977 and retired in 1999 due to ill health and old age. He was replaced by his eldest son Jojo Jwara.

Bajabhile says that the participation of women in traditional leadership and institutions is limited to acting on behalf of their children, when they are heirs to the throne. They are not welcomed in the direct running of the clan; for instance, no woman is a councillor or *induna* and these positions are limited only to men. Women will only serve as tribal clerks. Therefore, men will make decisions affecting women in their absence. According to her, issues of succession must involve all wives of Inkosi irrespective of their rankings as this will eliminate what is happening at kwaCele.

Bajabhile, as an Mpondo herself, finds the succession systems of the Zulus similar to theirs in all respects. According to her, a chief or *induna* was succeeded as he usually still is, by the son of his principal wife. The principal wife is not the first married wife but the one who is married from the cattle provided or contributed by the clan and usually married when the Inkosi already has two or three wives. When Inkosi wants to marry his principal wife, he will say to his council *A Nanku unyoko wenu uMampondo !* (There is your mother, Mother Pondo). Then the councillors talk about it and cattle are given by all the men of the clan and usually she is the daughter of another Inkosi. As it has happened among the Celes when MaMadlala was married to Inkosi Phumokwakhe. She was the seventh wife and a daughter of the neighbouring *Inkosi* Madlala. Her cattle were provided by the clan, Bajabhile remembers very well because her husband was part of the process and was present when the decision was taken (Hunter, 1979 : 382).

According to Mrs Jwara, MaMadlala is the principal wife and she cannot be easily put aside, but she remembers one case which happened in the Pondoland, where the principal wife was supplanted by another who found favour with the chief by her skill in cooking.

Bajabhile said that if the principal wife has no son of her own, she may choose a son of any of the chief's other wives and adopt him as his own and Guzu is arguing on that basis that he was placed in the house of MaGwilika by Kufakwakhe after the latter was involved in an accident and his father Phumokwakhe, was to act for

him during his minority.

However, according to Bajabhile, Inkosi Phumokwakhe was not acting for his son Guzu but he was nominated by Kufakwakhe because his eldest son Vuthiwe had absconded to Johannesburg and his whereabouts are not known even today. Thus the line of succession changed to MaNgwabi, an *indlunkulu* affiliate. As a result her eldest son Phumokwakhe was appointed Inkosi, therefore Guzu cannot dispute his father's appointment as he has no claim, that is according to Bajabhile ( N1/1/3 (19)9.

Bajabhile went on to say, if Inkosi Kufakwakhe had died without having married a principal wife or having no son of his own, the heir to chieftainship would have been chosen by members of his family and his councillors.

According to her, the house of the first married wife ranks next to the mother of the heir and is called *ikhohlo*. A son from that house cannot claim chieftainship unless if the *indlunkulu* and *iqadi* and their affiliates have no sons, then the *ikhohlwa* can be considered. For Bajabhile, the Inkosi is born not made. It is common knowledge that the eldest son of the principal wife is the rightful heir to the chieftainship, no matter whether he is physically unfit or if mentally unfit his second brother will succeed him. Hamnett writes that the succession to chieftainship shall be by right of birth, that is the first born male of the first wife married (Hamnett, 1975: 38). I am raising this argument by Hamnett because it might also happen that Guzu is

claiming chieftainship based on the above argument, that he is the first born of the first wife married by Phumokwakhe and noting that he might not succeed, he is using the custom of *ukuvusa* as his tool to achieve his goal. Hamnett's argument is not applicable where the *Inkosi* has publicly declared his principal wife.

According to Comaroff, a man's eldest son normally succeeds him as head of his household and to any political office that he may have held, and also inherits the great bulk of his cattle and such other property. The younger sons are likewise given a few cattle each. The widow and daughters received no cattle at all (Comaroff, 1953 : 42 ). In a polygamous household, the eldest son of the *indlunkulu* wife is the principal heir both to the general estate of his father and to the property of his own mother's house. Therefore, Bathebuya, according to Bajabhile is now the heir and successor of the late *Inkosi*. What his family must do, they must appoint a regent to act on his behalf until he reaches his majority.

However, Bajabhile feels that if all wives of Inkosi Kufakwakhe were part of the decision to nominate Phumokwakhe and also Phumokwakhe included all his wives when nominating MaMadlala as his *Indlunkulu* wife, the Celes would not be experiencing the problems they are experiencing now.

On 13 October 2004, the KwaZulu-Natal provincial government approved the appointment of Bathebuya as the Inkosi of the Cele clan and Bathebuya assumed his duties on 1 December 2004 and he is twenty years old and in terms of the law



he has reach his majority. Guzu and his supporters are still quiet about the appointment of Bathebuya.

## Chapter Five

### **Ukuvusa custom versus ukungenisa isisu custom : A case of succession dispute Amangwane clan of Bergville**

#### • **HISTORY OF THE AMANGWANE CLAN**

This is one of the biggest clans in the province of KwaZulu-Natal. The amaNgwane are situated in the Bergville district in a place which was used to be called Mont-aux-Sources but now it is called kwaDukuza or emaNgwaneni. Their clan history is characterized by many proud memories of past wars which are still within their minds. This clan has played a major part in the development of South African history and this deserves to be better known (Warmelo, 1938 : 10).

The White Mfolozi river in Northern Natal was once the home of this clan and this was around the year 1800. The AmaNgwane were peaceful at the time and were an independent clan. Their chiefs have no ancestral connection with any members of the Zulu royal family.

Matiwane was born in the early 1800s some twenty years after his illustrious grandfather's death, Masumpa. His poetic talents were recognised while he was still a boy. Matiwane's home was on the White Mfolozi river from which he was driven possibly by the Ndwandwe leader Zwide before the emergence of Shaka. He fled south west to Ntenjwa in the foothills of the Drakensberg, the original home of the Hlubi and the Zizi. This first invasion initiated his career as conqueror and an overlord. Matiwane compelled defeated chiefs to give up their eldest sons and their fattest cattle in return for being left

alone. The men were organised into age-regiments, but an ethnic hierarchy persisted and the Ngwane regarded the Hlubi as their servants (Peires, 1995 : 217).

This clan was not immune from the Shakan wars and around the time when Shaka defeated Zwide and laid claim to sole authority in the northern Nguni-speaking region, Matiwane realised that he could no longer hold his ground. He decided to preserve his power by relocating it (Peires, 1995 : 218). During this period, like any other clan who is at war, they became exhausted with no food supplies, and nothing to start gardens with and they continued to live by stealing from others (Warmelo, 1938 : 10).

Many battles were fought by this clan and these include their fight with Mzilikazi's Ndebele people, with the Hlubis and a failed attempt on the Mosheshe's of Thaba Bosiu. After this battle they crossed the Orange river into Tembuland. Matiwane's great days ended when he was caught by Dingane of the Zulus and was killed. However his son, Zikhali, managed to escape to Swaziland and pleaded for his safety at Sobhuza's court. Zikhali later returned to Zululand and wanted freedom from King Mpande who was an Inkosi during that time. When he was granted freedom, he left with his supporters to Mont - aux- Sources.

Zikhali as the heir to the throne meant the survival of the clan. Because if Matiwane's house had become extinct, we would not be talking about the AmaNangwane clan today. With the return of Zikhali and his establishing of himself again, many followers returned from different corners of the country, some from as far as Grahamstown. Messengers were sent to ask them to return as their *Inkosi* had also returned (Peires, 1995: 220).

Since their return to the area, these people have lived peacefully in their land up until now, when there is a chieftainship dispute and a number of people have been killed as a result of that squabble among the royal family.

Other than that, this clan's history is fascinating because of its historical importance. The AmaNgwane fought with Europeans when they were in the Cape colony thus making them the first Zulu speakers to have contact with the Europeans and this happened during the time of Shaka (Warmelo, 1938 : 11).

After the death of Zikhali, his younger brother acted as regent on behalf of Zikhali's son named Msebenzi. It is reported that Msebenzi was a gifted poet. He was allowed to smoke hemp, something which was not allowed to other chief's sons. Msebenzi was a repository of the history of the clan and as a result, he was respected by his own people.

As a result of a witchcraft accusation, some people were saying his father was bewitched and he was also bewitched for he did not assume his chiefly position but instead left for Butha Buthe in Basotholand and stayed there. His intentions were to stay there for the rest of his life (Warmelo, 1938 : 12).

Mr Hlalaniphansi Hlatshwayo is 83 years old and was born in the area. Though he has never been an *induna* he is a person who knows the history of the area. He calls himself an Iswazi because the Hlatshwayos came from Swaziland. He claims that both Swazis and Ngwanes are related as they both came from Swaziland. As far as he is concerned, the first chief of the amaNgwane was Ngwadi when they were still living on the White

Mfolozi. He does not know his son. According to him Ngwadi was followed by Nsele who was followed by Ndungunya. Ndungunya was followed by Tshani (N1/1/3 (2) 2.

It happened that Tshani and his great wife had no son but Tshani beget a son from his sister-in-law who was staying with his great wife. Tshani's mother when she heard about the pregnancy, sent the girl to her home but took care of the girl and she kept this secret from other members of the clan. When the child was born and it happened that it was a boy, she instructed messengers that they must hide him well for her. The boy grew with nobody from the family members knowing about his existence. Eventually Tshani died and *umndenif* family nominated his brother, Mabhengwane, because Tshani had no heir. Mabhengwane officiated at the first fruits ceremony as he was a chief.

Years passed by, until one day a messenger arrived at Tshani's mother to inform her that the boy had reached his majority. The mother ordered that he must be doctored so that he will grow and be a strong man. Indeed he was doctored and he grew up.

During preparations for the first fruit ceremony, *amabutho* (warriors) assembled at the royal kraal. On the day of the festivities a member of the Mdluli clan, where the boy was hidden, brought him and sat him in the middle of the cattle kraal and hid him under his cloak so that nobody could see him. People wanted to see this person who was in the middle of the cattle kraal and hiding his face, because it is only the chief who can sit in the middle of the kraal. People began to form a circle and come closer to this figure in the middle of the kraal, they wanted to see this person.

The Mdluli men removed the cloak from the boy and all the people were shocked at what they were seeing. They all said the boy resembles Tshani and some were saying Tshani is dead, when did he come to life again? Even Mabhengwane concurred with all people that the boy resembled Tshani. Mabhengwane and his house were chased away and Masumpa, ( which was the name of the boy) took over. Nothing or little is known about this chief. Masumpa himself had been a notorious fighter in his days, and on one excursion of his had so permanently damaged and demoralized the Suthu baFukeng, that after finding shelter for a time among the friendly baMayiyane near Fouriesburg, his soldiers decided to turn gipsy and rove in bands about the country with women, children and stock, thriving on crime ( Bryant, 1929 : 136-137). Some members of this clan can be found in Bulwer and they have their own chief, but he is from the common ancestor that is Ngwadi. After the death of Masumpa he was followed by his son Ndlovu, who was later followed by Zingelwayo (N1/1/3 (2) 2).

## • NATURE OF THE DISPUTE

The chieftainship is hereditary in the male line, passing from father to son. In Zulu, we refer to chiefs as *amakhosi ohlanga* meaning the people who came out of the reed therefore these people are not elected but are born to be chiefs. We know of cases where chieftainship was acquired through force but as a rule the chief succeeds automatically to his office by right of birth ( Schapera, 1994 : 53).

It is usual, in a monogamous situation that the eldest son becomes chief and if the chief's wife dies without a male issue, he marries again and the son of the second wife becomes an heir even if there are daughters by the first wife. In the event where a son dies before

his father, succession will move on to his senior male descendent. We must note that seniority is regulated by birth. If the chief's eldest son's descendants are all dead, succession will pass on to his second brother and if he cannot produce an heir it will pass to his third brother until all his brothers are finished only then will an *iqadi* house be considered and its failure will give an *ikhohlwa* house a chance to lead the clan.

The chief's son by a concubine does not have the right to succeed but it does happen in many cases, like the one we have mentioned above, that of Tshani and Masumpa. He becomes legitimized only if the Chief marries the woman. In Zulu society this could happen even after the Chief is dead. In order to legitimize the son, both families will start with negotiations and lobolo will be paid on behalf of the late Chief and the woman will be married to the grave thus legitimizing the son and he can now succeed his father (Schapera, 1994 : 55 ). This custom happens only where the dead person was prepared to marry the girl or he had paid the *lobolo* but died before the wedding and his younger brother will stand for him.

If however the chief dies, before his great wife could bear sons, his brother will then enter into a levirate relationship with her (*ukungena*). He will at the same time succeed to the chieftainship as a regent for the unborn son, who is fathered by him. It may become apparent that the great wife is unable to produce a son. In such event her younger sister will be attached to her household to produce an heir on her behalf. *Ukuvusa* means a form of vicarious union which occurs when the heir at law or other responsible person uses the property belonging to a deceased person or his own property to take a wife for the purpose of increasing or resuscitating the estate of such a deceased person or to

perpetuate his name and provide him with an heir. On the other hand *ukungenisa isisu* means literally to bring in the womb and it is done by the great wife when she considers herself incapable of bearing children and in consultation with her husband, takes one of his wives into her hut and entrusts her with responsibility of bearing children on her behalf. Some will refer to this woman as seed bearer or seed raiser, whilst others will refer to her as the candle woman meaning that this woman will keep the fire burning in the great house, as an heir is expected to light the house.

Research among the Amangwanes focuses mainly on their interpretation of these customary terms and as a result the *umndeni* (family) of the late Inkosi is divided and the succession to chieftainship is presently violently contested.

According to Professor Themba Msimanga of the African Languages Department in the University of South Africa, an inkosi can marry a wife before he becomes an Inkosi but once he becomes an Inkosi and he wants to take his great wife, he has to follow the following procedure as this marriage becomes a clan affair:-

- Senior members of the clan meet and they will choose a wife for *inkosi* from among either various local girls or distant girls, daughters of other chiefs. However a local was not preferred as it was believed that she will weaken the chieftainship. It was feared that she might misbehave and embarrass her parents but the girl from a distant clan and the daughter of the chief was preferred because she was going to strengthen the chieftainship because of training she received from her home and also that she has royal blood.
- The inkosi will then call an *imbizo* / general meeting for his people, where he then tells



them that he is ready to take the mother of the nation as his wife.

In the event of barrenness of the *indlunkulu*, Inkosi will attach one of his wives to the great wife as *isandla sokuphosa* / seed bearer. This arrangement has caused many disputes with other houses. However chieftainship was always disputed even if an heir was born by the great wife (Msimanga, 1975 : 354). Because there are those who believe that the rules of primogeniture must decide who should be an heir.

If the heir was still young at the time of the death of his father, his mother acted for him, but this was not common in the olden days. When Dinuzulu was exiled, his mother MaMsweli acted for him (Msimanga, 1975: 354).

Inkosi Zingelwayo Hlongwane had fourteen wives. When he built his own kraal at Enhlanhleni, he moved into his kraal with four wives, MaNgcobo, his fourth wife was a daughter of the Nkosi of the Ngcobo clan. She was *indlunkulu* (great wife) and had no male issue. MaMsane was the thirteenth wife, she was *ikhohlo* (left hand wife) and had one male issue Zama who died shortly after marriage to MaGasa 1. We will refer to this one as number one because Inkosi had two wives called MaGasa and the other one as number 2. She was the second wife of inkosi and was affiliated to the great wife. MaGasa 1 had a son Bubula who died shortly after his marriage leaving his wife pregnant but she gave birth to a baby girl and another wife was MaBhengu, whose grandfather was the Inkosi of the Ngcolosi clan. She was accorded no special status except that she was placed on the *ikhohlo* side.

All these four wives, MaNgcobo, MaMsane, MaGasa 1 and MaBhengu were removed from Qhudeni kraal to Enhlanhlani kraal because they belonged to the great house and *ikhohlo* house respectively.

At the top of the *umuzi*, opposite the great gateway is the section of the *inkosikazi*, the mistress of the *umuzi*. This section is known from its principal hut as the *indlunkulu* but it may also contain the hut of the seed-bearer, the huts of married and unmarried grown up children as well as servants attached to the great house. To the left of this great house is the house of the *ikhohlo* its principal wife. She is in important families the first wife married in the youth of the kraal head, but relegated to second position in the kraal when later in life he marries the daughter of some important man and places her in the great house. When the *indlunkulu* is founded, an Inkosi will start to organize his third house, *iqadi* and he appoints one of his wives to this section. The house is an appendage of the *indlunkulu* and is called on to supply an heir if none is born to the great house or is specifically appointed as her seed bearer (Hoernle, 1963: 83).

In addition to these three important sections of his polygamous family, a chief may keep his father's kraal alive by placing *isizinda* a woman married for his father's house. She is placed at his father's great house.

Confusion in this case commences here, since MaNgcobo had no male issue Bubula, the son of MaGasa 1 was taken to MaNgcobo's house in order to become the next successor after the death of Inkosi Zingelwayo Hlongwane and at the same time one faction claims that MaBhengu was married by Inkosi in order to be *umakoti waseNdlunkulu* when he

realised that MaNgcobo's health was deteriorating.

When MaGasa 1 died her son had been already taken to MaNgcobo's house. Inkosi Zingelwayo then married her sister MaGasa 2 and placed her in MaGasa's house and she was responsible for looking after Bubula, her sister's child who would be successor to the chief. Bubula died of snake bite shortly before he was to be officially installed as Inkosi Zingelwayo's successor and he left no male issue. MaGasa 2 had a son named Khumukani and MaBhengu had a son named Zenzo. The one faction feels that Khumukani should have been Inkosi since MaGasa 2 was brought to the *Indlunkulu* in order to *ukuvusa* her sister's house, MaGasa 1, who was the mother of Bubula.

The other faction feels that Zenzo should be Inkosi since his mother is of chiefly descent, her grandfather having been the Inkosi of the Ngcolosi clan. It was in fact on this basis that Zenzo was appointed Inkosi but he was eventually murdered by his brother Khumkani as result probably of jealousy per reasons stated above. Therefore, my enquiry into this chieftainship is based against this background.

My first informant was MaNgcobo, the first wife of Inkosi Zingelwayo. She is seventy five years old. MaNgcobo stated that Inkosi Zingelwayo had fourteen wives and she was the first wife of the late Inkosi. All the fourteen wives according to her were married as follows:

- 1 Ntombini Ngcobo, her self, being the eldest wife.
2. Nomdazo Gasa 1, Bubula's mother
2. Nomasiliva Ngcobo, *Indlunkulu*, her lobolo was paid by the clan and she was the

daughter of Inkosi Ngcobo of the Nyuswa clan in Maphumulo.

3. Haya Nzuzza
4. Masonjwana Mhlongo
5. Mantezi Chamane
6. Nomkikilizo Mchunu
7. Timbane Msane
8. MaDlamini
9. MaNzuzza
10. MaSikane
11. MaBhengu, Zenzo's mother, her grandfather was the Inkosi of the Ngcolosi clan.
12. Ziqwana Gasa 2, Khumukani's mother
13. Thokozile Mchunu

Among the Zulu it is considered proper that when a chief marries his chief wife, the heads of all the subordinate social groups under him should contribute the marriage cattle. Her son is then a child of the group who gave the cattle and should rightly succeed to the heirship (Krige, 1950 : 180). Ntombini says that in terms of the Zulu law a wife of Inkosi whose lobolo was paid by the clan indicates that the next Inkosi will be born by that wife, therefore the third wife, Nomasiliva Ngcobo was *lobolwa* by the clan.

Unfortunately Nomasiliva had only one child a daughter named Sizane. Inkosi Zingelwayo seeing that this wife had no male issue, brought in a seed raiser by taking his second wife Nomdazo Gasa to the great house. However, the seed raiser, predeceased the great wife and left only one son Bubula. The seed raiser was then substituted by her sister Ziqwane

Gasa who became the thirteenth wife. This second seed raiser has the following children: Khumukani, Muntukaboni, Sandlesihle, Gwinya, Sakhiseni and Phumulani.

Inkosi Zingelwayo had before his death appointed Bubula as the next Inkosi. After his death Bubula's name was registered at the Magistrate's office as chief. But Bubula died before he could take office due to the mysterious snake bite. Ntombini said that, as far as she is concerned since the late chief had substituted the seed raiser by Ziqwana Gasa, the next Inkosi should be the first male of the second seed raiser. In this case it is Khumukani.

According to Ntombini, this conflict about who should succeed started at the funeral of Bubula who was to be Inkosi. Majubane Hlongwane announced at the funeral that Zenzo was now going to be Inkosi. After the meeting, the family met in order to rectify what was announced at the funeral and in that meeting Zenzo became aggressive towards Magazini Hlongwane who is ranked as the grandfather of Inkosi Zingelwayo's children. All the sons of Inkosi Zingelwayo were ordered to leave the meeting. On the same day the family members re-convened and the minutes of the meeting were taken by Anton Hlongwane. That meeting resolved and agreed that the successor to the late chief should be Khumukani and opposed the announcement at the funeral of Zenzo's appointment.

Despite the resolution taken at the family meeting, Majubane and his faction continued to take Zenzo to the magistrate where he was apparently appointed the next Inkosi. The matter was then taken to Ulundi to oppose the appointment of Zenzo, after which the then Chief Minister of KwaZulu suggested that this matter should be brought before a court of

law because even he himself obtained his chieftainship in court. Ntombini said they then went back to the Magistrate where they were told that all the documents relevant to this matter had been forwarded to Ulundi.

Then they went to the Magistrate for the second time and found the new Magistrate who refused to start an enquiry into the matter. This led to a great controversy among family members and Zenzo was murdered in May 1997. After the death of Zenzo, the *umndeni* and the traditional council was divided, there were those who were led by Majubane who were fighting for the house of Zenzo and those who were in favour of Khumukani.

Anthony Hlongwane my second informant is now forty four years old. He is a distant member of the family but traces his descent to one known founding father of the clan (Vilakazi, 1965 : 15). He has been part of the conflict since its inception. He currently works in Johannesburg as a credit controller.

According to Anthony, MaNgcobo's lobolo was provided by the clan and she had no male issue. MaGasa 1's son Bubula would have been an Inkosi but he died leaving no male issue. He further states that when MaGasa 1 died the Inkosi married MaGasa 2 and that she was affiliated to MaGasa 1's house. It was therefore MaGasa 2's son Khumukani who was supposed to be Inkosi and not Zenzo, MaBhengu's son.

Bubula died in 1984. A meeting was held during the night preceding Bubula's funeral which was not properly constituted since it had not been convened by the right man and it was not representative of all members of the *umndeni* (Vilakazi, 1965 : 15 ).

Anthony Hlongwane said he was not present at the funeral when Majubane made that announcement about the successor who would be Zenzo. He states that a well constituted meeting was the one organised by senior prince Pampama Hlongwane in 1985. It was in this meeting of the *umndeni* where the decision arrived at was that Khumukani would be next Inkosi. The meeting was held at Qhudeni kraal. Majubane was asked to announce this decision to both Khumukani and Zenzo. Despite this meeting and the decisions taken there, certain family members clandestinely went to register Zenzo at the Magistrate's office as the next Inkosi. According to Anthony, when Inkosi Zingelwayo made Bubula his successor he actually promoted MaGasa 1 to the *Indlunkulu* as a seed raiser since MaNgcobo had no male issue. Bubula in fact became an automatic seed since he had been already born. He states that MaBhengu had no status and she was not affiliated to the *Indlunkulu*.

Vusimuzi Hlongwane is my third informant. He is fifty two years old and was born and bred at Mangwaneni. His account of the events that lead to this conflict began at a meeting called by Pampama in 1985. He is the son of Pampama. He states that his father was the proper convener of all family meetings and was the chairperson of family meetings. Majubane is married to a Bhengu woman and Mshini was also married to a Bhengu woman. We must say that these men are supporting MaBhengu's faction. He further says, if the 1984 meeting was a proper meeting he would have been invited to it, and as well his father would have had to convene it. The 1985 meeting had been convened by his father. Majubane who had made an impromptu announcement in 1984 was present. The decision arrived at was accepted by all present and it was reduced to writing. Majubane also signed the minute. It was unanimously agreed that Khumukani

would be Inkosi and that all the sons had to be informed of the decision. This task was given to Majubane and accepted.

Rev. Johannes Dlamini once worked for this clan as a secretary for nine months. He was present at Bubula's funeral in 1984. He said one of the family elders carried an assegai over the grave. This custom of assegai carrying during the funeral procession is done by an heir and it indicates that he has taken over from his father because the assegai belongs to his late father. This man informed Johannes that he was carrying the assegai on behalf of Zenzo. He further stated that Majubane had called a meeting on the night of the funeral and announced that Zenzo would be Inkosi. Pampama was not present at the meeting. A meeting was held in 1985 in order to rectify Majubane's mistake of 1984. He was informed by Mhlabuhlangene that the 1985 meeting went smoothly and that Khumukani had been elected Inkosi but latter it transpired that Majubane went to register Zenzo.

Cornelius Gasa was the chief *induna* of Inkosi Zingelwayo. He is sixty three years old. He was appointed acting Inkosi. He says Zenzo was not supposed to be Inkosi because he was not born to the great wife or wife affiliated to her. He went to inform Khumukani after the meeting of 1985 that he had been elected Inkosi and that, Gasa he was acting Inkosi at that time. He was advised by the magistrate that someone else had been introduced to him as Inkosi and that was Zenzo. Mhlabuhlangene himself and other members of the *umndeni* went to the magistrate to rectify the matter. Cornelius Gasa has no relationship to the MaGasas married to Inkosi Zingelwayo. What he knows is that Bubula's mother MaGasa 1 was affiliated to the house of MaNgcobo. He denied that MaBhengu was



introduced to MaNgcob's house as "*umakoti*". He further states that MaGasa 2 was affiliated to MaGasa 1's house to *ukuvusa indlu* and to bring up Bubula. She was perceived as the main wife. MaBhengu's house was on the left hand side and she was *ikhohlo* wife.

Japhet Mandlenkosi Hlongwane is sixty seven years old. His father was Albert Hlongwane who was the chief advisor of Inkosi Zingelwayo. When I asked him about Bubula's position, he stated that the custom of *ukungenisa isisu* was not known but what they know in their clan is that it is in fact the mother of the child who is affiliated to one's house. Inkosi Zingelwayo has nineteen living sons. Sixteen support Khumukani's appointment as Inkosi whereas three support the appointment of Zenzo.

Japhet was present at Bubula's funeral in 1984. Majubane then asked him to shout with a loud voice that Zenzo would be Inkosi. He did so at Majubane's request since he had a loud voice. He further states that, this was not the proper way of appointing an Inkosi at the funeral and during the period of mourning. He was present at the 1985 meeting. It was resolved and unanimously agreed at the meeting that Khumukani would be Inkosi. It was further resolved at this meeting that Majubane should tell MaGasa 2 as well as her son that Khumukani will be Inkosi. This meeting was held at the Qhudeni kraal under the chairmanship of Pampama. Majubane has a royal relationship with Inkosi Zingelwayo. Relations were sound but at a later stage relations were estranged.

Even if Bubula did not die this would not have changed the status of MaGasa 2. On the day of Bubula's funeral Japhet was forced to make an announcement though he was

opposed to it. After the 1985 meeting Majubane was given the task of informing Khumukani about the decision since he was the senior family member. I managed to get hold of Majubane who was elusive. Majubane Hlongwane is sixty six years old. He was still young when Zingelwayo became Inkosi. He said MaNgcobo was the great wife and Inkosi had fourteen wives. MaNgcobo was the fourth wife. According to him, after the establishment of Enhlanhleni kraal, Inkosi Zingelwayo took along MaNgcobo, MaGasa 1, MaBhengu and MaMsane to this kraal. All the wives were subject to MaNgcobo. MaMsane was an *ikhohlo* wife. MaBhengu was wife under MaNgcobo and she would bear children on her behalf.

He further informed me that MaGasa 1 was affiliated to MaNgcobo's house. Her child Bubula was placed into the house of MaNgcobo when they were at Enhlanhleni kraal. He states that Inkosi Zingelwayo told him and Pampama that Bubula would be Inkosi. He made no public announcement. After the death of MaMagasa 1 the Inkosi did not marry MaGasa 2 for the purpose of *ukuvusa indlu*. He did not however tell him why he married her. He feels the purpose would not have been *ukuvusa* because Bubula was there. MaBhengu came from Ngcolosi area under Inkosi Memezi. He said that he is married to two Bhengu women. One would refer to MaBhengu of Inkosi Zingelwayo as auntie and the other as sister.

He said sixteen head of cattle were paid for MaBhengu because her father was inkosi's son. MaBhengu was placed on the left hand side (*ikhohlo*) purposely. The aim was to hide her lest she would be killed by other wives. MaBhengu received *ingquthu* beast for Sizani, MaNgcobo's daughter. This means the beast which is payable by the husband or

seducer, as the case may be, to a woman or the house to which she belongs, upon the entrance into a customary or civil marriage or the seduction of her daughter.

He does not say that MaGasa 2 was taken to look after Bubula but states that it was Malabuzana who looked after Bubula. Inkosi Zingelwayo's mother was a commoner and not of chiefly descent. The night before Bubula's funeral the question of chieftainship was discussed for the whole night. The decision was that Zenzo should be Inkosi. Japhet and Rev. Hlongwane were requested the following day to make the announcement since his voice was hoarse. He conceded to the fact that Pampama had the right to call meetings. He was the brother to him and Zingelwayo and was chairman of family. Pampama was older than him and he respected him. There were many people at the 1985 meeting convened by Pampama. He explained to the meeting how Zenzo was elected in 1984. The outcome of the 1985 meeting which took the whole night was that Khumukani should be Inkosi. He was not happy about that but accepted the decision under pressure.

#### • **THE EVALUATION OF THE AMANGWANE SUCCESSION DISPUTE**

The information that I was provided with by most of the informants regarding the succession dispute among this clan, is that they are in support of MaGasa 2's case, that is Khumukani's mother. Their information is to the effect that MaGasa 2 stepped into the shoes of her deceased sister MaGasa 1 and therefore assumed all the rights and obligations of the deceased sister. Their contention is that after the death of the first seedraiser MaGasa 1 the Inkosi took her sister as the second seed raiser. This case revolves mainly around the concept of *ukungenisa isisu* as enunciated by

Majubane in favour of the MaBhengu faction. He clearly stated that although Bubula was placed in MaNgcobo's house in order to be a successor, this did not accord MaGasa 2 any status since her function was merely to look after Bubula and to bring him up and MaBhengu's status remained higher. He denied that this was the *ukuvusa* custom, the bringing of MaGasa 2 to the *indlunkulu* after the death of her sister MaGasa 1. It must be noted that a decision about the successor is commonly not discussed at the funeral or during the mourning period. Majubane's decision is suspect since it was taken hastily at the funeral in 1984 without the *umndeni* being properly represented. It is further strange that people like Japhet Hlongwane who did not even attend the discussions were asked to make the announcement. Majubane then again attended the 1985 meeting which was convened by the right person, that is Pampama. At this meeting a decision against him was made and he was asked to convey the result of the meeting to those affected by it. He in fact informed MaGasa 2 of the decision.

Strange enough, MaGasa 2 had no status and yet she was placed in the *indlunkulu* house and MaBhengu was higher in status and yet she was identified as an *ikhohlo* wife, her hut being on the left hand side of the gate. She was born of the son of Inkosi. According to Majubane she was placed in the *ikhohlo* side purposely in order to be an *umakoti* to MaNgcobo's house, I think the 1985 meeting was properly convened and carried a unanimous decision of the *umndeni* in support of the appointment of Khumukani. MaGasa 2 was seedraiser who stepped in the shoes of her sister MaGasa 1.

If the wife of a main house, that is the great house or right hand house, without having

born a son, has died, divorced, absconded, or is barren, Inkosi may marry a new wife for the purpose of raising seed to the main house. Since it is a special function for this woman to bear an heir for the house, she creates no house of her own but is merely an *auxiliary wife of the house into which she is placed*.

It cannot be argued that MaGasa 1 was placed in this position, the seed that she had raised being her son Bubula. When she died a custom of *ukuvusa indlu* was practiced when Inkosi married her sister MaGasa 2 and placed her in sister's right hand house. She used property of MaGasa 1's house and of MaNgcobo's house. The intention was to revive MaGasa 1's house who was an affiliate to the *indlunkulu*. It is difficult to imagine that a woman in MaGasa 2's position, who had the task of being the mother of Bubula could be said to be of no status. She was actually the mother of Bubula hence the mother of the clan. The Inkosi's intention has never been clear in this regard.

What I have discovered is that my informants do not seem to know the custom of *ukungenisa isisu* being practiced in the Hlongwane clan but know that of the marriage of a seed raiser in the case of barrenness.

Disputed succession was a common source of conflict throughout the history of the Zulu kingdom. Rivalry between the sons of chiefs was widespread especially if a chief died without formally indicating which son was to be heir. Often factions supporting rival claimants tried to enforce their choice by resorting to fighting. Hundreds of people have died in this Hlongwane succession dispute because Inkosi Zingelwayo did not publicly announce his heir while he was alive (Minnaar, 1991 : 6-7). For instance, the tranquility of

Mpande's reign over the Zulus, with no large scale killings or war, was so unusual for the Zulus that sooner or later they had to find relief from an increasing blood pressure. They started blood letting among themselves. In 1856 a brief but bloody civil war broke out. For some considerable time rivalry had risen between two Mpande's sons, Cetshwayo and Mbulazi as to the succession to throne (Omer-Cooper, 1966 : 22).

On 13 October 2004, the KwaZulu-Natal provincial cabinet approved the appointment of Mr Menzi Hlongwane as an acting chief and to administer the affairs of the clan until the Hlongwane royal family decides on the successor.

## Chapter Six

### CONCLUSION AND RECOMMENDATION

The whole system of the chieftainship 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 Zulu customs and traditions are enshrined in the chieftainship. Where there are *amakhosi* / chiefs you will find respect. The moral fibre of the society rests on the chieftainship. It encompasses religion, tradition, governance and customs. This system of governance is in our blood. Chiefs are above all politics and should be a symbol of unity.

This is why it is very annoying if the chief is unsatisfactory, especially if the whole community has put their trust in him. But this is never a reason to do away with the institution. Instead we should try to empower the institution as well as the person. If the chief is unsatisfactory, you can always still discuss problems with someone else in the institution.

In this dissertation I have discussed several very important aspects of chiefly succession among the Nguni:

- The early homesteads and the formation of clans.
- The process of Zulu state - building.
- The effects of the creation of the Zulu kingdom/the *Mfecane* and
- The nature of Nguni chieftaincy.

The research has shown that the Nguni people migrated from the north in the middle of 15 century. The Nguni are divide into three groups :

- The northern Nguni in modern KwaZulu - Natal Province who are called Zulu.
- The southern Nguni in modern Eastern Cape and Western Cape Provinces who are called Xhosa and
- Swazi people.

It seems that prior to the late 18 century, the northern Nguni were very similar to the southern Nguni in their political situation, that is, there were a fairly large number of small chieftaincies with a tendency to division and fission.

The underlying basis of this fission tendency seems to be the desire of the people to feel close to the chief. As a polity grew larger, some of the people were inevitably feeling more remote and neglected. They were more ready to give their loyalty to an alternative leader.

Two tendencies were built into Nguni societies which facilitated this, especially in the structure and practice of royal households.

- First was the structure of the polygamous family. Each wife was given her own physical hut but she also became an economic entity. Land would be assigned to her for cultivation and cattle would be assigned to her house for her and her children. What she produced in the fields and the cattle plus their increase could not be disposed of without her permission even though in a theoretical sense it all belonged to her husband (Stoffberg, 1995 :58).
- Second was the usual practice of marrying the Great Wife/ *Undlunkulu* (who could



produce the heir, her eldest son) late in life (Peterson, 1953 :31). The rationale was that it was not a good idea to have an heir who had reached maturity waiting around for many years before he could succeed to the chieftaincy. He was likely to become impatient and to be a focus for all those who were discontented or ambitious. The right hand wife/ *iqadi* would be married early and she would be the daughter of an important , powerful family. The Great Wife was often the daughter of a neighbouring chief and her *lobolo*/bridewealth was usually paid with contributions from the whole people as she was the mother of the clan (Hunter, 1979:382).

Other wives were placed and ranked under and within the Great House or the Right Hand House as rafters. They and their children were part of their respective sections and expected to support their leaders in the Great House and Right Hand House respectively. Also in the event that either the Great Wife or Right Hand Wife failed to produce a male heir or if their male children were obviously mentally or physically unfit, then a male from one of the respective rafters would go to live in the Great or Right Hand House and become the heir. The practice of marrying the Great Wife later in life produced a recurring scenario, the heir of the right hand house would be much older than the heir to the Great House - the heir to the chieftaincy. The right hand heir thus had many years to build up a following and to prove his abilities. When a chief died, the heir of the Great House might be very young, even minor. If there were sections of the people who were dissatisfied, there might be an opportunity for the Right Hand heir to try to usurp the chieftainship or to assert his independence and establish a separate chieftainship.

Also there could be a substantial movement of the common people away from an

unsatisfactory or unpopular chief to other neighbouring chiefs. This of course acted as a check on the despotic behaviour of chiefs because such behavior would drive people away, thus weakening him and strengthening rivals.

Late in the 18<sup>th</sup> century there began a process of militarising and confederation among the northern Nguni. Over three decades, a number of very important innovations were introduced that revolutionised military political organisation. A main innovator was Dingiswayo, chief of the Mthethwa. Dingiswayo certainly instituted the age - regiment system. Age-regiments were a feature of many societies in Africa, including the Sotho although they did not use it extensively for military purposes. However it had not previously been an institution of the Nguni.

With the men grouped into military regiments and more extensive training, Dingiswayo's army became formidable and Dingiswayo began to build a confederacy of peoples by conquest and incorporation. Zwide, the leader of the Ndwandwe people began to adopt the same innovations. As a result there was a process of conquest and consolidation of the northern Nguni into two confederacies (Peires, 1983:56). Shaka joined Dingiswayo's army and quickly came to Dingiswayo's attention. He was made leader and commander of his regiment and soon became a protege of Dingiswayo. Like the people among whom Shaka had been raised, the Zulu were part of Dingiswayo's Mthethwa confederacy. In 1816 on the death of Senzangakhona, Dingiswayo intervened in the succession and helped Shaka to become chief of the Zulu although he had very little claim to the chieftaincy (Krige, 1936:9).

Shaka was killed by his half brothers Dingane and Mhlangana in 1828 and Dingane took over only to be killed in 1838. His moderate half brother took over with the help of the boers. But by 1860 many Zulu were getting restless again. Two sons were competing for the succession and after a civil war, Cetshwayo triumphed. He actually came to usurp power from his father (Mountain, 1999 : 19).

In 1846 Theophilus Shepstone was appointed as the Diplomatic Agent to the Native Tribes of Natal. His function was to control the livelihood of Africans. He wanted to place white superintendents in charge of reserves. Due to lack of finances he abandoned his plan and appointed chiefs as a means of reviving the tribal system and these chiefs were to assist him in administering Africans. He attached smaller tribes to bigger ones and he appointed commoners as chiefs. He later appointed the magistrates and this reduced powers enjoyed by chiefs (Minnaar, 1991 : 14) .

The apartheid government instituted various pieces of legislation handling the tribal affairs. For instance, according to sub-section (7) of section 2 of the Black Administration (Act 38 of 1927), confers upon the KwaZulu Cabinet authority to recognise or appoint any person as the chief in charge of the tribe. Also according to sub-section (16) of chapter 3 of KwaZulu Amakhosi and Iziphakanyiswa, Act of 1990, for the purpose of general succession as in section 81 of the KwaZulu Act on the Code of Zulu Law, 1985 (Act No. 16 of 1985) defined the heir of a deceased hereditary *inkosi* shall be the person whom the minister appoints or recognise under section 12 as successor to such deceased chief.

According to the draft White Paper on Traditional Leadership and Governance, colonial

and apartheid regimes interfered with the succession of traditional leaders. The approach to succession to traditional leadership positions should be as follows:

- custom and customary law should generally be the basis for regulating succession.
- custom and customary law should adapt and transform to comply with the principle of equality in the Bill of Rights and the Constitution so as to allow qualifying heirs to succeed as traditional leaders in their own right.

On 19 December 2003, Act No. 41 of 2003 : Traditional and Leadership and Governance Framework was signed into law by the President.

My recommendations for the solutions to the problem of the Cele and AmaNgwane succession disputes is the approach as it is stipulated in abovementioned White Paper on Traditional Leadership and Governance.

Government must play a limited role in the designation of traditional leaders. It must be the prerogative of the royal family, acting with members of the traditional council, to identify a traditional leader. Government's role should be to confirm that customary processes have been followed and issue a certificate of recognition to that particular leader (NI/1/3(19)9). Therefore, the Celes and the AmaNgwanes problem will only be solved by the Celes themselves. The choice of which son is to succeed must be in the hands of the council consisting of members of the chiefly lineage that meet on the death the chief.

I would further suggest that we look at the Sotho custom which stresses seniority at birth.

The heir should be the eldest son of the senior wife, that is the first married wife and following wives irrespective of their father's status are junior wives and their sons have no claim to chieftainship (Hamnett, 1975 :38).

Trouble over succession is rare among the Sotho and when it did happen, the causes were either the attempt of the late chief to alter the succession in favour of another son other than the rightful heir, or the premature death of the chief or his eldest son.

I am not saying that we must change completely but I am suggesting that, in order to avert succession disputes in respect of chieftainship we need to look at the possibilities of applying the rules of primogeniture. This system has worked well among the Sotho people who rank wives chronologically instead of ranking them according to status of their fathers. In other words, a commoner's daughter must be able to produce the heir if she was married first even if wife number two is a chief's daughter (Jones, 1966 : 61). This could prevent situations like that of the Celes and AmaNgwanes which sometimes turn violent and lead to the death of many people.

Lastly, I would suggest, as Bajabhile said, we need to involve all the chief's wives whenever a decision pertaining to the ranking of wives is made, as it is usually their sons who fight over succession when the nomination of the successor is to be taken. This will prevent factionalism among the clan, because the decision will be inclusive and all wives will relate that to their sons.

## GLOSSARY

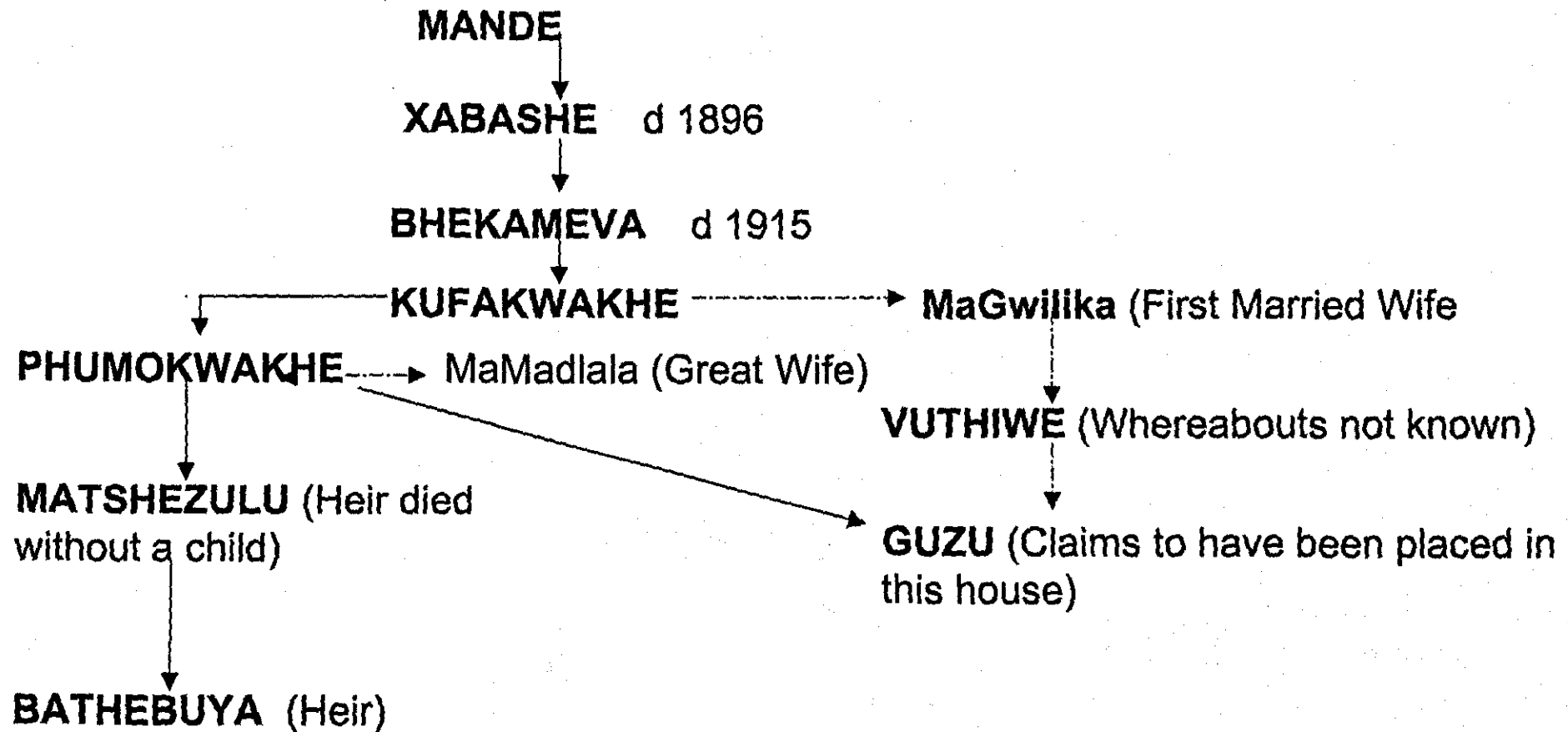
• <i>Amabutho</i>	-	warriors
• <i>Amakhosana</i>	-	heirs to chieftainship
• <i>Amakhosi</i>	-	chiefs
• <i>Engonyameni</i>	-	place of the lions
• <i>Hlonipha</i>	-	respect
• <i>Ibambabukhosi</i>	-	regent
• <i>Ihubo lesizwe</i>	-	clan anthem
• <i>Ikhohlo</i>	-	left hand house
• <i>Ilobolo</i>	-	dowry/ bridewealth
• <i>imbizo</i>	-	clan gathering
• <i>Imbongi</i>	-	wisdom keeper/ praise singer
• <i>Indlunkulu</i>	-	Great House
• <i>Indlu</i>	-	house
• <i>Induna</i>	-	headmen
• <i>Inkomo yengquthu</i>	-	mother's beast
• <i>Inkosi</i>	-	chief
• <i>Inkosikazi</i>	-	chief's wife
• <i>Inqina</i>	-	hunting expedition
• <i>Iqadi</i>	-	right hand house
• <i>Isandla sokuphosa</i>	-	right hand man
• <i>Isekela lenkosi</i>	-	deputy chief

- *Isende* - common descendent
- *ishaka* - stomach - ache
- *Isibonda* - senior community member
- *Isiphakanyiswa* - elected chief
- *Isizinda* - chief woman of the ancestral kraal
- *Izikhulu* - important men
- *kleza* - milk into the mouth
- *khotsimunene* - (Venda) father's younger brother
- *KwaMadlantule* - Sahara Desert
- *Makhadzi* - (Venda) father's sister
- *Mfecane* - Sporadic fighting and demographic dislocation in southern Africa in the 17 century.
- *Nomkhubulwane* - Queen of the rain
- *Ubukhosi* - chiefship / chieftainship
- *Ukufakwa* - to introduce a child in a new household, when adopted
- *Ukungena* - levirate union
- *Ukungenisa isisu* - bring in the womb
- *Ukuthomba* - reach the age of puberty
- *Ukuvusa* - to take a second wife
- *Umafungwase* - an eldest daughter
- *Umakoti* - bride
- *Umndeni* - royal family
- *Umuzi* - kraal

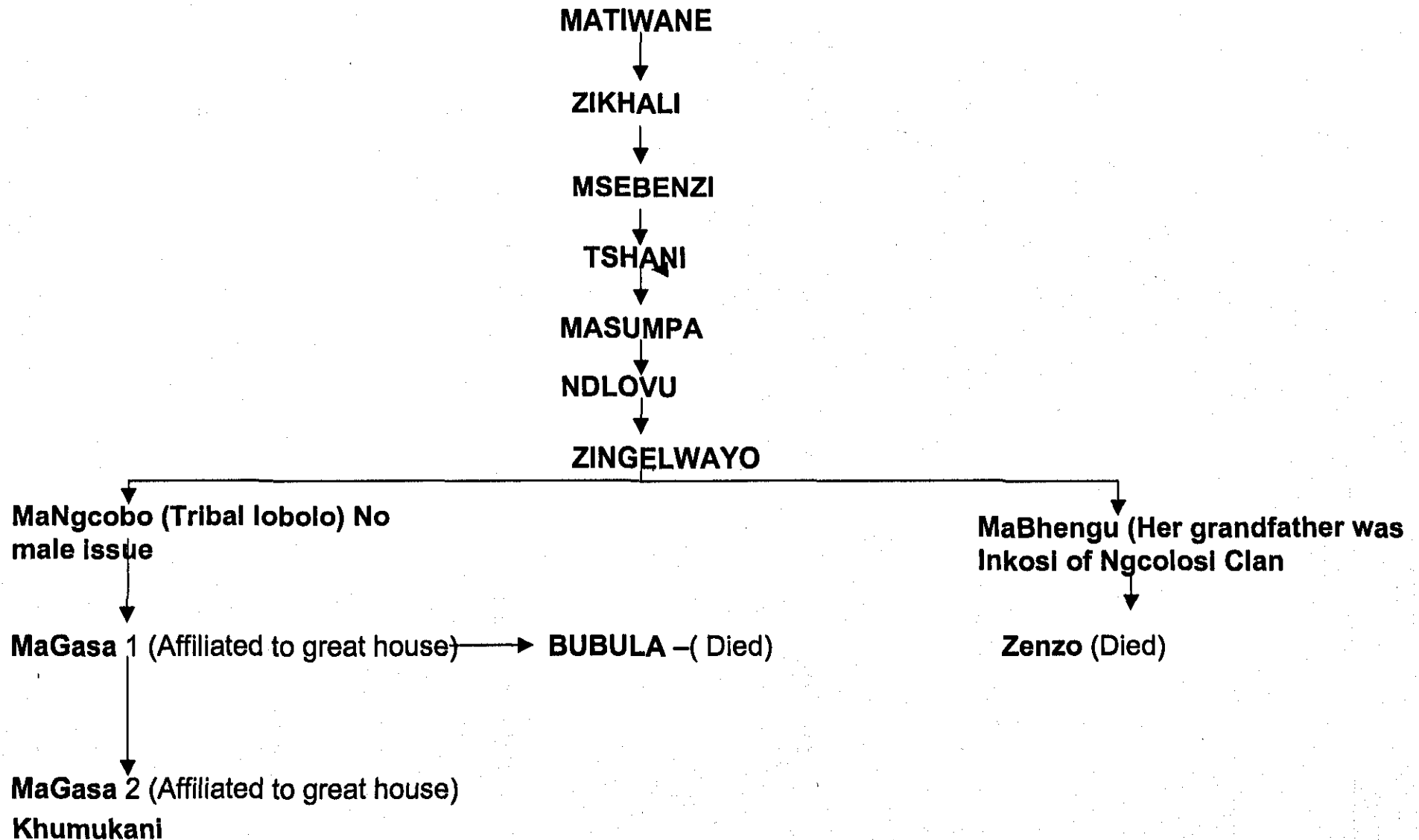
- *Uzalo* - lineage

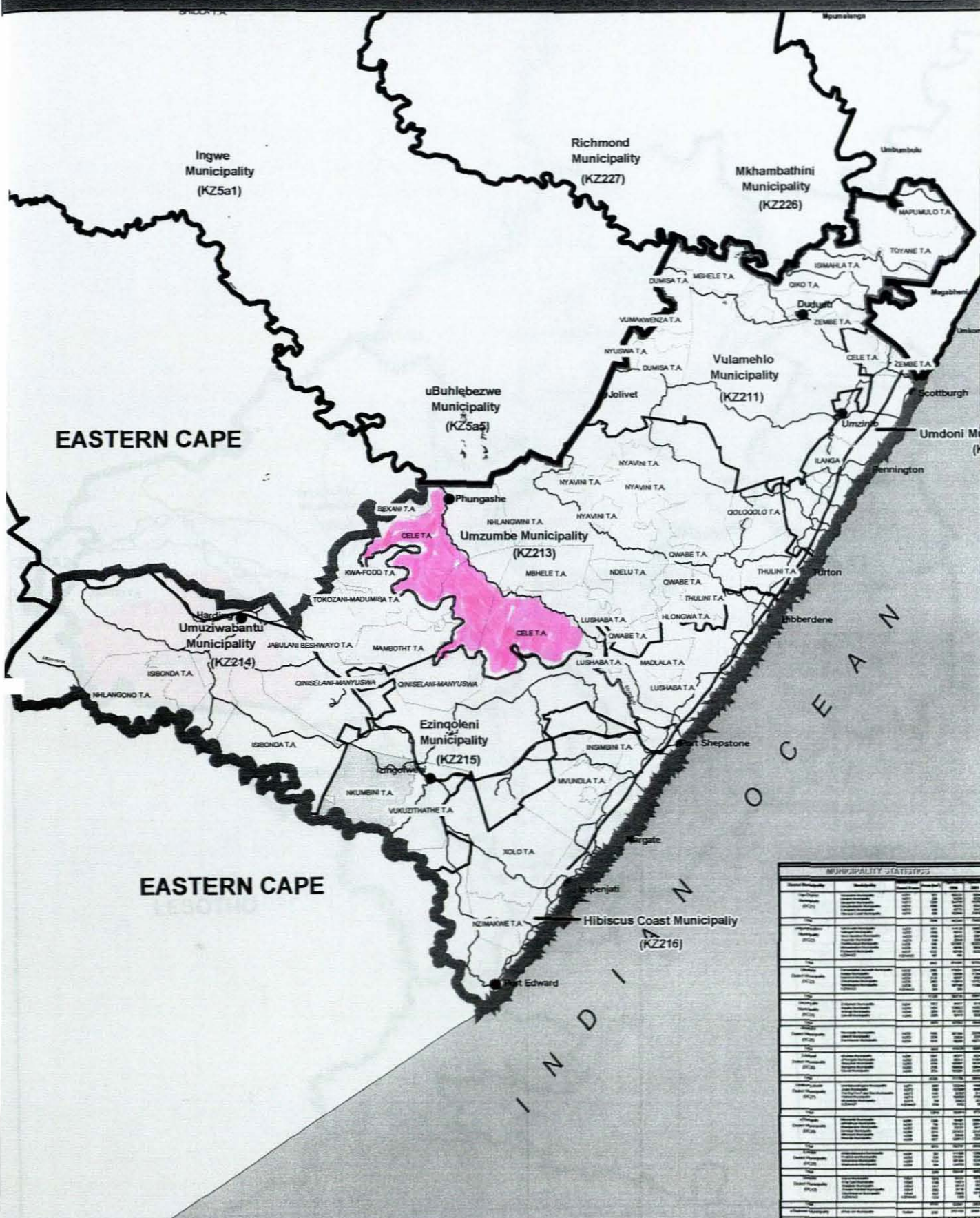


GENEALOGY OF THE CHIEFLY HOUSE OF THE CELE CLAN



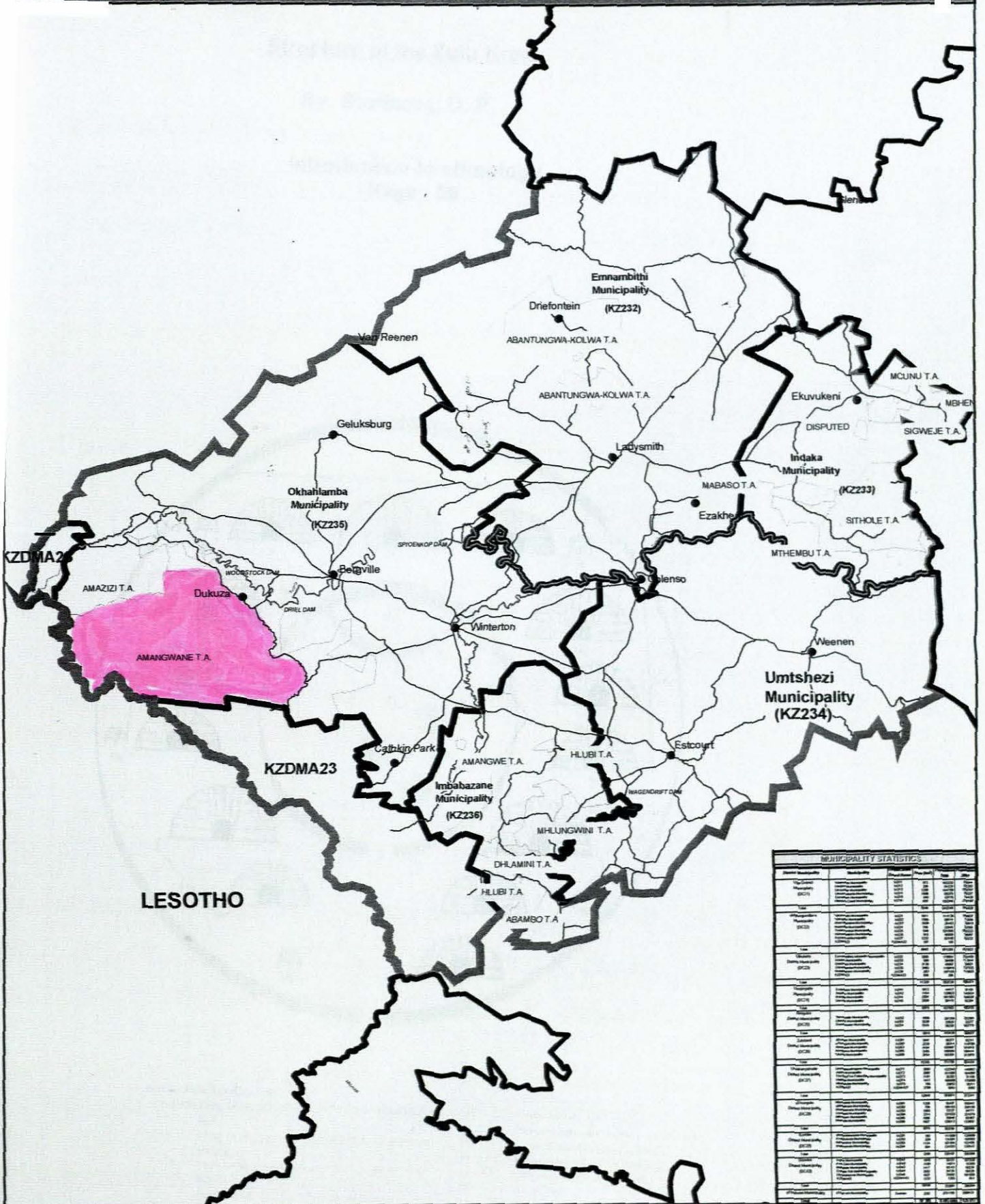
## GENEALOGY OF THE CHIEFLYHOUSE OF THE AMANGWANE CLAN





MUNICIPALITY STATISTICS									
Municipality	Area (km²)	Population	Population Density	Number of Towns	Number of Villages	Number of Hamlets	Number of Farms	Number of Holdings	Number of Farms/holdings
Ingwe Municipality (KZ5a1)	1 200	100 000	83	1	1	1	1	1	1
Richmond Municipality (KZ227)	1 200	100 000	83	1	1	1	1	1	1
Mkhambathini Municipality (KZ226)	1 200	100 000	83	1	1	1	1	1	1
uBuhlebezwe Municipality (KZ5a5)	1 200	100 000	83	1	1	1	1	1	1
Vulamehlo Municipality (KZ211)	1 200	100 000	83	1	1	1	1	1	1
Umzumbe Municipality (KZ213)	1 200	100 000	83	1	1	1	1	1	1
Umuziwabantu Municipality (KZ214)	1 200	100 000	83	1	1	1	1	1	1
Ezingolweni Municipality (KZ215)	1 200	100 000	83	1	1	1	1	1	1
Hibiscus Coast Municipality (KZ216)	1 200	100 000	83	1	1	1	1	1	1





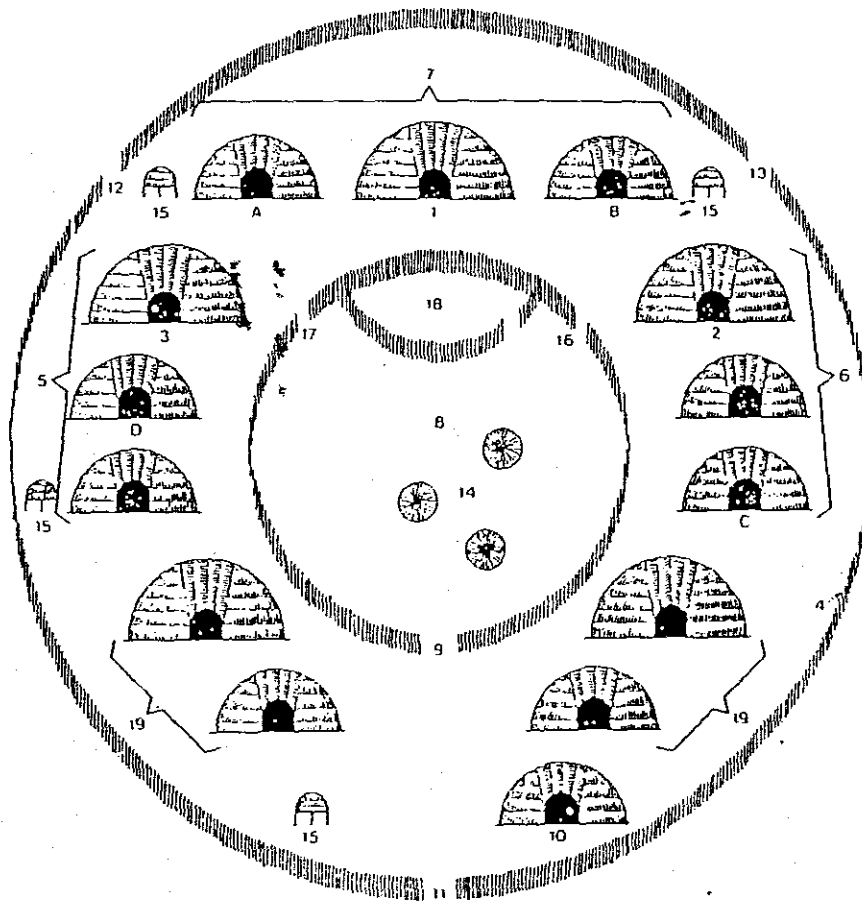
MUNICIPALITY STATISTICS									
Municipality	Area (km²)	Population	Population Density	Number of Towns	Number of Villages	Number of Hamlets	Number of Farms	Number of Holdings	Number of Farms/holdings per km²
Emnambithi (KZ232)	1,100	100,000	90	1	1	1	1	1	1
Indaka (KZ233)	1,100	100,000	90	1	1	1	1	1	1
Umtshezi (KZ234)	1,100	100,000	90	1	1	1	1	1	1
Imbabazane (KZ236)	1,100	100,000	90	1	1	1	1	1	1
AMANGWANE T.A.	1,100	100,000	90	1	1	1	1	1	1
AMAZI T.A.	1,100	100,000	90	1	1	1	1	1	1
DUKUZA T.A.	1,100	100,000	90	1	1	1	1	1	1
Winterton	1,100	100,000	90	1	1	1	1	1	1
Estcourt	1,100	100,000	90	1	1	1	1	1	1
Weneen	1,100	100,000	90	1	1	1	1	1	1
Driefontein	1,100	100,000	90	1	1	1	1	1	1
Gelukburg	1,100	100,000	90	1	1	1	1	1	1
Winterton	1,100	100,000	90	1	1	1	1	1	1
Estcourt	1,100	100,000	90	1	1	1	1	1	1
Weneen	1,100	100,000	90	1	1	1	1	1	1
Driefontein	1,100	100,000	90	1	1	1	1	1	1
Gelukburg	1,100	100,000	90	1	1	1	1	1	1
Winterton	1,100	100,000	90	1	1	1	1	1	1
Estcourt	1,100	100,000	90	1	1	1	1	1	1
Weneen	1,100	100,000	90	1	1	1	1	1	1
Driefontein	1,100	100,000	90	1	1	1	1	1	1
Gelukburg	1,100	100,000	90	1	1	1	1	1	1
Winterton	1,100	100,000	90	1	1	1	1	1	1
Estcourt	1,100	100,000	90	1	1	1	1	1	1
Weneen	1,100	100,000	90	1	1	1	1	1	1
Driefontein	1,100	100,000	90	1	1	1	1	1	1
Gelukburg	1,100	100,000	90	1	1	1	1	1	1
Winterton	1,100	100,000	90	1	1	1	1	1	1
Estcourt	1,100	100,000	90	1	1	1	1	1	1
Weneen	1,100	100,000	90	1	1	1	1	1	1
Driefontein	1,100	100,000	90	1	1	1	1	1	1
Gelukburg	1,100	100,000	90	1	1	1	1	1	1
Winterton	1,100	100,000	90	1	1	1	1	1	1
Estcourt	1,100	100,000	90	1	1	1	1	1	1
Weneen	1,100	100,000	90	1	1	1	1	1	1
Driefontein	1,100	100,000	90	1	1	1	1	1	1
Gelukburg	1,100	100,000	90	1	1	1	1	1	1
Winterton	1,100	100,000	90	1	1	1	1	1	1
Estcourt	1,100	100,000	90	1	1	1	1	1	1
Weneen	1,100	100,000	90	1	1	1	1	1	1
Driefontein	1,100	100,000	90	1	1	1	1	1	1
Gelukburg	1,100	100,000	90	1	1	1	1	1	1
Winterton	1,100	100,000	90	1	1	1	1	1	1
Estcourt	1,100	100,000	90	1	1	1	1	1	1
Weneen	1,100	100,000	90	1	1	1	1	1	1
Driefontein	1,100	100,000	90	1	1	1	1	1	1
Gelukburg	1,100	100,000	90	1	1	1	1	1	1
Winterton	1,100	100,000	90	1	1	1	1	1	1
Estcourt	1,100	100,000	90	1	1	1	1	1	1
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Driefontein	1,100	100,000	90	1	1	1	1	1	1
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Driefontein	1,100	100,000	90	1	1	1	1	1	1
Gelukburg	1,100	100,000	90	1	1	1	1	1	1
Winterton	1,100	100,000	90	1	1	1	1	1	1
Estcourt	1,100	100,000	90	1	1	1	1	1	1
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Driefontein	1,100	100,000	90	1	1	1	1	1	1
Gelukburg	1,100	100,000	90	1	1	1	1	1	1
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Estcourt	1,100	100,000	90	1	1	1	1	1	1
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Driefontein	1,100	100,000	90	1	1	1	1	1	1
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Driefontein	1,100	100,000	90	1	1	1	1	1	1
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Driefontein	1,100	100,000	90	1	1	1	1	1	1
Gelukburg	1,100	100,000	90	1	1	1	1	1	1
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Driefontein	1,100	100,000	90	1	1	1	1	1	1
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Driefontein	1,100	100,000	90	1	1	1	1	1	1
Gelukburg	1,100	100,000	90	1	1	1	1	1	1
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Estcourt	1,100	100,000	90	1	1	1	1	1	1

# Structure of the Zulu Kraal

By Stoffberg, D. P.

Introduction to ethnology

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## Key to Zulu kraal lay-out

- |        |  |       |                                       |
|--------|--|-------|---------------------------------------|
| 1-A, B | Huts of the head wife and wives entrusted to her   | 8     | Cattle kraal                          |
| 2-C    | Huts of the second wife and wives entrusted to her | 9     | Isango entrance to the cattle kraal   |
| 3-D    | Huts of the third wife and wives entrusted to her  | 10    | Isimahlaliso's hut                    |
| 4      | Fence enclosing the kraal                          | 11    | Main entrance of the kraal            |
| 5      | Amabini (household) of the third wife              | 12-13 | Entrance from the outside             |
| 6      | Isiqandisi (household) of the second wife          | 14    | Utshani                               |
| 7      | Isithunzi (household) of the head wife             | 15    | Chicken pen                           |
|        |  | 16-17 | Private entrances to the cattle kraal |
|        |  | 18    | Cattle enclosure                      |
|        |  | 19    | Huts for adult sons and guests        |

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	16 / 03 / 2003	Phungashe
	13 / 04 / 2003	Phungashe
	06 / 05 / 2003	Phungashe
<b>Mr Ndoda Mkhwanazi</b>	25 / 05 / 2003	Phungashe
	18 / 06 / 2003	Phungashe
	15 / 07 / 2003	Phungashe
	27 / 11 / 2003	Phungashe
<b>MaNgcobo (Ntombini)</b>	13 / 01 / 2004	Bergville
	27 / 01 / 2004	Bergville
	10 / 02 / 2004	Bergville
<b>Mr Anthony Hlongwane</b>	02 / 03 / 2004	Bergville
	10 / 03 / 2004	Bergville
	27 / 03 / 2004	Bergville
<b>Mr Vusimuzi Hlongwane</b>	08 / 04 / 2004	Bergville
	28 / 04 / 2004	Bergville
	07 / 05 / 2004	Bergville

<b>Rev. Johannes Dlamini</b>	19 / 05 / 2004	Bergville
	03 / 06 / 2004	Bergville
<b>Mr Cornelius Gasa</b>	08 / 06 / 2004	Bergville
<b>Mr Japhet Mandlenkosi Hlongwane</b>	17 / 06 / 2004	Bergville
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<b>Mr Majubane Hlongwane</b>	13 / 07 / 2004	Bergville
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<b>Mr Hlalaniphansi Hlatshwayo</b>	10 / 08 / 2004	Bergville
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Ref.: N1/1/3 (9) 3 (Shange clan).

Ref. :N1/1/3 (11) 6 ( Ndlovu clan).

Ref. : N1/1/3(23) 2 ( Mbatha clan).

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