

SECOND CARNEGIE INQUIRY INTO POVERTY
AND DEVELOPMENT IN SOUTHERN AFRICA

The silence of poverty: Networks
of control in rural Transkei

by

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INTRODUCTION

The structural underdevelopment of the Transkei has in recent years been the subject of a number of studies from both liberal and revisionist perspectives. This macro research which underlines the pervasiveness of rural poverty, has of late been supplemented by a series of statistical surveys. However, little attention has thus far been paid to the qualitative dimensions of rural poverty. In particular, there is still as yet no systematic study of the ways in which rural peoples comprehend their indigency, nor of their ability to confront or deploy local networks of power to ameliorate - or at least announce - their plight. This paper which is of an essentially impressionistic nature, however, should not be seen as an attempt to detail the findings of such a comprehensive study; conceptually and empirically it constitutes a preliminary stage of a broader research project.

The paper consists of three sections. The first is a largely historical overview of the changing functions and powers of the 'traditional' authorities and their relationship with the reserve community. The second section discusses the mechanisms of control deployed by chiefs which serve to inhibit attempts (both collectively and individually) by the people to improve their quality of life. It also briefly explores the wider determinants of the apparent passivity of the rural poor. The third and concluding section questions whether rural development is possible if the present institution of chiefship is retained.

1. An Historical Overview of the Changing Conditions of Chiefship in the Transkei region during the 20th Century

The annexation of the various chiefdoms in the Transkeian region between 1879 and 1894 did not constitute a death blow to chiefship. As Hammond Tooke writes, 'the values clustering round this institution, and the integrity of the chiefdom itself were to prove remarkably resilient'.¹ Ironically, while much of the chief's formal administrative power was dismantled and an opposing (and 'legitimate') administrative system set up in its place, during the rule of the Cape Government and later the South African state, there were still opportunities (in some cases new ones) for political manoeuvring. J B Peires' shorthand description of the realignment of chiefly power in the Ciskei area during colonial rule and after, in a general way is also illustrative of changes in chiefly power in the Transkei:

"... the chief was still able to wield his old political and ideological weapons, albeit in a modified form. Ideologically he presented himself as the "father of the people", who had presided over the "happy community" of what appeared in retrospect as the "good old days". In fact ... it was not the chief but the councillors who had been the guarantors of the people's rights. Politically the chief was a schemer as before, but

whereas he had previously intrigued among the councillors, these were now powerless and he turned his attention to magistrates and government ethnologists, presenting them with genealogical and territorial claims which they found difficult to verify or reject. With regard to the possession of legitimate force, the chief had none of his own and was forced to rely on that of the South African state, a situation which placed him in a dependent position." 2

After annexation chiefdoms were not transformed into units of local government.³ The bureaucratic hierarchy of command which operated for the first half or so of the twentieth century ran from the Chief Magistrate to the district magistrate to the state-appointed headmen. The white district magistrate in effect exercised the real administrative authority in the rural areas. His functions included the carrying out of decisions taken by the colonial and later the South African authorities. Court messengers, policemen, tax collectors, agricultural officers, among others took their orders from him. The magistrates' title was judicial and his court heard all criminal cases and the more important civil ones.

Magisterial districts were divided into locations, each under a headman. These did not necessarily correspond to tribal boundaries; often they would arbitrarily cut through them. There were between 30 and 40 locations in each magisterial district. Homestead clusters formed location sections each under the authority of a sub-headman appointed on a semi - private basis by the headman. Four or five such sections constituted a location.

Though the headman's office was elective and subject to the magistrates' approval, the office tended to become hereditary. The headman became a second chief - a chief appointed by the white authorities to impose often unpopular measures.

In so far as there was a policy shift by the state before the early 1950s vis-a-vis the institution of chieftainship, it was reflected in the 1927 Native Administration Act. A 1928 proclamation issued under the provisions of the Act allowed for chiefs either to be 'appointed' or 'recognised' by the Governor General. According to these provisions, appointed chiefs were able 'to exercise tribal government and control' and perform the functions prescribed in the proclamation, while recognised chiefs were allowed the 'customary privileges of a Native Chief' but no administrative functions. Most of the thirty tribal chiefs in Transkei were 'appointed' under these provisions.

The administrative functions of these appointed chiefs and headmen, Haley's African Survey remarked some years later,

"...do not go beyond the prevention and detection of crime, the giving of assistance in connection with the registration of taxpayers and the collection of taxes, the supply of labour, the administration of laws relating to the allotment of lands and kraal sites, and the dispersal of unlawful assemblies. If, then, there is any tendency to recognise the traditional position of chiefs it is in the judicial field, and it does not seem that there is any intention of granting wider administrative authority on the lines adopted in areas where the system of indirect rule prevails."⁴

Though the Act attempted to link chiefships more directly with state machinery, the chief did not quite fit into the bureaucratic structure. Despite the fact that he possessed civil and limited criminal jurisdiction, it was possible for tribesmen to bypass his court and go straight from headmen to magistrate. Magistrates met their headmen at quarterly meetings and usually worked through them in their day-to-day dealings with the rural people. Administrative action was mostly carried out by taking the locations rather than chiefdom areas, as operational units.

This is not to say that chiefs were unimportant within the total administrative system. Hammond-Tooke notes that 'their prestige and the traditional loyalties that surrounded their office proved remarkably strong', and that the number of disputes that were settled in the traditional courts 'must have been considerable'.⁵

Assessment of the roles and influence of the chiefs in Transkei, before the 1950's, is complicated by the operations of the district council or bunga * system. ⁶ Started in Glen Grey in 1894, district councils were ultimately set up in all of the 26 magisterial districts of Transkei. The district council comprised of elected and nominated members was theoretically responsible for the administration of local affairs in the district as a whole. With the amalgamation of the Pondoland General Council and Transkeian General Council in 1931, the United Transkeian Territories General Council was formed to which each district council sent four representatives.

The United Transkeian Territories General Council (UTTGC or Bunga) was essentially an advisory board used as a kind of sounding board for African opinion in local matters. It had however a small amount of control over revenue and expenditure.

* The word bunga is a Xhosa word meaning discussion or meeting.

It has been argued by Moerdijk that the thrust of the 'double system, of administration by magistrates and headmen and of representation by councillors, was to bypass the traditional chieftaincy, letting it slip into insignificance'. The system promoted 'a split in the African community between the "school people", who went directly to the magistrates' courts, and the 'traditionalists', who went to the chiefs' '.

It would seem, however, that the 'school people' / 'traditionalist' dichotomy short circuits analysis of the activities and constituency of the Bunga. The UTTGC appears to have been more representative of urban and rural middle strata (established and emergent) during the 1930's than in the post-war years when chiefs and appointed officials began to preponderate. The decline of rural interest in the council system is possibly linked to increased structural constraints - more restricted access to land, the retention of tribal communal tenure - to larger peasants becoming politically and economically active farmers.

The changing composition of the Bunga, may also be related to shifting alliances of interest in the countryside and increased economic ('entrepreneurial') activity on the part of chiefs. The extent of the involvement of chiefs in small scale capitalist ventures in the Transkei since Union requires extensive research. One such example, as A.T. Nzula noted in the early 1930's was moneylending.⁸

During the late 1920's and early 1950's there may have been more rapport between chiefs and rural and urban strata (or, more broadly and crudely, 'school people') than is generally recognised. For instance, the establishment of the Chiefs and Peoples' Association of Transkei in the early 1950's suggests that joint efforts were made by middle class elements and chiefs to restructure the bunga system. The Association was apparently formed by Dr H.P. Bala (a member of the present Democratic Party in the Transkei parliament) during the early 1950's. According to a Qumbu informant the organisation

.... was formed during the Bunga period. Tennyson Makiwane the Bunga secretary, was a member. This was formed because decisions taken at the UTTGC did not come into effect. There were also veterans like Chief Poto, Qamata, Sakwe and others. They were representing their regions - that is, Griqualand East, Fingoland, Podoland and Tembuland. People were not satisfied by the UTTGC. They complained that their problems were not attended to.⁹

The advent of the National Party Government in 1948 saw the commencement of a partnership between Dr. Verwoerd and W.M. Eiselen with the aim of restructuring and politicising the whole

apparatus of native administration in the direction of a model of 'tribal'/ethnic trusteeship. The 1951 Bantu Authorities Act was the first major step in this regard.

The Act set up a three-tier system of authorities. The lowest echelon was the tribal authority consisting of the chief and his councillors, appointed by him from among tribal elders. When two or more tribes overlapped, a 'community authority' was set up, comprising the councillors of all the tribes involved. Where no tribal structure existed, councillors could be elected by adult males. The tribal authority areas were based on chiefdoms, had locations as their basic components and could overlap districts. Regional authorities constituted the second level of power and consisted of the heads of the tribal authorities or of one of their members designated for the purpose. The system was crowned by a territorial authority (e.g. Transkei) whose members were drawn from two or more regional authorities.

Though initially rejected by the UTTGC in 1953, the system was accepted two years later and in 1956 the Bunga was replaced by the Transkei Territorial Authority. This volte face was influenced considerably by the lobbying of a group of chiefs headed by K.D. Matanzima, and behind-the-scenes pressure by magistrates.¹⁰

In applying the Bantu Authority Act to Transkei it was found necessary to modify the three-tiered structure by the insertion of district authorities between the tribal and regional levels to accommodate the changeover. Although district authorities were supposed to be temporary, no move was made to replace them.

Before the early 1950s only a small number of traditional chiefs had been assimilated into the administration. During the next ten years or so, royal lineages were recognised and moved into bureaucratic structures. The move was accompanied by a weeding out of 'dissident' elements who were stripped of rank and replaced, usually by members of the same lineage. Between 1955 and 1958 30 chiefs were deposed for a variety of "official reasons". 'In addition to qualifying for royalty through birth', T. Moll remarks, 'a different qualification appeared, state approval and consent.'¹¹

Vigorous efforts were made to re-establish chieftainships which had become defunct. With the recognition of the main groups of the scattered Mfengu 'tribe', many small groups, who since annexation had either lived on their own or as tributary to larger chiefdoms, applied for chiefly status. By the end of the process, Hammond - Tooke notes, the number of recognized chiefs had increased from 30 to 64.¹²

Hammond Tooke argues that, though the basis of the system was the

traditional chiefdoms, above tribal level there was no correspondence with earlier structures of chiefly power. For example, the role of the paramount chief as chairman of a regional authority, 'goes far beyond his traditional powers, which were purely ritual and moral'.¹³

A major change occurred in the status of headman. They were theoretically to be appointed and dismissed by the tribal authority, in consultation with the people of the location. Whereas before they were crucial components of the bureaucratic structure, they and their locations became part of the tribal authority, and were represented vis-a-vis the Bantu Affairs Commissioner through both the tribal and district authorities.

Under the new system ordinary commoners were worse off. Their old representatives, the councillors, no longer protected them, since the chief's council was more liable than ever to be made up of his personal dependents. A number of chiefs came to demand payment for their services as intermediaries between the central state and their subjects - payment from the former as well as the latter. 'Complaints about the chiefs' injustice, corruptibility and the high bribes people now had to offer instead of the modest customary gifts, were heard on all sides'.¹⁴

The reaction of the established chiefs to the new order was mixed. While enhancing their local powers their legitimacy was threatened as they became the vehicles for the implementation of unpopular laws. For others, especially those whose traditional status was shaky, collaboration with the Native (later Bantu) Affairs Department brought with it increased wealth and ascendancy over less compliant rivals'.¹⁵ The overall trend was to more authoritarian rule. In the words of the Bantu Affairs officials, chiefs were exhorted to:

"Be your own police in your interest, find out those men who respect authority and tribal institutions and band them together as chief's and headmen's impi which will turn out when called to help keep your tribes and locations clean and well behaved ... use moderate violence ... just like a good chief should do." ¹⁶

With the advent of the Bantu Authorities came the more systematic application of land rehabilitation and cattle stock control measures. (These measures, though in abstract not unreasonable, usually served to reinforce the already precarious existence of the vast majority of peasants).

Resistance to these measures ¹⁷ - which was sporadic and small scale during the late 1940's and early 1950 - became more widespread during the late 1950's and early 1960' and meshed with opposition to Bantu Education and Bantu Authorities programmes. A few political organizers from the cities, along with a number

of rural intellectuals¹⁸ - especially teachers who belonged to the Cape African Teachers' Association and/or had links with the All African Convention - helped co-ordinate and articulate these struggles with broader political struggles.

Given the difficulties of penetrating mass consciousness, it would appear that the majority of participants in the outbreaks of rural resistance correctly identified the attempted implementation of 'Betterment' measures during the late 1950's and early 1960's as part of a wider onslaught by the state. However, it was only in Pondoland, in the Eastern region particularly, that resistance to Bantu Authorities and rehabilitation schemes became more of a permanent mass movement. It was here that opposition to chiefs acting as state functionaries was most vehemently expressed. The 'main targets' of the Pondoland disturbances', the official journal of the Bantu Affairs Department declared in 1961, were 'the Chiefs and Headmen, and Bantu Authorities'.¹⁹

Popular opposition to the chiefship of Paramount Botha Sigcau - who was generally considered to have been elevated to the paramountcy in 1939 at expense of the rightful heir - was an important factor in the groundswell of opposition. Sigcau's open support of the Bantu Authorities and the Nationalist Government, the widespread corruption in the tribal courts of Eastern Pondoland, and the authoritarianism of the chiefs - a number of them newly appointed - added to the opposition to his rule. The persistence with unpopular land rehabilitation schemes and the imposition of higher taxes to pay unwanted state - appointed chiefs were further contributory factors.²⁰

The resistance led to armed intervention and, in November 1960, the declaration of a state of emergency, promulgated in the infamous Proclamation 400. Proclamation 400 (subsequently amended by Proclamation 413) authorised Bantu Commissioners and police to detain suspects without trial. In an obvious attempt to bolster the authority of chiefs and headmen, it became an offence to criticize any state official, to organize a boycott of officially convened meetings or even to treat them with disrespect. Furthermore, the proclamations enlarged the chief's judicial powers, enabling them to fine, banish and 'relocate' tribesmen and to confiscate their property. These temporary powers accorded to the chiefs and headmen were never revoked and were thus incorporated into the structure of the Bantu Authorities.

Though rural resistance continued during the mid and late 1960's it was a good deal more localized and low key - a state of affairs to which state repression and the drought of the mid-1960's contributed markedly.

The chiefs appear to have emerged relatively unscathed; the headmen, however, somewhat less so. Apart from those chiefs and headmen who actively resisted betterment measures, a number adopted stalling tactics or attempted to distance their office

from the source (i.e. the apartheid state) of those measures. Headmen who seem to have been more directly associated with the implementation of these measures, were more exposed to peasant hostility.²¹ The fact that there were collaborationist and resistant factions among the chiefs served to channel opposition towards tribal authorities to an identification of popular and unpopular chiefs; the legitimacy of the chiefship itself was seldom seriously challenged.

At the Commission of Inquiry into the Pondo Revolt popular demands included the withdrawal of Bantu Authorities and the removal of Botha Sigcau, but there was no call for the dismantling of the institution of chiefship per se.²² It is worth bearing in mind, for example, that the other paramount chief in Pondoland, Victor Poto, was exposed to far less criticism. Indeed, by dint of hard work and considerable patience, he was able to persuade most of Libode and Ngqeleni to accept rehabilitation.²³ 'To the largest extent', Moll argues, 'the resistance of the late 1950's and early 1960's was due to the restructuring of rural relations of production rather than of simple opposition to Bantu Authorities, chiefs and headmen.'²⁴

There is a tendency in recent writings on Transkei to use the resistance of the late 1950's and early 1960's as evidence of the potential for collective political or social action by the rural subordinated classes in contemporary Transkei (and other homelands). For example, in a study of the political economy of Transkei, Roger Southall remarks :

"What is more likely is that widespread disaffection in the townships - - - may spread to the homelands themselves, and rural resistance to apartheid (whose potential was most dramatically demonstrated by the Pondoland Revolt of 1960 . . .), may well take the form of direct attacks upon the baptustan leadership and symbols of their authority."²⁵

Whilst not ruling out the possibility that the rural masses could be politically mobilised we would question analyses which incorporate uncritically the notion of a 'tradition' of heroic resistance. Such analyses we feel, have not fully grasped the complexities and contradictions of rural resistance in the late 1950's and after. To a considerable extent, this resistance was predicated on a defence of 'traditional' socio-economic practices. The 'backward looking' nature of the resistance was paradoxical in its effects. While limiting any extensive restructuring of economic relations of production in rural Transkei, at the same time it helped retain a material and ideological terrain on which the institution of chiefship (albeit distorted) could survive. Furthermore, the relatively limited range of peasant activity in Transkei - there was not a kulak class as such, and individual tenure was the exception rather than the rule - made it difficult from the mid 1960's onwards to sustain a social base resilient enough to provide leaders and oppositional ideologies capable of confronting the networks of

control brought into play by the introduction of Bantu Authorities. A refinement of state repression during the 1960's which largely destroyed the leadership structures of oppositional forces, rendered effective collective action doubly difficult.

Transkei's route to quasi-independence between 1963 and 1976 has been discussed in detail elsewhere.²⁶ The following short discussion of the political developments during these years aims merely to highlight the centrality of the question of chiefship in the process.

The Transkei Constitution Bill which was passed in 1963 was referred to an unenthusiastic recess committee of the Bunga. In spite of the fact that this body was composed mainly of chiefs - the bill languished for some time. Of the committee, certain chiefs - especially from Tembuland and Pondoland - were critical but were warned that they might be deposed if they opposed the State's policies too openly. A few of the committee held report-back meetings and were informed by their constituents of two things: most favoured a multi-racial, non-ethnic citizenship; secondly, a majority of elected members, rather than hereditary and government-appointed chiefs, was desired for the legislative assembly.

The bill which was rushed through the TTA provided for a Legislative Assembly of which four Paramount Chiefs and 60 other chiefs would be *ex officio* members; only 45 members would be elected. Even Verwoerd (with the international community in mind) considered this representation dubious.²⁷

In the ensuing election an alliance of certain progressive chiefs and commoners who coalesced around paramount chief Victor Poto of Pondoland won 38 out of the 45 seats. This group, which after the election became the Democratic Party (DP), were opposed to conferring (limited) ethnic citizenship on people in Transkei and maintained, by and large, that chiefs should be accorded a separate upper house. This upper house - a kind of senate - would keep chiefs out of the main political arena.

The Poto forces needed the support of at least 16 of the chiefs sitting in the assembly to be able to form a government. These chiefs were subjected to intense pressure by the South African authorities and those from East Pondoland were detached from Poto.

The DP declined from the later 1960s onwards. However not until 1973 was TNIP able to secure a majority (55%) of the popular vote. Among the reasons for the decline were the harassment and intimidation of the DP members and inter-personal rivalries. Probably the most important factor was the essential fissility of the alliance between the chiefs and the middle strata (the

'school people'). Insofar as there was a non-tribal distinction between the chiefs of the DP and the ruling Transkei National Independence Party (TNIP), it was that the former were the 'good chiefs' who listened to the people and who had popular support.

Ultimately, however, the chiefs' interests lay with the interests of their immediate constituents. And the interests of their subjects could only be looked after by them (the chiefs) having the power to have roads, clinics and schools built - a power which depended to a considerable extent on a good working relationship with the governing power. It was not altogether surprising therefore that the DP chiefs were gradually drawn into the orbit of the TNIP.

2.1 Post - 1976 Modifications of Chiefly Power

A striking feature of the bantustan project, Southall declares, 'has been the particularly explicit manner in which chiefs, headmen and politicians (who generally possess few skills which they can sell on the open market) have been bound to the state through direct financial inducement'.²⁸ In a society where jobs are scarce and wages low, an official appointment or a seat in Parliament offers material rewards not easily found elsewhere.

During the period 1963 - 1976, salaries for tribal authority rose disproportionately compared to the average annual income of rural households. (The per capital annual income for reserve-based blacks in Transkei rose from an estimated R54 in 1960 to R169 in 1973).²⁹ The last few years have seen no apparent increase in the official salary scales for chiefs. However, annual expenditure on salaries and presentations for chiefs and headmen has continued to rise. (In 1974/75 this amounted to R323,500, in 1975/76 R536,500, for the current financial year it stands at R1,440,000.).³⁰ Apart from their salaries, chiefs also receive bonuses for tax collection. (These varied from R360-R1,080 in 1975). Along with headmen, chiefs receive travelling and other allowances and receive a state pension on retirement. These official payments are supplemented by money and payments in kind, extracted through means of corruption.

Salaries of ex-office members of the Legislative Assembly have increased from R800 in 1964 to R4,200 in 1983. This is in all fairness not much above the inflation rate. The salaries of elected members - of whom a number almost a third are chiefs and headmen - have risen somewhat higher (R8,400 in 1983).

TABLE 1 Salaries of Chiefs and Headmen, 1964-1983

Sources: Southall. *Op Cit* p 174; Transkei Estimate of Expenditure years ending March '84; Daily Dispatch 1 June 1983.

	Paramount chiefs	Chiefs sitting ex officio in TLA	Chiefs not sitting ex officio in TLA (R)	Headmen's Scale (R)
1964	1,500	400	-	64-112
1967			400	120-216
1971		R1,900	600	144-276
1975	R11,000	R3,000	1,000	288-452
1978	R14,000	R3,300	1,296	348-540
1983	R32,000	R4,200	1,296	348-540

Paramount chiefs have been the main beneficiaries in the post 1976 period. Their salaries have been increased from R14 000 to R32,000. In addition all have been presented with trust farms (with individual title) for their personal use as reward for the role in the 'struggle' for independence. In a 1976 Transkei Legislative Assembly debate over the proposed grant of these farms to paramount chiefs, TNIP parliamentarian Cromwell Diko stated that

"...we are now entrenching chieftainship for the second time, we are going to give the paramount chiefs farms because they are the traditional leaders of our people you cannot do away with chieftainship.... in the Transkei. The rank and file, the sans culottes..... the people down there, the underdog, will not care for..... the voice of the few educated leaders. All they want..... is that the paramount chief must be looked after properly, and in all things they want to know what is the opinion and view of the paramount chief or the chief." 31

An attempt to further bolster the powers of the chiefs can be seen in the establishment of regional courts under the Regional Authority Court Act of 1982. Each region is allocated such a court which is presided over by the head of the regional authority or by a designated official in his absence. All proceedings in the court are to be conducted 'in accordance with the recognised traditional laws and customs applicable in that region'.

There are two especially significant aspects about these courts. Firstly, they are seen as equivalent to magistrates courts enjoying 'the same powers, authorities and functions' of the latter. Secondly, no legal representation is allowed. In contrast to the previous tribal courts, an appeal (originating

from a regional authority court) to the magistrates courts is not possible.

Since 1976 the chiefs have been drawn more into the orbit of the Transkei state bureaucracy. Though more is expected from them, only the paramounts appear to have gained in terms of formal financial remuneration. It would thus seem that chiefs and headmen are now even more prone to resort to mechanisms of corruption to maintain or improve their material standard of living.

In the section which follows we will examine the interplay between corruption and the networks and mechanisms of control operated by chiefs and headmen. In addition, an attempt will be made to show, in passing, how these controls tend to undermine individual initiative or collective action by the rural masses. We will also discuss some of the broader dynamics of rural acquiescence.

2. Control and Acquiescence in Rural Transkei

The allocation of land is probably the most crucial site for the interplay of corruption and control. Land allocation is 'traditionally' the prerogative of the chief through his headmen. According to custom, although this has over the years been distorted considerably, the communal land tenure system allows that every male (Transkeian) is eligible, to acquire a plot of land provided he is married, over 21 years of age and up to date with his taxes. The belief that it is, at least in theory if not in practice, possible for men fulfilling the formal qualifications to acquire land, in conjunction with other factors, discussed below, reinforces an apparent willingness to acquiesce.

As a function of influx control measures operating in white South Africa, the ^{homelands} rural areas are in reality the only place where the majority of Africans can legitimately lay claim to a piece of land and a home. Thus while the land itself is seldom able to provide a means of subsistence, it does provide a home for an individual's family and a future place of retirement, for himself. The loss of rights to this land moreover, although in practice a threat that is seldom if ever invoked, would imply that an individual had forfeited the opportunity of ever owning a home, since properties in the urban areas of Transkei are governed by market forces and are generally beyond the means of rural people. Moreover, it is not possible for an individual who might have fallen from favour in one tribal authority area to move to another without a clearance permit and a letter of introduction from the headman of the locality from whence he was departing.

The threat of banishment from the land, however, ultimately represents less of a threat, than the more real possibility that an individual's arable plot will be allocated to another on the pretext that it is not being properly utilised. This situation

arises, it would appear as a result of an abuse of power on the part of the chiefs and headmen, and a critical shortage of arable land for new applicants. Whereas customary law does empower a chief or headman to reallocate land if it is not being used or if taxes have not been paid for over two years, this is seldom systematically enforced and the ruling is generally applied in an arbitrary and subjective manner i.e. when an individual plot owner has antagonised either chief or headmen or either stands to gain from the transaction.

It is a virtual norm in all districts of the Transkei, that applications for land must be accompanied by payments of alcohol, poultry, sheep or even, where competition for land is high, an ox. Whereas there is evidence that the payment of dues to a chief was practiced in precolonial times, it was not necessarily a precondition for the acquisition of land. The present system furthermore undoubtedly appears to lack the reciprocity of this earlier period. It is certain moreover that the practice of payment for land has become increasingly prevalent as land shortages have been exacerbated. As the practice is officially prohibited (illegal) there are no guiding rules for setting of rates for the acquisition of plots and amounts charged vary according to the demand for land.

The net effect of this system is that the community itself, lacking any alternative, is drawn into the system of land allocation and must accept bribery as part of the rules of practice:

"Things here, therefore go their own way. They are swerving and not going straight. We can not deny, sir, that there are fees for the acquisition of land, which are paid secretly to the chiefs because no applicant can be so stupid as to expose that when he has actually got the land which he desperately wanted."³²

Whereas there is undoubted dissatisfaction with this practice, the continued participation of the community does, if only in negation, lend some legitimacy to the actions of chiefs and headmen in this regard. It is, for example, in the interest of persons wishing to acquire land that they should not in anyway challenge or antagonise tribal officials, or be seen as "trouble makers".

An interesting side effect of the current land allocation practices is that they could conceivably be reinforcing patterns of differentiation among the peasant strata, since only those with resources (cash or stock) can compete for land. It is conceivable furthermore, although at present unsubstantiated, that the growing landlessness in Transkei reflect an increase in the ranks of the rural poor (rather than an increase in the number of young men eligible for land).

While control over access to land operates as a major means of chiefly control, other manipulative mechanisms are at their disposal. Most directly their role as arbiters in the tribal authority courts affords a means not only for personal gain (through bribery) but also the ability to extend or withhold favourable judgement. More pointedly still, chiefs can ensure that certain cases brought for litigation are rejected or in alternative cases that (comparatively) harsh sentences are conferred for relatively minor offences. The implications of this practice are significant, individuals who challenge the actions of the chief or his court might find that as plaintiffs it is impossible for them to institute proceedings in the tribal authority courts, or alternatively, if defendants that excessive sentences are meted out to them:

- S. "Why don't (people) ask such questions openly?"
(How tribal authority funds are expended).
- R. "People fear that trouble may crop up. That is what I have told you before. Many things might emerge. Only truth can remedy a situation like this. If you dare ask something about the financial expenditures incurred you are going to be judged with a very watchful eye. Be judged as a wrong person in so much that you may not enjoy some of your rights".
- S. "Which rights?"
- R. "I told you before. You can commit the same offence as the other person but not get the same punishment. That is not fairness, people are rational, they see such things".³³

Whilst the judgements of the chief in court must, in theory be ratified by his councillors, it is generally recognised that these officials are largely appointed by the chief himself and are supportive of his actions:

- S. "Does the chief have people helping him in doing his work?"
- R. "Previously a chief used to have his councillor. They were present in everything he does. Councillors were known. I was a councillor even myself. This is not the case nowadays. A chiefs councillor is his friend, one he wishes to do something with at the moment and therefore they are no true assistants. Nobody is prepared to be a chiefs councillor because of their behaviour".³⁴

A further sphere of influence by tribal authorities officials is in the granting of state pensions. Claimants for state pensions must produce proof of their age by means of a 'book of life' identity document or a birth certificate. Where these documents are unavailable and an individuals age is unknown, payment can be

made on the recognisances of the chief or headmen. This practice again facilitates the dual practice of corruption (through bribery) and control.

There is evidence that chiefs and headmen can and do refuse to recognise and support legitimate claims for pensions where individuals (or their families) have fallen into disfavour or are seen as 'trouble makers'. At the same time the practice of payment-by - recognisance enables tribal authority officials to manipulate the system to their own ends. The following statement by a headman is illustrative of the practice:

- S. "Which role do you play in the administration of pension funds?"
- T. "I am only involved in the granting of old age pension funds. We use the book of life as the only source of finding one's age. We do not use reference books."
- S. "What happens if one is old and yet does not have the book of life?"
- T. "I go with him or her to the district commissioner and convince him about the applicants age. What is abhorrent is that most headmen register young women whom they are in love with and do not care about the old and stranded women".³⁵

The patterns of control delineated above are the most prevalent in rural Transkei (in that they derive from formal legal and administrative practice) but a range of other informal and less explicit mechanisms serve to reinforce the general hegemony of the chiefs. Thus while commoners who challenge the tribal authority structure might not be subject to direct and overt reprisals, they could expect unspecified harrassments in the future and their lives could 'become difficult'. Moreover, whilst difficult to document, there is evidence to suggest that, in extreme cases, chiefs have instigated theft of stock, and the burning of huts and fields of dissident subjects.

It is important to note that in the exercise of power, the objectives of control and corruption are interactive and mutually reinforcing. The derivation of material gain from patronage and bribery appears logically to rest on the chiefs' power to grant or withhold favours and to co-erce dissidents. There is however a more subtle interaction between co-ercion and corruption which is strongly conducive of acquiescence amongst those subjected to these practices. It has been suggested that the compulsion of economic forces and need for social security has drawn rural peasantry in Transkei into the realm of bribery and corruption. Through this practice individualism (as opposed to communalism which was supposedly a characteristic of traditional systems) is reinforced as people compete with each other for the limited resources available. The normal effect of this process as James C Scott points out is to 'hold back or cancel out the effects of

growing collective actions'.³⁶

In the above discussion we have focused on the main mechanisms or networks of control displayed by chiefs - we shall now proceed to a short examination of different kinds of constraints to collective action which cannot be subsumed under the set of chiefly powers and sanctions.

The extent to which the relative acquiescence of the rural populace of Transkei is 'ideologically' determined, might seem a useful avenue to inspect. However, problems of defining ideology, coupled with the shortage of in-depth studies of the rural poor, place a detailed inspection beyond the bounds of this paper. A few remarks must suffice.

Our field data suggests that conceptions of ideology which tend to depict men and women as cultural dupes should be used with caution. Acceptance of the institution of chiefship, for example, is not necessarily accompanied by commitment to or a belief in an hierarchical social order. As we have suggested, support for 'traditional' notions of chiefship, is bound up with notions of what peasant life was once like (e.g. more land and stock) and ought to be today. However, to see support for or acceptance of the institution of chiefship as informed largely by myth, is to overlook the role of chiefs/headmen in allocating (or with-holding) resources and the fact that people do avail themselves of this 'service'.

In a recent exploration of the ways in which ideological rapport binds a people to a given regime, Goran Therborn stresses the importance of fear and resignation in securing the compliance of subordinated classes. He argues that 'force and violence operate as a form of rule only through the ideological mechanism of fear'.³⁷ Force cannot rule alone. Among the forms of fear are the fears of being excommunicated or of losing one's job. Resignation entails the belief that there doesn't exist a possible alternative to the existing order.³⁸

Therborn's observations have some applicability to the rural populace of Transkei. While we found some evidence of a deep seated belief that there is no better alternative to the existing order, this is clearly an area of future research. The 'ideological mechanism of fear' is far more evident. We have already spoken of how the fear of losing one's land can be exploited by chiefs and headmen.

A fear of voicing one's grievances, of questioning or speaking against tribal authorities is a pervasive sentiment. 'By complaining you create enmity', a Qumbu resident remarked. 'We cannot complain'.³⁹

A businessman from Etoleni (a location near Butterworth), asked why people failed to question the tribal authority openly, replied:

"people fear that trouble may crop up ... Many things might emerge. (including the complicity of some of the people) ... If you dare ask something about the financial expenditure incurred you are going to be judged with a very watchful eye. Be judged as a wrong person in so much that you not enjoy some of your rights ... They (the people) fear the chief very much. 'They fear to be arrested.'"

This fear of tribal authorities also extends to higher officialdom. According to a Kentani respondent:

"If the minister addresses a meeting people do not challenge his speech; instead they voice complaints among themselves after the meeting. There is no one brave enough to stand up and challenge the minister ... People fear to voice their dissatisfaction to the government."⁴⁰

A fear of the authorities is not without foundation. Chiefs are served by a number of informers (kin, hangers on etc.) and appear to have links with the security police.⁴¹ Nevertheless there appears to be a considerable discrepancy between the actual and imagined capacity and willingness of the state (whether the tribal authorities or the higher echelons of government) to carry out punitive or coercive measures.

A further constraint to collective or critical social action - and which is not directly 'ideological' - is the relative lack of access of the rural strata to useful social knowledge which would appear to reinforce passivity. Decoding the sources of their subordination and immiseration is not easy. And even if the structures of power and of policy making are adequately identified, then there is the problem of how to confront or use them. With the expansion in Transkei of bureaucratic machinery (whether under the guise of "traditional" or "modern" state apparatus) and the mystification of law and legal procedures, articulating grievances can seem a formidable task.

The problem of confronting the maze of seemingly impersonal bureaucratic apparatus is a fairly common experience for rural people. A number of our informants, for example, despaired of being able to prevent what was seen as high handed operations by the Transkei Agricultural Corporation (TRACOR) - a para-statal organisation. A Lusikisiki informant had this to say:

"This TRACOR has made the chiefs to be confused because instead of coming to them, it just went to the Regional Authority at Qawukeni. This TRACOR does not plough the lands of the people who want its help only. It just ploughs all the lands as long as they are in the rehabilitated area. (Resettlement scheme). If, for instance, you have got the

means to plough your land, and in fact you plough it, TRACOR doesn't care, it is going to plough, even if your land has just been ploughed by you. If you try to speak to TRACOR (i.e. TRACOR's staff) they tell you to cross the stream and go to Qawukeni (Regional Authority). TRACOR says it was accepted by the Qawukeni Regional Authority and it has nothing to do with the people. If a man continues to complain to TRACOR, all that happens thereafter is a lengthy document (summons to appear before court) from the Regional Authority asking the man to appear before it for obstructing TRACOR while performing its duties. People are then afraid of the Regional Authority and they just let TRACOR plough their lands no matter whether they do not consent to that. It means then that, even if TRACOR can take away all the mealies, nobody can complain."⁴²

The relative numerical decline of critical rural intellectuals whether by exile, coercion or cooption - has contributed to a restricted access of the rural population to useful social knowledge.⁴³ The partial cooption of teachers is the most significant aspect here. Nancy Charton points out that after 1963, teachers in Transkei 'gained tremendously from the policies pursued by the Matanzima Government'.⁴⁴ There was a 189% increase in the teaching establishment between 1962 and 1978/9 and salaries for Transkeian teachers today are considerably higher, comparatively speaking, than they were two decades ago. We should nevertheless bear in mind Southall's contention that the benefits the teachers have received 'have not been sufficient to guarantee their docility, and their political relationship to the bantustan state has continuously been highly ambivalent'.⁴⁵

It could be argued that migrant workers are a source of political and social awareness. Yet while it is certain that migrants are politicised in their work environment, it would appear that they have yet to apply these ideas in a rural setting. This could be occasioned by the fact that the majority of migrants return for periods of one month or less a year and that during their stay they are preoccupied with domestic work (such as ploughing) or familial or social obligations. Respondants interviewed in this regard indicated that being away from home for such extended periods, they lost touch with local issues and were unable to reassert themselves or sustain any social activism. More likely however, they are not eager to jeopardise the positions of their families in their absence (vis a vis access to land, pensions etc.) by speaking out or openly challenging existing structures or practices.

Social cleavages and in-group tensions among the rural masses contribute to the inhibition of collective action and thus to the perpetuation of passivity. A major social division is the particularly subordinate position of women in rural areas - a subordination which is directly related to the quite rigid division of labour within the household unit of production and a general lack of legal protection from the central state or tribal authorities. A tendency to monopolise political knowledge

and to preclude women from local political activity is suggested in the two following extracts - the first with an Umzimkulu woman and the second with a rural businessman:

- 1) "Q. What are the functions of the tribal authority ?
A. I cannot tell. I don't know.
Q. How do you like the tribal authority?
A. Well I cannot say."
- 2) "S. Has there been a female sub-headman?
R. No, that will take a long time to happen. The Xhosa tradition does not allow that. A man cannot be told by a woman. This needs more improvement in education so that women can know that they are able to perform those functions (sub-headmanship)."⁴⁶

Womens' struggles have tended to be fought within the limits of the household unit and the strategies adopted have been to attempt to gain control of rural production or to seek wage or intermittent labour in urban areas. And, as Moll points out, 'chiefs and headmen are unlikely to become the objects of womens' struggles precisely because their contact with them is mediated via the men of the household or village.'

Particularistic allegiances among the rural masses seldom appear to underpin or influence attempts at community reform. Inter-location fights - a not uncommon occurrence in Transkei - is one such example of these allegiances. These fights, which often have their roots in disputes over land, or stock theft, obscure rather than reveal the causes of immiseration. A Lusikisiki respondent had this to say on the question of inter-location of faction fights :

- Q. "What are the things which, in your opinion, cause disharmony among the people here?
A. Conflicts do occur between neighbouring locations here and that often leads to faction fights.
Q. Basically, what is the reason for these faction fights?
A. It is theft and I think this theft is caused by starvation. If, for instance, our stock is stolen, we follow the tracks with the intention of recovering the stolen stock, and

that results in fighting. As a result of the fighting, people die and the people who are arrested are sometimes the people who have been offended. These faction fights also cause more starvation because the men are arrested and kept in gaol, leaving only women and children to attend to agriculture. Sometimes the atmosphere is so tense during these faction fights that it is not even easy for those who are left behind to move freely to their fields for ploughing."⁴⁸

The use and abuse of alcohol and similar stimulants is another means for the displacement of anxiety and frustration. Interesting in this regard and, providing a possibly valid corrective to notions of a tolerant 'communalism' among the rural populace, are the views of an uneducated Kentani resident:

"People of the rural areas are jealous. They are jealous of each other. They oppress each other. If one wants to do something, that is hated. The first thing that will make rural areas not develop ... You omit a small advice by which you would defeat this. There is a growth in alcohol drinking. You cannot build a home with liquor. You have never seen big schools being built in rural areas to improve and develop children to gain knowledge, yet dagga is sold here in rural areas in front of those people who are said to be ruling ... During the olden days beer was brewed at one's place and people were invited. Nowadays, beer is brewed for selling. There is something dangerous - dagga and this sorghum beer. Everyday a person does not go to work, instead he goes to the beerhall."⁴⁹

Perhaps the most crucial determinant of the relative passivity of the rural poor is the brute reality of poverty itself. As Marx in his later years recognised, 'the dull compulsion of economic relations' was vital in maintaining social consent. In Transkei over 70% of the rural populace fall under the subsistence line. Thus, the debilitating effects of poverty, on attempts by the people to comprehend and ameliorate their plight, are considerable.

Traditional structure and rural development in the Transkei

The concept of rural development whilst analytically problematic, is nevertheless generally employed to describe various state interventions in the economies of underdeveloped regions which aim to reduce poverty (through increased productivity), improve the

quality of life and eliminate inequities in the society at large. Such too is the official objective of rural development in the Transkei as enunciated in various strategy plans, white papers etc. ⁴⁹

In reality however the structures existing to promote rural development, in the Transkei, the structural constraints aside, are severely limited. There is no government department specifically assigned to promote rural development and activities in this sphere are the general responsibility of a number of departments including agriculture, health, works and energy, local government and land tenure, the prime ministers office etc. The office of the district commissioner, (falling under the department of the Interior) until recently, was charged with the general task of co-ordinating the activities of the various departments, but in practice this was seldom achieved. District commissioners continuously complained of a lack of co-operation from other departments and from the tribal and regional authorities, neither of which fell under their jurisdiction.

The district commissioners' co-ordinative role has since late 1983 been assumed by the district magistrate (reverting to earlier practice) but this is unlikely to result in any significant changes in the pattern of administration in the rural areas. The tribal authority system is still seen as the primary administrative structure through which rural development programmes will be channelled, despite the evidence that the vast majority of chiefs and headmen lack any training or skills in administration of development programmes.

The inability (or unwillingness) of these officials to facilitate some form of rural transformation was born out by a survey conducted by among district commissioners in 1982.⁵⁰ Of the 27 commissioners interviewed 22 (82%) expressed dissatisfaction with the tribal authorities, chiefs and headmen. Their principal complaint in this regard related to the lack of co-operation from, and the intransigence of the chiefs and headmen (compounded by their lack of training and administrative skills) and the confused allegiances of the rural people themselves. Several commissioners suggested that tribal authority officials were deliberately misinforming people on administrative matters, which undermined the credibility of their own offices. The most frequently cited grievance however, related to the practice whereby chiefs by-passed all established channels of redress and communicated directly with departmental head or, worse still, in the D.C.'s perspective, with government ministers. Such a practice generally lead to a series of ad hoc and issue-specific decisions, which cut across more structured attempts at development.

This situation has undoubtedly been compounded by the fact that tribal authorities and district commissioners administratively

fall under separate departments and are officially, (if not politically) of equal administrative standing. What is certain however, is that the limited services provided in the rural areas thus far, have not been accompanied by any significant social, economic or political development among the rural people. That this is so is hardly surprising - the notion that the chieftdomship can be deployed as a means of mobilizing (and modernising) the peasantry, undoubtedly forms part of the rationale for the perpetuation of this institution, and yet therein lies the seeds of contradiction.

Aside from the seeming paradox that a 'traditional' structure (albeit subverted) is to serve as the engine of modernisation in rural Transkei, the tribal authority system in its present form is eminently unsuitable to act as the primary agent of transformation. The system as has been demonstrated embodies a fusion of legislative, judicial and administrative powers. The implications of this are not insignificant: the chiefs are expected within their sphere of competence to legislate, ensure the implementation of these laws and thereafter to act as impartial arbiters over transgressors. The subjective judicial interpretations which can and do ensue from this practice are the most obvious outcome, but there are other more disturbing features of the system.

The chiefs as 'development' administrators, their lack of administrative expertise aside, are expected to work with the people, building their confidences and self reliance, an objective which contrasts strongly with their roles as policemen and judges. Instead of developing social awareness, responsibility, and independence the practice of patronage and coercion, ultimately undermines efforts to transform the rural areas of Transkei.

This contradiction arises, because in their present form the objectives of the chiefs (consolidation of power and personal gain) are incompatible with the objectives of rural development in its broadest sense. More fundamentally however as Paul Daphne suggests, in a discussion of tribal authorities in KwaZulu the desire to keep 'traditional' leaders out of the main stream of rural development, is not based on the assumption that these individuals are all power - hungry despots. It is rather, as he asserts:

"rooted in the belief that the most essential component of rural development is the promotion of the feeling, among the broad base of the people, of control over their own affairs. A benevolent autocracy, in the form of chiefs and indunas who genuinely have the interest of their people at heart, is still an autocracy and will stifle the development of such feelings of self reliance. A person who takes all the decisions, even in the interest of others, is depriving people of full participation in what could be

viewed as an educational process. For as large a number of people as possible to be part of the growth of organisations, to grapple with constitutions, and to confront differing concepts of democracy is development in its own right. This will provide the basis for further physical development and hopefully contribute towards the democratisation of South African society as a whole.⁵¹

He stresses furthermore that rural development work that ignores the restrictions imposed by the tribal authority system and consequently fails to facilitate the establishment of other structures, is likely to have limited long term impact.

Conclusion

In conclusion it must be reiterated that the chiefs and headmen do not constitute the major determinants of rural poverty and explanations of acquiescence and indigency must in the final instance be sought in the very nature of homeland development in South Africa. What is certain however is that the institution of chiefship serves to exacerbate the problems of the rural poor by constraining their ability to organise and confront their poverty.

Though the focus of this paper has been on the control functions of 'traditional' authorities in Transkei, the stultifying effects of chiefship on rural development are by no means confined to this region and similar practices exist in all other of the homelands. More disturbing furthermore, are the attempts to refurbish the tribal authority structure. Chiefs are more than ever on the agenda of rural development, as evidenced by the terms of reference of the Wiechers Commission into the activation of traditional authorities in Bophuthatswana - the most economically viable of all the homelands.

In reviewing the institutions of chiefship it should be born in mind that there is a need to distinguish between the material functioning of chiefly powers and the manners in which the homeland governments and the South African state invoke and manipulate the 'traditional' role of the chiefs and the ideological associations surrounding it.

An example of this latter phenomenon is found in the report of the Wiechers Commission in its support for the retention of chiefship:

"The argument is sometimes advanced that there can be no hope of economic development in our tribal areas while the influence of any type of "traditional" institution is permitted to persist. This is far too simplistic an interpretation of the situation.

"Traditional" constraints operate in all societies, and enter into virtually all aspects of the lives of members of those societies. Experience throughout the world has shown only too clearly that these constraints do not wither away and die simply because planners find it inconvenient to learn about and examine the salient features of a culture which is different from their own."⁵²

Finally, it should be made clear that we do not imply that a version of Hobbes' Leviathan is in existence in Transkei, especially in the rural areas.

Nor are we suggesting that control is uni-directional. Rather, we agree with Anthony Giddens' contention that "there are no continuing relationships in any sphere of social life where the scope and effectiveness of the control which some actors have over other actors, is complete."

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17. For analyses of rural resistance in Transkei from the 1940s until the early 1960s see I.A. Lodge, op.cit., pp.261-294; Govan Mbeki, The Peasants' Revolt (Harmondsworth, 1964);

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18. Allowing for the social concerns of Western Marxism, Antonio Gramsci's writings on 'rural intellectuals' would appear to have some applicability to rural Transkei. For example:

Intellectuals of the rural type are for the most part "traditional", that is they are linked to the social mass of country people and the town (particularly small-town) petite bourgeoisie, not as yet elaborated and set in motion by the capitalist system. This type of intellectual brings into contact the peasant masses with the local and state administration (lawyers, notaries, etc.). Because of this activity they have an important politico-social function, since professional mediation is difficult to separate from political. Furthermore: in the countryside the intellectual (priest, lawyer, notary, teacher, doctor, etc.), has on the whole a higher or at least a different living standard from that of the average peasant and consequently represents a social model for the peasant to look in his aspiration to escape from or improve his condition One can understand nothing of the collective life of the peasantry and of the germs and ferments of development which exist within it, one does not take into consideration and examine concretely and in depth this effective subordination to the intellectuals. Every organic development of the peasant masses, up to a certain point, is linked to and depends on movements among the intellectuals.

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45. Southall, op.cit., p.183.
46. Private interview, name withheld, Etoleni location, December 1983. Private interview, name withheld, Umzimkulū district, 15 February 1984. The following comment from a Lusikisiki male respondent, interviewed on 11 February 1984, is worth recording: 'When TRACOR came here, the women rejoiced because they said that they are not going to hoe the fields anymore'.
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