

New “traditional” strategies and land claims in South Africa: A case study in Hammanskraal

Sarah Godsell

University of Witwatersrand

(NRF Chair: Local Histories, Present Realities)

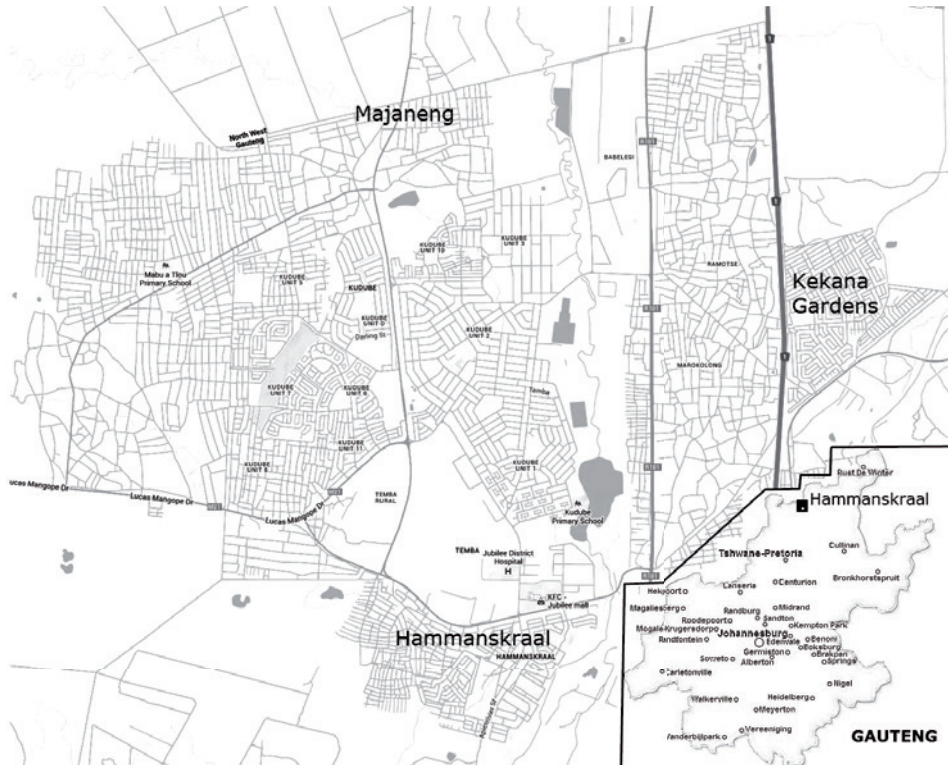
sdgodsell@gmail.com

Abstract

In post-apartheid South Africa, many hopes were pinned on the process of land-restitution to be a major part of power and wealth redistribution. However, as the land claims process is linked to demonstrable historical legitimacy, this process has sometimes necessitated both the restating and reinventing of local histories and “ethnic identities”, in line with new political structures or moral frameworks. This article addresses continuity and innovation in strategies around historical adaptation to governance structures, ethnicity and “traditional” structures in South Africa. These themes will be explored using Hammanskraal, located in the north of Gauteng, as a case study, examining the way legitimacy has been gained, constructed and established in two specific periods: around 1911-1944 and 1995-2010. In 1944, government ethnographer NJ Van Warmelo produced a history of Johannes “Jan Tana” Kekana’s Ndebele, depicting the history and lineage of the AmaNdebele-a-Moletlane group. In 1995, a substantial land-claim was lodged by a contestant for the chieftaincy of the AmaNdebele-a-Moletlane, presenting a different historical background that contested the narrative produced by Van Warmelo. The contestant for the chieftaincy, not currently officially recognised by South African state structures, has used various strategies to concretise his position. These strategies show how entrenched historical legitimacy is being counteracted by popular modes of expression, construction and communication. This new politics, consciously constructed around ideas of traditional structures and legitimacy, interacts with new power structures, adding the importance of political connections or resources to the construction of the claim. Contextualising this historically shows how continuities regarding “traditional” authorities have interacted with the state before, during and after apartheid.

Keywords: Chieftaincy; Hammanskraal; AmaNdebele-a-Moletlane; AmaNdebele ba Lebelo Chieftaincy disputes; Legitimacy; Oral history; Historical adaptation; Lineages; Knowledge production; NJ Van Warmelo.

Image 1: Hammanskraal showing Majaneng and Kekana Gardens



Source: S Godsell, Personal Collection, 2013.

Introduction: Levels of Legitimacy

In the two years of fieldwork in Hammanskraal, the large official, green government sign showing Majaneng as the seat of the AmaNdebele-ba-Lebelo¹ has fallen down. At the “unrecognised” seat, a new privately funded sign has been erected, showing this as the seat of the AmaNdebele-a-Moletlane Traditional Authority.

¹ AmaNdebele-ba-Lebelo is the name assigned to AmaNdebele-a-Moletlane in 1970s, after a leadership dispute with Lucas Mangope, then president of the Bophuthatswanan homeland. It is significant that this name is still in use, because the “new” claims to officialdom also claim legitimacy using the “old” name, AmaNdebele-a-Moletlane. This will be discussed below.

Image 2: New sign showing AmaNdebele a Moletlane authority in Kekana Gardens, 2012



Source: S Godsell, Personal collection, 2012.

The signage, at least symbolically, shows a shift in power dynamics in the area: while the Majaneng group remains the official, legally recognized seat of the AmaNdebele-a-Moletlane (AmaNdebele-ba-Lebelo) the unrecognized group is staking legitimacy in various other ways. A comparison of this process with which the currently recognized group established legitimacy reveals power structures and moral economies around tradition in two different periods – one before the official legislation of apartheid, and the second in the democratic dispensation of South Africa since 1994.

My own research process has highlighted some of the fast-shifting dynamics around chieftaincy in the area. My first encounters with the two separate groupings of the AmaNdebele-a-Moletlane, the traditional authority in this area. in 2010 were indicative of the position of each faction of the dispute at the time. Majaneng, the seat of the officially recognised traditional authority, was clearly sign-posted. When I asked for directions, people pointed out the place easily. Trying to find the offices of the unrecognized group, based in Kekana Gardens, proved much more difficult, to the point that I was unaware that I was visiting “official” offices. I was given directions on the phone, but once I was lost a mere 100 or so metres from the offices, no one in the area could direct me. There was also no sign.

The current claims of power are played out in terms of both the legitimacy dispute and the current land claim laid by the unrecognized AmaNdebele-a-Moletlane group, over large sections of land, ranging (in the initial claim, which was subsequently reduced to cover a smaller area) from the land currently occupied by the Majaneng group, to land stretching up to the Botswana border, and into Midrand.² This land claim is justified by a complex historical background, dating back to the 1600s.³ Thus, the lineage and history was narrated beyond the functional cut-off of the land-claims commission, of the Land Act of 1913. The subsequent lifting of the 1913 cut-off date has extended potential land-claims further back, making some of the historical background of this contestation more relevant. This has not simplified this process, however, and in exploring this the legitimacy creation processes and chieftaincy dispute located within the claim, it is necessary to explore the narratives of the history of the AmaNdebele-a-Moletlane, and the power structures within which these have developed. This is investigated in the broader framework of the changing status of chieftaincy in post-1994 South Africa, and how this is seen through chieftaincy disputes.⁴ Current chieftaincy disputes often involve a nuanced usage of ideas of tradition. These are often used in conjunction with ideas of development or constitutionality. Van Kessel and Oomen write:⁵

In post-apartheid South Africa, numerous chiefs have become adept in combining the resource of tradition with appeals to western models and the discourse of liberation politics. Thus, chiefs project themselves as guardians of African custom, but simultaneously as pioneers of rural development.

This dual role has become necessary to fit into the political and moral framework as developed by the ANC, where chiefs, and CONTRALESA, can become an important part of change, development and even restitution in rural

2 This land claim was later amended excluding some of the further away areas initially claimed.

3 AmaNdebele a Moletlane (Kekana Gardens group) *Historical Background*, given to the researcher on 30 July 2010.

4 See, among others: A Esterhuysen, "A snake cannot have two heads': Understanding the historical and recent politics of succession as evidenced in the material and oral record of the Kekana Ndebele", *Journal of Southern African Studies*, 38(2), 2012, p. 3; B Oomen, "We must now go back to our history': Retraditionalisation in a Northern Province Chieftaincy", *African Studies*, 59(1), 2000; SP Lekgoathi, "Orality, literacy and succession disputes in contemporary Ndzundza and Manala Ndebele Chieftaincies," published in the proceedings of the 2013 OHASA conference (available at: http://uir.unisa.ac.za/bitstream/handle/10500/9789/OHASA_2008-2008-22-05-2013.pdf?sequence=1), as accessed on 20 November 2010.

5 I Van Kessel & B Oomen, "'One Chief, One Vote': The revival of traditional authorities in post-apartheid South Africa", *African Affairs*, 96(385), 1997, p. 562.

areas.⁶ This however, rides on the chief holding legitimacy, both historically and within the local community. The numerous chieftaincy disputes in North-West and Limpopo show chiefs vying to construct legitimacy, both historical and popular.⁷ This article shows how legitimacy is being constructed in the present day, while examining how legitimacy was constructed in the 1940s.

Tradition, mission and official ethnography

A candle-wife dispute

The history of the AmaNdebele- a- Moletlane in Hammanskraal dates from a split from the AmaNdebele-a-Moletlane at Zebediela, when the younger son, Lebelo, moved from Zebediela, to Uitvlugt, near the mission- station at Wallmansthal.⁸ While this shows the first rift from the AmaNdebele-a-Moletlane at Zebediela, in the narratives told the chief at Zebediela accepted this split, and Lebelo was authorized to be acknowledged as a chief in his own right. These narratives, told by both factions, are not confirmed by the Zebediela group.⁹ However, this question around legitimacy has not significantly affected the current historical narratives or claims to power made by each group. The narratives and disputes date from after the split from Zebediela. They reveal instead the importance of local, shifting power-dynamics between structures involved in the area, and knowledge creation around it. This provides context for the process of concretising ideas around traditional, or as they were then known, tribal authorities. The role of the missions, in the case the Berlin Mission Society (BMS) and official histories produced by the government ethnographer, NJ Van Warmelo, in creating these concretised, bounded groups is also important, and missionary contact played an important role in the establishment of the current, long-standing dispute. This process of officialised knowledge production articulates an interesting comparison with what is occurring in the area 100 years later. The new dispensation, in attempting to address, re-dress, understand the complexities of this chieftaincy,

6 P Holomisa, *A double-edged sword: A quest for a place in the African sun* (Real African Publishers, Johannesburg, 2011), pp. xxii, 4-34.

7 B Oomen, *Chiefs in South Africa: Law, power and culture in the Post-Apartheid era* (James Currey & Palgrave MacMillan, Oxford and New York, 2006), pp. 164-198.

8 EJ Verwey, *Human Sciences Research Council, A new dictionary of South African biography*, Vol. 1 (HSRC, Pretoria, 1999), p. 112.

9 S Godsell (Personal collection), Interviews, LJ Kekana (Paramount Chief of AmaNdebele a Moletlane, Kekana Gardens group, Kekana Gardens) 30 July 2010 and 6 August 2010; E Kekana, (retired, ex-Chieftainness of AmaNdebele a Moletlane/AmaNdebele ba Lebelo, Majaneng group, Majaneng) 10 September 2010 and 15 November 2011.

and process this land claim, has made space for interesting tactics of alliance, knowledge production, and complex processes around claiming legitimacy.¹⁰

A more comprehensive history of the Northern Transvaal Ndebele has been explored elsewhere.¹¹ For the purposes of this study it is most useful to trace this group from the time of their split from the larger group of Northern Transvaal Ndebele, also Kekana, at Moletlane, Zebediela, thirty-six kilometres south-east of Mokopane, under the leadership of Lebelo Seroto. These historical narratives are presented in different forms: In the form of lineages held by either side of the dispute, the officialised version as written by Van Warmelo,¹² and the version derived from linguistic data as written by Ziervogel.¹³ It is of contextual value to give an account of these lineages to understand how, and through whom, the narratives have developed. This article acknowledges that the current dispute hinges off a dispute around which wife was candle wife,¹⁴ and so from whom the royal lineage was descended. This article attempts to examine power and legitimacy construction around these narratives, and does not assign veracity to one or other side in the dispute.

According to both Van Warmelo¹⁵ and the historical background provided for the land claim by the Kekana Gardens faction,¹⁶ Lebelo was the son of Chief Maboyaboya, but not the son destined for succession. He was the son of Maboyaboya's first wife, NaMahlangu, born in 1810. However, she was not the wife selected by the Ndebele royal family and community to continue the lineage. She was not the candle wife, chosen by the traditional council to continue the royal lineage. The candle wife was Namolokoane, who bore the

10 S Godsell (Personal collection), Interviews, LJ Kekana, (Paramount Chief of AmaNdebele a Moletlane, Kekana Gardens group, Kekana Gardens) 30 July 2010 and 6 August 2010; E Kekana (retired, ex-Chieftainness of AmaNdebele a Moletlane/AmaNdebele ba Lebelo, Majaneng group, Majaneng) 10 September 2010 and 15 November 2011.

11 Most comprehensively in the unpublished thesis by SP Lekgoathi, "Ethnicity and identity: Struggle and contestation in the making of the Northern Transvaal Ndebele, ca- 1860 – 2005", PhD, University of Minnesota, 2006.

12 NJ Van Warmelo, The Ndebele of J Kekana, *Ethnological Publications, No. 18* (Department of Native Affairs, 1944), p. 12.

13 D Ziervogel, *A grammar of Northern Transvaal Ndebele* (Van Schaik, Johannesburg, 1959), pp. 2-9.

14 In these narratives, the "candle wife" is the wife that has been chosen by the royal council to continue the royal lineage. Only she will bear the heirs to the chieftaincy. "Candle-wives" are not necessarily the first wives married by a chief.

15 While the accuracy of Van Warmelo has been critiqued in SP Lekgoathi, "'Colonial' experts, local interlocutors, informants and the making of an archive on the 'Transvaal Ndebele'", *Journal of African History*, Vol. 50, No. 1, 2009, pp 61-80, his account is based on extensive ethnographic and oral history research done at the time. The reasons for his accounts potential bias, were, as argued in this article and by Lekgoathi, the social and political context of the time.

16 The AmaNdebele-a-Moletlane Chieftainship (Kekana Gardens group), Historical background, submitted to the Land Claims Commission, 1998.

son Mamokebe, to succeed his father as Chief, which he did in 1840.¹⁷ It is at this point that the two accounts differ slightly but significantly. According to the Kekana Gardens historical background,¹⁸ Lebelo was older than the official heir Mamokebe and so became acting chief until Mamokebe came of age. There is little information around why Lebelo left the Kekana at Zebediela, although it appears that tensions about the amount of power held by Lebelo played a role in the split from Zebediela. In the Kekana Gardens version, he was ousted:¹⁹

Lebelo was ousted by the Royal Family in terms of Culture, Tradition, Customs and Usage, to relinquish [the chieftaincy].

Van Warmelo's version, which was informed by and has in turn, informed the Majaneng lineage, suggests rather that Lebelo was younger than Mamokebe, and was often sent as a messenger and go-between between the chieftom and the Afrikaners who had recently moved into the area. In this way Lebelo became better known to the Afrikaners than Mamokebe, thus they would ask to see him instead of the chief. Van Warmelo's version actually introduces the theme that recognition by power holders can significantly affect the power structures within a chieftom²⁰ – effects of which would later become visible in his own work. While reasons were given in the different lineages for the Zebediela split, in both version tensions between Lebelo and Mmamokebe²¹ mounted to a point where Lebelo left, with his following. This group first moved to Rhenosterfontein, then Boschplaats²² and, finally to a farm just north of Wallmansthal around the mid 1800s.²³ Throughout these events, as described by Van Warmelo, there was continued contact between Lebelo and his followers and Europeans. This contact, foreshadowing the shift in power-dynamics, which put increasing importance on contact with Europeans, contains some of the seeds for the current chieftaincy dispute. Esterhuysen has highlighted the influence that colonialism had on succession

17 MA, Mafikeng, President, Recognition of Chiefs and Headmen, Amandebele a Lobelo [sic], 1987 – 1988, Reference 6/4/2 (233) 4: Chronological succession to chieftainship: Amandebele a Lobelo [sic], 1986.

18 The faction in the chieftaincy dispute that is not currently recognised produced this historical background.

19 The AmaNdebele-a-Molelana Chieftainship (Kekana Gardens group), Historical Background, submitted to the Land Claims Commission, 1998.

20 NJ Van Warmelo, The Ndebele of J Kekana, *Ethnological publications* (Union of South Africa, Department of Native Affairs, 1944), p. 20.

21 The orthography of the given names differs across the various versions. The orthography of each version has thus been used when the version is being referred to.

22 EJ Verwey, Human Sciences Research Council, *A New Dictionary of South African Biography*, Vol. 1, HSRC, Pretoria, 1999, p. 112.

23 NJ Van Warmelo, The Ndebele of J Kekana, *Ethnological publications* (Union of South Africa, Department of Native Affairs, 1944), p. 16.

disputes, in terms of migrant labour, earning power and access to education.²⁴

Van Warmelo's version puts Johannes Jan Tana Kekana as Lebelo's heir. He was the oldest son, issuing from, according to Van Warmelo, NaMahlangu, Lebelo's first wife.²⁵ According to the historical background of the Kekana Gardens faction, submitted with the group's land-claim and published online,²⁶ while NaMahlangu is acknowledged as a wife, the place of candle wife and the bearer of the chiefly lineage was given to a woman called NaMokoeneng. NaMokoeneng gave birth to Johannes Mokonyama Kekana, who was, according to Lleka Jacob Kekana's faction, the rightful heir to the throne, and from whom Lleka Jacob Kekana and the rest of opposing faction is descended. Van Warmelo, however, listed Lebelo's third wife also as NaMahlangu, whose first son was listed as Jakalase Mungonyama. This is presumably Johannes Mokonyama Kekana.²⁷ The Kekana Gardens lineage places Johannes Mokonyama Kekana at Uitvlugt, and Johannes Tana Kekana at Wallmansthal, where Johannes Tana was a sub-chief under Johannes Mokonyama Kekana. This claim that Johannes Tana Kekana was a sub-chief under Johannes Mokonyama Kekana is the crucial point in the dispute. The evidence, as presented by each side, is plausible, the key difference being the candle wife. According to the lineage of the recognised faction (which follows Van Warmelo's account in most salient facts), MmaMokweneng (NaMokoeneng) was Lebelo's second and only other acknowledged wife, from whom the rival faction originated.²⁸ The point is stressed by the Majaneng group that MmaMokweneng was the second wife, and therefore not the bearer of the chiefly lineage.

24 AB Esterhuysen, "A snake cannot have two heads': Understanding the historical and recent politics of succession as evidenced in the material and oral record of the Kekana Ndebele", *Journal of Southern African Studies*, 38(2), 2012: 3. pp. 323, 32.

25 NJ Van Warmelo, The Ndebele of J Kekana, *Ethnological Publications*, No.18 (Union of South Africa, Department of Native Affairs, 1944, p. 14.

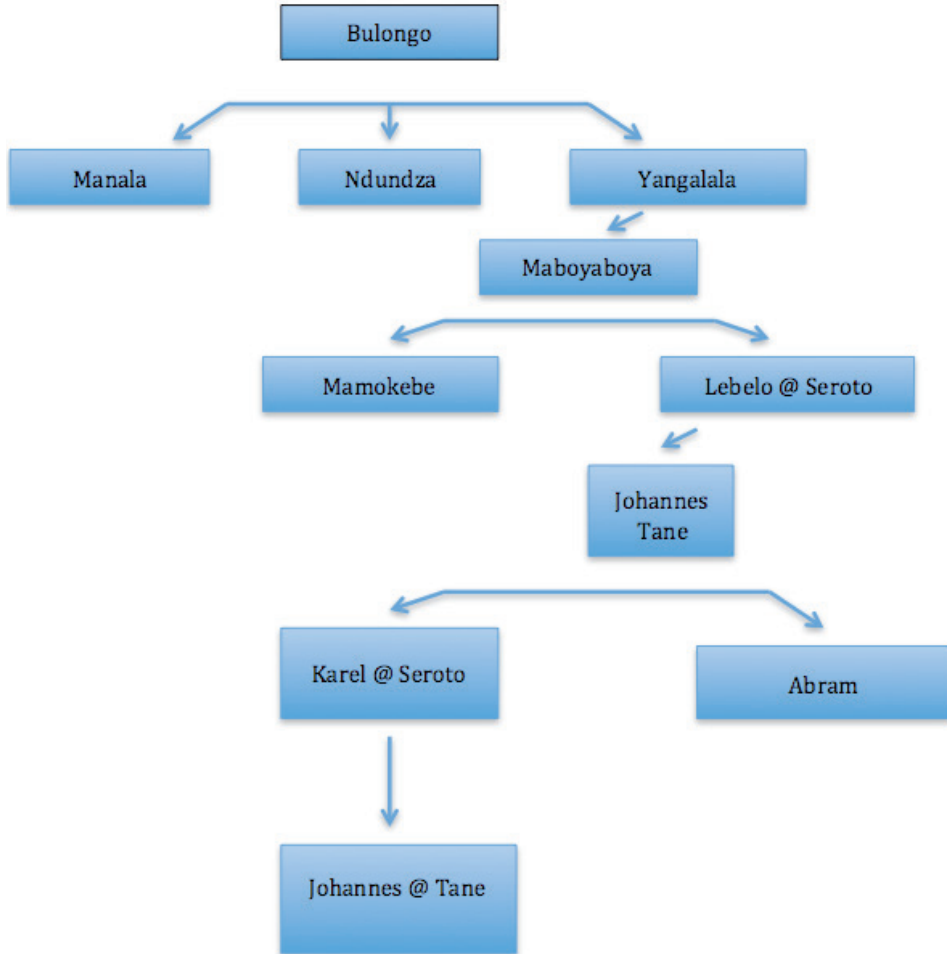
26 Available at: www.amandebeleamoletlane.co.za, as accessed on 10 November 2013.

27 NJ Van Warmelo, The Ndebele of J Kekana, *Ethnological Publications*, No. 18, p. 16.

28 Lineage of AmaNdebele a Moletlane, held by Esther Kekana at Majaneng.

Majaneng (Recognised Faction: Johannes Tane Kekana)

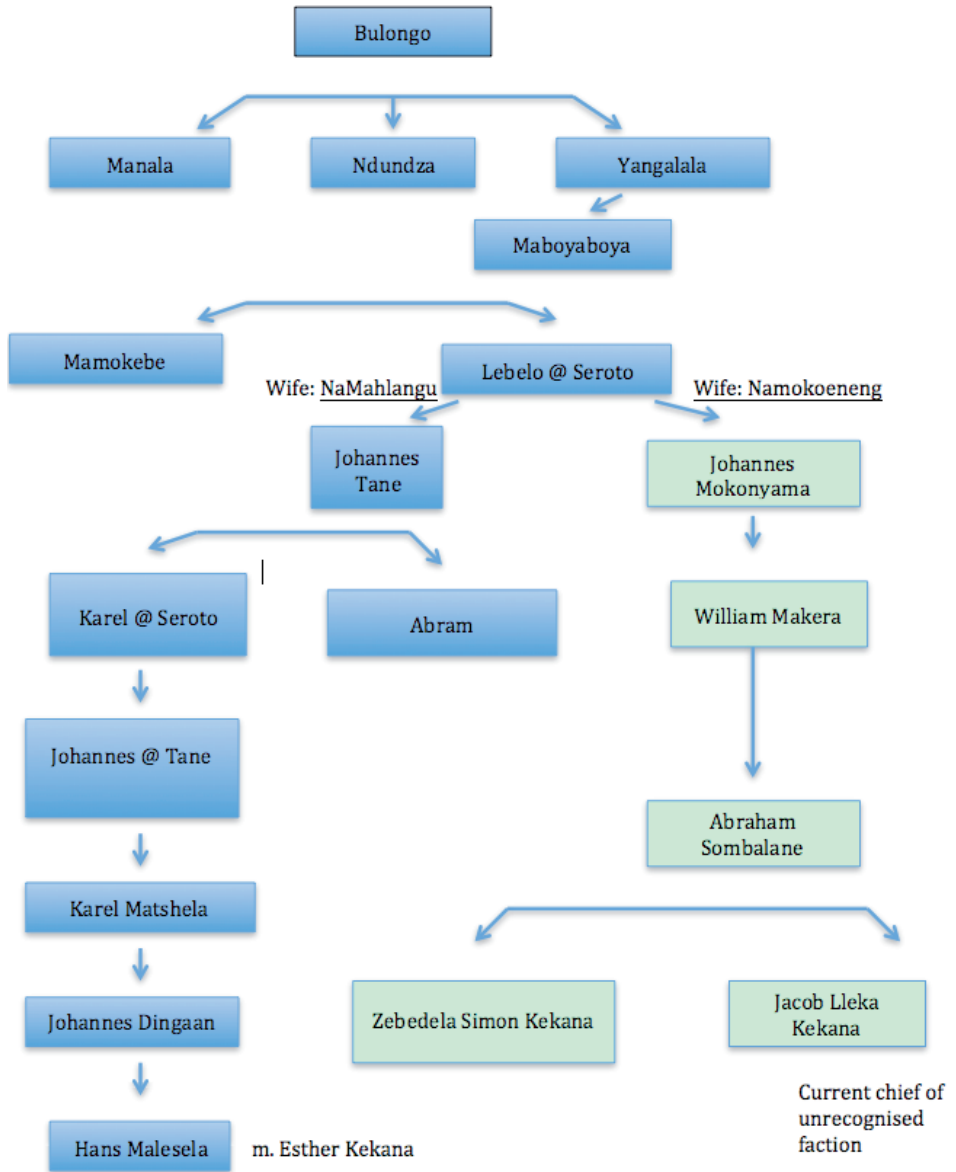
Image 2: Lineage as given by van Warmelo:²⁹



Source: S Godsell, Personal Collection, 2013.

²⁹ NJ Van Warmelo, The Ndebele of J Kekana, *Ethnological Publications*, No. 18; SP Lekgoathi, unpublished thesis "Ethnicity and identity: Struggle and contestation in the making of the Northern Transvaal Ndebele ca-1860-2005" (Ph.D., University of Minnesota, 2006).

Image 2: As given by Kekana Gardens historical background³⁰



Source: S Godsell, Personal Collection, 2013.

³⁰ The AmaNdebele-a-Moletlane Chieftainship (Kekana Gardens group), Historical Background, submitted to the Land Claims Commission, 1998.

Legitimacy through association: Contact with Europeans

This dispute over the candle wife, from whom the lineage should continue, has been complicated by recognition or contact with power-holders in various regimes, which Van Warmelo described as “contact with Europeans”.³¹ Johannes Jan Tana Kekana had been to the Cape Colony to work, and so had had more experience of a different lifestyle from the one he came home to. According to Van Warmelo, he came home with a new appreciation for education, and so moved to the mission station at Wallmansthal. According to the current chief Lleka Jacob Kekana, (referred to by the unrecognised faction as Paramount Chief) this was while Johannes Mokonyama Kekana was still chief of AmaNdebele-a-Moletlane at Uitvlugt, where Johannes Mokonyama remained as chief because Mokonyama did not want to affiliate with the mission station at Wallmansthal.³² In this, Lleka Jacob Kekana intimates, that choosing not to associate with the mission was choosing “tradition” over white institutions. This is an important aspect of this groups legitimacy claim. As their version of the lineage has only recently been documented, while the Majaneng lineage was documented in 1944, it has remained important for the group to discredit the written work, and privilege oral tradition. In subtle ways, their the narrative shows this. Hofmeyr writes:³³

At this symbolic level, the notion of literacy and orality often influenced political thinking, and the action that people took on behalf of those ideas.

However, the interaction between orality and literacy was also a result of the political choices made. For example, the decision to associate with a missionary, and indeed request a school at the chieftaincy, is a move toward literacy. It can also be read as a political decision; one that brought the group closer to the literate, written world that was becoming increasingly important for people trying to maintain land and power.³⁴

31 EJ Verwey, Human Sciences and Research Council, *A new dictionary of South African Biography*, 1 (HSRC, Pretoria, 1999), p. 112.

32 S Godsell (Personal Collection), Interview, LJ Kekana (Paramount Chief, AmaNdebele a Moletlane, Kekana Gardens group, Kekana Gardens) 30 July 2010/Sarah Godsell (MA Student, University of the Witwatersrand, School of Social Sciences).

33 I Hofmeyr, *“We spend our years as a tale that is told”: Oral historical narrative in a South African chieftdom*, (Witwatersrand University Press, Johannesburg, 2001), p. 177.

34 For more on decisions to affiliate or not with mission stations as political strategy see P Landau, *Popular politics in the history of South Africa, 1400-1948* (Cambridge University Press, Cambridge, 2010), pp. 74-108.

Around 1870 Johannes Jana Tana Kekana moved to Leeuwkraal 396, apparently after a falling out with a missionary at Wallmansthal. The farm at this stage belonged to a certain Erasmus, for whom the chief and his followers worked. The chief requested the establishment of a mission station at Leeuwkraal, and the Berlin Mission Society obliged by providing an outpost of the Wallmansthal mission in around 1882. Johannes Jana Tana Kekana hired an African teacher to teach in the school before he died in 1887.³⁵

He was succeeded on Leeuwkraal by his son Karel Seroto Kekana. Van Warmelo writes of the continued co-operation between this branch of the Kekana and the Europeans:³⁶

... Genl. Joubert gave him authority to furnish passes to all natives proceeding to Pretoria through his area. After the Anglo-Boer war, the Native Commissioner King gave him a plan whereby to acquire the farm, and in 1911 they began paying for it.

Van Warmelo here adds the weight of “purchased” property to the legitimacy with which he has already furnished Chief Johannes Tana Kekana.³⁷ Van Warmelo’s recording of the lineage of the AmaNdebele-a-Moletlane also highlighted things that were seen to have given additional legitimacy in the early 1900s: education, co-operation with Europeans, Christian conversion and legal land purchase. Thus, a long-standing lineage debate is made concrete through the solidifying power structures in colonial South Africa.³⁸

Both Van Warmelo and the Kekana Gardens historical background document speak of Johannes Tana’s religious affiliation with the Berlin Lutheran Mission at Wallmansthal. They also both document of Johannes Tana’s death in 1887, and the purchase, or at least the initiating of the purchase, of the farm Leeuwkraal 396 in 1911.³⁹ It is from here, however, that the narratives begin to differ: Van Warmelo attributes the buying of the farm to Johannes Tana

36 EJ Verwey, *HSRC, A new dictionary of South African biography*, Vol. 1 (HSRC, Pretoria, 1999), p. 112.

36 NJ Van Warmelo, *The Ndebele of J Kekana, Ethnological publications* (Union of South Africa, Department of Native Affairs, 1944), p. 18.

37 The importance of the purchase of this property, which archives date to 1923, will be discussed in more detail below.

38 See P Landau, *Popular politics in the history of South Africa, 1400-1948* (Cambridge University Press, Cambridge, 2010), for a case-study of chieftaincy disputes showing these kind of negotiations around power and legitimacy.

39 NJ Van Warmelo, *The Ndebele of J Kekana, Ethnological publications...*, p. 18. However archival documents indicate the date of purchase was not 1911, but rather 1923. This may have been for the second property purchased: National Archives of South Africa (hereafter NASA), Pretoria, National Archives Repository, (hereafter SAB) Native Commissioner Hammanskraal (1908 - 1985) (hereafter KHK) 2/2/103, N2/8/8(1), record of debt incurred and payments received between AmaNdebele-a-Moletlane and Native Commissioner, documenting the process of paying off the farms.

Kekana's son who succeeded him, Karel Seroto Kekana, while the Kekana Gardens group claims that it was Johannes Mokonyama Kekana who bought it. This then dates the current dispute from 1911, although the tensions between Johannes Tana's offspring and Johannes Mokonyama's offspring go back to the late nineteenth century. Missionary and colonial patronage further exacerbated this dispute, combined with confusion arising from government ethnologist Van Warmelo's published interpretation of the lineage, with his emphasis on contact with Europeans.

The role of the mission station in the chieftaincy lies in the fact that the officially recognised branch of the AmaNdebele-a-Moletlane had a long-standing, if troubled, affiliation with the Berlin Mission Society and Christianity. The marriage of Karel Seroto Kekana to his second wife by Christian rites was accepted as in line with these, even if it was perhaps also partially used because his first traditional marriage had not produced children. By contrast, the opposing faction had chosen not to affiliate with the mission, as they wished to continue practices such as initiation school.⁴⁰ This is one of the consistently cited differences between the groups. As far as sources show, this was not a difference that was exploited by the Johannes Mokonyama group at the time. However, once the official documentation of the marriage was missing, this provided a space for the legitimacy of the marriage to be attacked at a later stage, both by the opposing faction, and, in fact, internally in the recognised faction.

Ziervogel presented another angle to the dispute, adding linguistic data to the historical analysis. This questions Van Warmelo's version, (and subsequently claims made in the Kekana Gardens versions) arguing that the origins of the Kekana are not from Natal, but instead attributing Swati influence.⁴¹ This contradicts both lineages as held by the current

40 S Godsell (Personal collection), Interviews, LJ Kekana (Paramount Chief of AmaNdebele a Moletlane, Kekana Gardens group, Kekana Gardens), 30 July 2010 and 6 August 2010; E Kekana (retired, ex-Chieftainness of AmaNdebele a Moletlane/AmaNdebele ba Lebelo, Majaneng group, Majaneng), 10 September 2010 and 15 November 2011.

41 D Ziervogel, *A grammar of Northern Transvaal Ndebele* (Van Schaik, Johannesburg, 1959), p. 5.

groups. However, his account was never given as much official backing as Van Warmelo's, which became the officialised history of the group.⁴² Framing the disputes: Adaptation or resistance to the state's use of "tradition" before and after 1994.

Framing the disputes: Adaptation or resistance to the state's use of "tradition" before and after 1994

The history of the AmaNdebele a Moletlane again complexifies in the Bantustan period, 1972 -1994, where the recognition afforded to the Majaneng group through mission affiliation and through formalised land-ownership, was repeated by inclusion into the Bophuthatswanan bantustan. There were repeated investigations by the South African and Bophuthatswanan administrations into the chieftaincy dispute. However, these were often focused around disputes within the Majaneng group. This inquiry was also sparked by resistance to the Tswanaisation process undertaken in the lead up to the "independence" of the "homeland" in 1977.

Thus, established power dynamics were reproduced. Sometimes the process was as simple as one leader being deposed and another, more compliant, being inaugurated. Often this was not the case: long processes documented by six full files in the Mafikeng archive, showing the time, administration, persistence, intimidation, and investigation that went into understanding and ordering this one chieftaincy.⁴³ This highly centralized control began to change in 1994. There has been dissatisfaction in Majaneng, shown by the current chieftaincy contestation, of which Lleka Jacob Kekana is only one contestant out of five. Esther Kekana, the ex-chieftainness, is contesting her daughter's right to assume the chieftaincy, due to the gender equality promised in the post-1994 South African constitution, and due to complaints about the efficacy about the current chief.⁴⁴ This article is not primarily

42 This can be seen in several ways, for example that the lineage held by the Majaneng group closely accords to Van Warmelo's. This on it's own however is unremarkable, seeing as Van Warmelo constructed his lineage from research done with this group. Noteworthy, however, is that the commissions of inquiry in the Mafikeng Archives (MA) President Department, Chiefs and Headmen, files 6/4/2(233) 1-8, but most notably the Commission of Inquiry held in 1988, in file 6/4/2(233) 5, shows the reliance on this earlier work. While this is the only reputable study, post 1994 investigations also rely on Van Warmelo, further entrenching any possible omissions on the part of the government ethnographer in 1944.

43 Mafikeng Archives (MA) President Department, Chiefs and Headmen, files 6/4/2(233) 1- 8, Amandebele -a-Lebelo.

44 S Godsell (Personal collection), participant observation, Majaneng, 2010-2012.

concerned with this current process (as this is the subject of another article). However, this again shows the new tools provided by the new state are being used to negotiate around the concretised institutions inherited by the current traditional authority framework. The same can be seen in examining how the dynamics around this chieftaincy, legitimacy and ethnicity have been claimed and constructed.

The way that the claims of the AmaNdebele-a-Moletlane have progressed between 2010 and 2013 notwithstanding the loss of the case of the actually chieftaincy dispute contestation, brings several factors into consideration. Firstly, it shows that the land-claims and land re-distribution process can access/produce knowledge outside the set framework of ethnological historical construction. Thus, the legitimacy (whatever the historical facts or truths of the matter) that the AmaNdebele–ba-Lebelo, as they were renamed by the Mangope government in 1990,⁴⁵ built on a complex combination of the moral, political, social and traditional structures at the time, is being challenged by negotiating and using current structures. This is also complicated, as the political, social and traditional structures are not simply there to be used, but need to be constantly negotiated. Historical legitimacy is deeply entrenched, but the popular modes of expression, construction and communication are used to counteract this. The processes of construction then create their own dynamics and pull in other structures of legitimacy creation unwittingly.⁴⁶

Legitimacy construction: Creation of “official” ethnography

A comparison of the process of legitimacy creation from the earlier period, (circa 1900- 1944, when Van Warmelo’s history was written and published) to the process of legitimacy creation today proves informative, because it shows what power-structures or moral frameworks were used being used then, and what is being used now. The study presented by Van Warmelo overlooks this chieftaincy dispute, presenting only the lineage of Jan Tana Kekana in its complexity. Van Warmelo may not have been aware of the dispute, as he was informed by local inhabitants from the Majaneng group, who related the history of that lineage.⁴⁷ It is also possible that he was aware of the contestation, but did

45 Bophuthatswana Government Gazette, Bophuthatswana Homeland Laws, Government Notice 172, 16 August 1990.

46 For more on the interaction and interwoven nature of orality and literacy see I Hofmeyr, *“We spend our years as a tale that is told”: Oral historical narrative in a South African chiefdom* (Witwatersrand University Press, Johannesburg, 1993).

47 SP Lekgoathi, “Colonial” experts, local interlocutors, informants and the making of an archive on the “Transvaal

not deem it of enough importance to write on, or include the other side of the dispute in the lineage, or that the chieftaincy was not being actively contested at that time. These possibilities highlight both the potential for a more active role in producing history, and the way history (and historians), viewed from different points in time or by different people for different purposes, offers different things as important. This is an important element to be aware of in the processes of knowledge production: sometimes what is seen (even see-able) by historians or researchers in one time period reflects more about the political context of the time, and so produces a specific historical trajectory.⁴⁸

Either way, once printed, this history presented an official version to which all of the inquests into the chieftaincy end up referring to, so reproducing the same narrative and power dynamic. The purpose of this article is not to dismiss Van Warmelo's research, or the histories written as a result of that. Van Warmelo conducted in-depth ethnological research in many parts of the country, much of which is still used today.⁴⁹ This article does seek to examine the process through which history is produced, in different time-periods, and through which methods groups achieved legitimacy. Van Warmelo's work in the 1940s and the current production of history by the Kekana gardens group both involved a complex interaction between oral and written history. Lekgoathi writes:⁵⁰

But oral history doesn't have to be a binary opposite of written accounts. However "contaminated" the official colonial and/or apartheid archives might be, if used carefully they can prove to be very useful in terms of unearthing African voices. ... [S]ome of the oral historians (i.e. our elderly storytellers) who are extolled as our "living archives", whose supposed authentic accounts we are often urged to collect before they take them with to their graves, are usually the most avid readers, decipherers and collectors of archival material. We should thus debunk the rather crude assumption that oral accounts and written sources are mutually exclusive, that the former are pristine and untainted by literary texts.

The interaction between oral and written sources draws the focus onto the process of history-making, which takes place in the specific socio-political

Ndebele", *Journal of African History*, 50(1), 2009, pp. 61-80.

48 MR Trouillot, *Silencing the past: Power and the production of history* (Beacon Press, Boston, 1995), pp. 70-108.

49 Among others, see: NJ Van Warmelo, *A preliminary survey of the Bantu Tribes of South Africa* (Union of South Africa, Department of Native Affairs, 1935), pp. 43- 61.

50 SP Lekgoathi, "Orality, literacy and succession disputes in contemporary Ndzundza and Manala Ndebele Chieftaincies," published in the proceedings of the 2013 OHASA conference (available at: http://uir.unisa.ac.za/bitstream/handle/10500/9789/OHASA_2008-2008-22-05-2013.pdf?sequence=1), as accessed on 20 November 2010, p. 46.

context of the time. This is as true for the writing of this article, as it is for Van Warmelo's research. Van Warmelo's account was given weight, and became the main official narrative for several reasons. Firstly, Van Warmelo was the official government ethnographer. This not only gave his work academic and government validity, but also meant that it was reproduced and printed in series of ethnographic publications that quickly became reference books for anyone looking to understand a particular chieftaincy's history. It is interesting to note that even post-1994, much of his work is still used unquestioningly in both land-claims history and traditional leadership disputes.⁵¹ This points to the larger, extremely complex issue of the extent to which legislation and practice around traditional authority is still based on apartheid and colonial law, assumptions, archives and knowledge creation. Knowledge and archive creation, how we view and use archives, is a large part of untangling this issue. Trouillot writes:⁵²

Silences enter the process of historical production at four crucial moments: The moment of fact-creation (the making of "sources"); the moment of fact assembly (the marking of "archives"); the moment of fact retrieval (the making of "narratives") and the moment of retrospective significance (the making of "history" in the final instance).

An archive is embedded in the socio-political context of the time of its creation. The archive left by Van Warmelo is valuable, interesting, and rich in original texts from his local African informers.⁵³ However, the knowledge produced by Van Warmelo relevant to this area was primarily that added to the apartheid ethnographic archive, in the form of Ethnological Publication 44, a history of Johannes Tana Kekana's "Ndebele".⁵⁴ Van Warmelo did not, it seems, intentionally attribute one faction validity over another. However, owing to the history of the Majaneng group this faction was the one he encountered.⁵⁵ This can be traced back through several strategies

51 The problem here is not that the work is still used, as it is an important historical work. This paper is also not trying to argue for one right or wrong side, but is making the observation that it is often used unquestioningly, or, on the other hand, dismissed unquestioningly on the grounds of Van Warmelo's apartheid associations. Either way it is used displays interesting moral frameworks and power structures being used in attempts to construct historical legitimacy.

52 MR Trouillot, *Silencing the past: Power and the production of history* (Beacon Press, Boston, 1995), p. 26.

53 SP Lekgoathi, "'Colonial' experts, local interlocutors, informants and the making of an archive on the 'Transvaal Ndebele'", *Journal of African History*, 50(1), 2009, pp. 61-80.

54 NJ Van Warmelo, The Ndebele of J Kekana, *Ethnological Publications*, 18.

55 Van Warmelo's sources are discussed at length in SP Lekgoathi, "'Colonial' experts, local interlocutors, informants and the making of an archive on the 'Transvaal Ndebele'", *Journal of African History*, 50(1), 2009, pp. 61-80. Lekgoathi discusses the nuanced influence between African informers and white authors/ scientists. In this both the agency of African research subject/ assistants, and the myth of "scientific objectivity" is clear.

and occurrences in the lineage's history. The group interacted with power and legitimacy-creating institutions in ways that built associations between themselves and those institutions. Through this the group became associated with power and legitimacy in their own rite.

Reconstructing the history from a present-day perspective

There was power vested in who communicated with whom, and who spoke for whom. Initially, Johannes Jan Tana Kekana was used as interlocutor between the traditional authority and the missionaries or Afrikaners. This established him as the important informant of the community and not his brother, Johannes Mokonyama Kekana, before the split. This was as a result - and this is also important in terms of power and legitimacy – of his, time spent in the Cape, where he had received an education and learned to use firearms. This gave him access into two types of power. Firstly, as someone who was educated, he was both able to communicate well and was taken seriously by groups who were implicated in establishing power dynamics in the area.⁵⁶ Second, the use of fire-arms, even though they were not used for warfare (according to available accounts)⁵⁷ established him and his group ahead of the other group in terms of force, as they were still tied to traditional weapons.

The association with the mission station played a large part in this group gaining legitimacy by default. After the split from Zebediela, when Johannes Jan Tana first moved to Wallmansthal and associated with the Berlin mission there, he established himself and his group in the recognized circuits of acceptable communication with Europeans and Afrikaners. Mokonyama's group, choosing to maintain the traditions that precluded association with missions, were excluded from those circuits, and, according to this group, eventually simply written out of control and then history of the "kingdom".⁵⁸ Certainly, under apartheid and bantustan control, although this dispute frequently came up as an issue in this small Ndebele chieftaincy in the Tswana

56 AB Esterhuysen, "A snake cannot have two heads': Understanding the historical and recent politics of succession as evidenced in the material and oral record of the Kekana Ndebele", *Journal of Southern African Studies*, 38(2), 2012: 3, p. 324.

58 EJ Verwey, Human Sciences Research Council, *A new dictionary of South African biography*, Vol. 1 (HSRC, Pretoria, 1999).

58 S Godsell (Personal collection), Interviews, LJ Kekana (Paramount Chief of AmaNdebele a Moletlane, Kekana Gardens group, Kekana Gardens) 30 July 2010 and 6 August 2010; E Kekana, (retired, ex-Chieftainness of AmaNdebele a Moletlane/AmaNdebele ba Lebelo, Majaneng group, Majaneng) 10 September 2010 and 15 November 2011.

homeland, it was quite regularly dismissed, either by the President or in court.⁵⁹ The investigations into the lineage and governance of the chieftaincy discovered disputes within the Majaneng group. These mainly played out in disagreements between the Bophuthatswana homeland government and the rulers of the AmaNdebele-a-Moletlane (in this case often the Chieftainess Esther Kekana), who were disputing the ethnic policies imposed on their communities.

This example again shows the flexibility of the ideas and implementation around traditional authorities, and how they were manipulated by the administration to facilitate collaboration with the government. The narratives around tradition versus modernity, as they have been deployed in this specific chieftaincy dispute and land-claim, speak to both changes and consistencies in the moral and political framework around traditional authorities pre and post-apartheid.⁶⁰ The officially recognised Majaneng group might not recover from the difficult balance of political acquiescence and political resistance that was needed then (within the group, rather than from one individual) to maintain legitimacy both from within the community and from the bantustan government. However, developments post-1994 are showing up complexities in local politics as well as dynamics of land-ownership and legitimacy of traditional authorities within a “community”.⁶¹ What this does highlight are the local complexities of traditional leadership and how it is negotiated. These include land-ownership and access, land-claims, lineage disputes, local (or popular) legitimacy, political legitimacy, and how all of this links to resource access.⁶² The Hammanskraal case study presented in this article provides a useful way to understand the historical, social and narrative processes involved.

Claiming legitimacy: Signs, forms, and performance

The years 2010 to 2013 have proved a very interesting period within which

59 Mafikeng Archives (MA) President Department, Chiefs and Headmen, files 6/4/2(233) 1-8, Amandebele –a-Lebelo; “Settle an argument over chief”, *Sunday Times Extra*, 1 November 1981, p. 7.

60 I Van Kessel & B Oomen, “‘One chief, one vote’: The revival of traditional authorities in post-apartheid South Africa”, *African Affairs*, 96, 385, 1997, pp. 561-585.

61 I Van Kessel & B Oomen, “‘One chief, one vote’: The revival of traditional authorities in post-apartheid South Africa”, *African Affairs*, 96, 385, 1997, p. 583.

62 B Oomen, “‘We must now go back to our history’: Retraditionalisation in a Northern Province chieftaincy”, *African Studies*, 59(1), 2000, pp. 72 - 75.

to study this chieftaincy, because of the rapid changes in status and sphere of influence between the Majaneng and the Kekana Gardens group. My first forays into Hammanskraal in 2010 led me, as described in the introduction, to both. However, the way that I encountered each group is also indicative of position then versus position now. While the owner of my B&B was able to direct me to the sign-posted, well laid out, offices at Majaneng - where I was required to pass several tests before being allowed to speak to anyone official – I could very easily have fallen into the same path as Van Warmelo and not been aware of the other faction, if it had not been for a somewhat chance encounter.

At the municipal offices in Hammanskraal (not Temba, which is closer to Majaneng) speaking to the councillor William Mahlangu (ANC), I was introduced to a young man who the councillor ensured me would tell me all about the local chieftaincy. When I phoned this man I was referred to someone else, who I set up a meeting with. On the way to my meeting, for which I had been directed over the other side of the highway from Hammanskraal, Temba and Majaneng, I could not see anything that resembled the offices I had encountered at Majaneng and, stopping to ask, people could not direct me to the offices. Eventually finding the place, I pulled into a plot on which a few corrugated iron structures had been erected. I was ushered into one of these, where I discovered that the person I was meeting was Lleka Jacob Kekana, head of the unrecognized faction, or as he described himself Paramount Chief of AmaNdebele-a-Moletlane. Describing this process serves to illustrate several things: firstly, how it is possible to overlook local and historical dynamics as a researcher: secondly, to underline how the status of the two groups has shifted over the subsequent years and thirdly, to underline that in 2010 there was a connection between the Hammanskraal municipality (ANC lead) and this then unrecognized chieftaincy.

These relationships between the groups, their narratives, histories, and current status (legal or popular) is precarious and needs unravelling. In 2010 there were two important events which further heightened tensions between these groups. First, an inauguration on 7 August 2010 which I attended, of a Kgosana or sub-chief and secondly, another planned inauguration, intended to take place at Majaneng, which according to Lleka Jacob Kekana was going to consolidate and officially end the dispute, installing him as paramount of the AmaNdebele-a-Moletlane.

The first inauguration took place in Winterveld, with an interesting amalgamation of ethnic and linguistic dynamics. Two things were of importance here, in terms of the increasing legitimacy of the group. The first concerns the size of the event: it took place on an impressive scale, from the celebrations beginning at the home of the Kgosana, to the local school marching band that accompanied the procession to the large marquee where the event was being held. Several hundred local residents, as well as several VIPs that included a government representative attended the event. So, both the numbers of local residents and the government presence added to popular and state legitimacy. My presence there, as a researcher from a university, was also mentioned, and added to the official legitimacy not only of the inauguration, but of the AmaNdebele-a-Moletlane itself, in this current incarnation with Lleka Jacob Kekana as king, performing an inauguration in Winterveld, which is not technically be under the jurisdiction of the Majaneng Kekana.

The manner in which this inauguration was organized and attended and unfolded, implied a coherence and legitimacy of the group that belied any disputes. The next intended inauguration, though, was much more confrontational, and brought the dispute to a standoff. A similar type of inauguration was organised at Majaneng, which would in effect dissolve the current structure of Majaneng being recognized as the official AmaNdebele-a-Moletlane traditional authority, and establish Lleka Jacob Kekana as paramount chief over this group. It would also install a Kgosana of his choosing to rule the group, effectively deposing the current chief, inaugurated and paid by the government. This dramatic event did not take place. The Majaneng group heard about it, and laid a complaint with the police, who effectively made sure the event, did not happen. This legitimacy contest that played out in the public arena shows the literal battleground in this chieftaincy dispute. However, to understand the dynamics and motivation behind this, as well the way in which it is currently being played out, it is necessary to look at exactly what is at stake in this battle. This leads us to questions around land claims, traditional authorities, and political affiliations.

A land-claim had been filed by for the community of the AmaNdebele-a-Moletlane, under the leadership of the Kekana Gardens faction, in 1995. This was early in the land-claims process, soon after the commission had opened for applications. The land claim was also initially very extensive covering farms stretching over four provinces. The historical background accompanying the claim gives the history from 1600 to support the claim, thus putting more

importance on an extended historical narrative than the date constraints set-out by the commission, which limited claims to only the period post 1913.⁶³ The size of the claim, and the way the historical background is constructed, has meant that there were other groups who also had potential claims on the same land. As the Kekana Gardens group submitted their claim early, and others did not submit before the 1998 closing date, this makes evident an important resource/ legitimacy feature in this current dispensation: knowledge around structures and processes. This in itself is an exclusion process. This knowledge is not merely knowledge of the forms or dates (although these are crucial) but also knowledge of what is expected in terms of historical narrative and community cohesion. Interestingly, while this claim is steeped in a historical narrative of the AmaNdebele-a-Moletlane, there are unofficial processes of collaboration being explored with other ethnic groups, in order to make a stronger claim on the land. This kind of political strategy is by no means new, but helps to undermine any ideas of rigid ethnic groups.⁶⁴

New spheres of knowledge creation: Untangling a Website

Whereas for a long time versions of history produced by scientists who were able to publish were the primary ways of producing knowledge in a way that provided a written, consultable version, new technology has created new spaces in which knowledge can be conveyed or even produced. The new website of the AmaNdebele-a-Moletlane is an interesting example of this. The website uses the name in an official capacity on www.amandebeleamoletlane.co.za and uses many tropes that are reminiscent of homeland constructions. There are sections that refer to the past and sections that tie in specifically to the current political and moral economy. For example, there is a section on the site for “tenders”. Although this section does not currently contain any content, it is an indication both of the political and economic awareness of the creators of the website, and of the imagined capacity of the group. Importantly, anyone currently searching for AmaNdebele-a-Moletlane online will come across this group as the “official” AmaNdebele-a -Moletlane (which, again, might create confusion with regards to the other AmaNdebele-a-Moletlane who still reside in Zebediela, from whom Lebelo originally split). This officialising narrative smooths over the contested areas, or presents them

63 The AmaNdebele-a-Moletlane Chieftainship (Kekana Gardens group), Historical Background, submitted to the Land Claims Commission, 1998.

64 P Landau, *Popular politics in the history of South Africa, 1400-1948* (Cambridge University Press, Cambridge, 2010).

as resolved (at least resolved from this group's point of view). The strategies used for this present an interesting amalgam of historical ideas remoulded into present-day formats.

Various parts of the website are interesting in terms of legitimacy claims and identity creation. For instance, several elements of that site seem reminiscent of homeland identity creation. One such example is the King LJ Kekana Airport (each "independent" homeland had an airport) which is an important part of the "international" claims to legitimacy. The other projects in the area that the website lays claim to, as part of the AmaNdebele-a-Moetlane kingdom, are the "Kekana Jubilee Estate" and "Kekana Morula Sun", neither of which (as far as I am aware) are linked to either the Majaneng or the Kekana Gardens AmaNdebele-a-Moetlane. In this way, the expanse of the land-claim, and the groups that the Kekana Gardens group have collaborated with, have also been brought into the website, as some of the things claimed by the group are in areas where these collaborating groups are based. Thus, the legitimacy and claim of the group are being stretched physically and digitally.

The particular construction of legitimacy on the website requires a certain perception and performance of what a traditional authority is. On the site there is a section labelled "our customs"⁶⁵ implying that the group claims a homogenous historical narrative and ethnic identity. This is visually supported by a series of photographs from the inauguration, depicting various performances and stages of the inauguration ceremony:

Image 3: Amandebeleamoletlane.co.za Photo Gallery



Source: Available at: www.amandebeleamoletlane.co.za, as accessed on 10 November 2013.

⁶⁵ This section contains what is referred to as a "Traditional Poem", written predominantly in Northern Sotho. It is written in the style of a praise poem, referring to the "Kgoshikgolo" (paramount chief) Lleka as the "bringer together" ("Mokopanemohlakantsha"). The poem references other famous "ethnic groups" or chiefs, from Zulu, to Sekhukhune, to Mzilikazi ("Moselekasi").

Image 4: Amandebeleamolelane.co.za Photo Gallery



Source: Available at: www.amandebeleamolelane.co.za, as accessed on 10 November 2013.

This highlights the role of the researcher in creating knowledge or images that get re-used and re-interpreted, as these photographs were all taken by me at the inauguration, given to LJ Kekana afterwards, and never intended for official use. They are now part of this image and identity construction. This again draws attention to the process of “history-making”, and unforeseen outcomes of research. My status as a research was drawn upon in the ceremony, as Van Warmelo’s status as official ethnographer gave his work weight. Processes of legitimacy creation, of added meaning, are interwoven with the “subjects” of research, with the area of study, and with the researcher themselves. All of this, with all of the different agendas implicit in this, needs to be considered when examining knowledge or history production.

The website also contains a section for legal documents. The heading for this is “Legal status of the Kingdom”.⁶⁶ This, in its very title, asserts the group as a kingdom converting legal battles over legitimacy and land-ownership to a challenge being made (and, it is implied, refuted) to the existence of the kingdom. The documents found on the site are interesting, in the broad

⁶⁶ Available at: www.amandebeleamolelane.co.za, as accessed on 10 November 2013.

issues that they represent. Firstly, the land-claim document is not actually in this legal section, but is dispersed throughout the website in various place. The map of farms claimed can be found in the “area map”, and the historical background given in the claim is given as the historical background of the kingdom. The report on the most recent hearing of the chieftaincy dispute is given, which is interesting seeing as the findings, while acknowledging the core of the dispute arising from the confusion of candle wives, represent the information presented by Van Warmelo and do not find in this factions favour. However, this is presented candidly as part of the “legal status of the Kingdom”.

Also presented as important documents on the site are the title deeds for the land bought by Johannes Tana Kekana and paid for by his descendants/ affiliates, linked to the Majaneng group. Possession of these two documents has been an important part of claiming legitimacy. The Kekana Gardens have been in possession of these documents for years. According to the Majaneng group, these documents were stolen from them in the 1960s.⁶⁷ Thus, putting these documents on the website is claiming ownership of this land through digital ownership of the title deeds. This is an interesting re-interpretation of the importance placed on legal land ownership in terms of legitimacy by the previous regime, where legitimacy is conveyed through the possession of the documents linked to ownership. On the other hand, the use of these documents to claim legitimacy also points to the importance of public participation and public acknowledgement of the documents.

Conclusion

The deconstruction of the different lineages of the AmaNdebele-a-Moletlane traditional authority shows the different power structures and points of knowledge creation that have been important in the establishment of, or claims to, legitimacy both pre and post-apartheid. The historical roots of legitimization processes, complex negotiations, claims, and performances around traditional authority continue the transition to democracy in 1994. While the absolute validity knowledge produced by official ethnographers in South Africa both

⁶⁷ S Godsell (Personal Collection), Interview, Esther Kekana (retired) Majaneng/S Godsell (MA Student, WITS University, School of Social Sciences), 10 September 2010.

pre- and during apartheid has been questioned,⁶⁸ this information, rather than being re-investigated or re-evaluated, remains the primary (although not sole) basis for the commissions of enquiry into this traditional authority. This then requires the repeated reconstruction and performance of ideas around “tradition” and lineage. It seems to lead to the almost inevitable repetition of the findings of the commissions as carried out in the 1970s, 80s and 90s, as no serious engagement is made with the process of production of historical knowledge.

While attempting to redress homeland oppression, the use of the same sources makes this extremely difficult legally and practically. The land-claims process has added complexity to this, in some ways undoing some of the traces of the past, in some ways strengthening them. Current claims to legitimacy require new strategies resulting in new forms of knowledge production. This is done through new mediums that foreground what is currently seen as politically and socially important for tracing a “traditional history”. This also involves performance of ethnicity in specific ways, while at the same time blurring of the very “ethnic” boundaries that are being performed, as strategic alliances are made to assist in the legitimacy creation process. This process of elites fighting for legitimacy through an ethnic framework is not new, as Lekgoathi has shown.⁶⁹

The Hammanskraal case study illustrates these processes clearly in one area. However, the extremely high incidence of contestations in traditional authority leadership in the former Transvaal, and other places in South Africa, shows these processes to have a broader national relevance. High profile cases have also been taken up in the constitutional court, where contestations in traditional authorities contain fundamental issues around gender, citizenship and power structures.⁷⁰ What is evident from the complexities highlighted in this article is that “traditional authorities” cannot be understood in a singular or concrete way with regards to the social, historical or political structures or strategies. Legitimacy is layered and created, in relation to history, affiliates or community, and political structures. The current implications for this are wide-spread, from complications in the land-restitution process, to corporate

68 For example: SP Lekgoathi, “‘Colonial’ experts, local interlocutors, informants and the making of an archive on the ‘Transvaal Ndebele’”, *Journal of African History*, Vol. 50, No. 1, 2009, pp. 61-80.

69 SP Lekgoathi, “Chiefs, migrants and North Ndebele ethnicity in the context of surrounding homeland politics 1965- 1978”, *African Studies*, Vol. 62, Issue 1, 2003, pp. 70-71.

70 For example, the recent case among Amapondo rulers (available at: <http://www.dispatch.co.za/game-of-thrones-in-mpondo-house/>), as accessed on 10 November 2013; (available at: <http://www.dailymaverick.co.za/opinionista/2013-03-06-democracy-vs-traditional-leadership-the-delicate-ballet/#.UoBNqhbH3BU>), as accessed on 10 November 2013.

and political implications as parties with an interest (financial or political) in an area impact the historical knowledge production by, once again, assigning legitimacy by choosing one group to work with.