The Batlhaping Ba Ga Phuduhucwana under Bophuthatswana rule: Governance and resistance 1977- 1994

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DECLARATION

I ZAT MAKABA hereby declare that this dissertation is my sole work. It has not been previously submitted for a degree at North-West University or any other university. I declare that all the material contained in the thesis has been duly acknowledged.

ZAT MAKABA

DEDICATION

To my late brother

VJR “Junior” Makaba

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It´s been a long journey that created friends and foes. It was like trench warfare, and I would like to make the following acknowledgements. I would like to thank my MA supervisor, Dr Laura Phillips. We met at the most challenging time of the project. And she provided supervision and leadership with warmth, wisdom and honesty. My sincere thanks to my co-supervisors, Dr Chris Holdridge and Mr Tumishang Ledwaba for their guidance and intellectual input.

Saving the best for my family for their emotional support. It is also dedicated to you my Divas with all my love.

ABSTRACT

This dissertation examines the relationship between Batlhaping and the government of Bophuthatswana with special reference to Batlhaping Ba Ga Phuduhucwana. In examining the relationship, I situate Batlhaping Ba Ga Phuduhucwana at the centre of the above-mentioned relationship and provide historical background in relation to their origin, chieftaincy and how the government of Bophuthatswana interfered in the Batlhaping affairs and in their chiefly successions.

The dissertation uses the Batlhaping Commission of Inquiry (Commission) and other commissions that were established by the Bophuthatswana regime as a lens through which to explore the relationship between the Bophuthatswana "state" and dissident tribal authorities. Its core theoretical approach is based on an understanding of the Commission as a political tool, not a neutral document with an apolitical evidentiary basis. As such, the dissertation argues that the establishment of the Commission, the evidence it used, the questions it asked, and the recommendations and answers it gave shine a light on the efforts of the Mangope regime to socially engineer rural communities in line with the broader Bophuthatswana project, reflecting the state's conceptualization of land, chieftaincy, and political rule. Mangope was the first and the last President of the erstwhile Bophuthatswana state. He evidently and enthusiastically supported separate development

Key terms

Chieftaincy; Bantustans; Mangope; Batlhaping; Commissions of Inquiry; Ethnography

LIST OF ABBREVIATIONS

NWU	North West University
ANC	African National Congress
BDF	Bophuthatswana Defence Force
BDP	Bophuthatswana Democratic Party
BIS	Bophuthatswana Intelligence Service
CDP	Christian Democratic Party
MK	uMkhonto we Sizwe
RD	Reconstruction and Development Programme
SADF	South African Defence Force
SRC	Students´ Representative Council
UDF	United Democratic Front
ZAR	Zuid-Afrikaansche Republiek

GLOSSARY

Bogosana	Headmanship
Kgosi	Chief or King
Kgosana	Headman
Volkekunde	an Afrikaner variant of Anthropology
Volkekundegis	Practitioners of an Afrikaner variant of Anthropology
Rangwani	Uncle

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CHAPTER 1 INTRODUCTION

1.1 1.1 Introduction

This dissertation examines the relationship between Batlhaping and the government of Bophuthatswana with special reference to Batlhaping Ba Ga Phuduhucwana. In examining the relationship, I situate Batlhaping Ba Ga Phuduhucwana at the centre of the above-mentioned relationship and provide historical background in relation to their origin, chieftaincy and how the government of Bophuthatswana interfered in the Batlhaping affairs and in their chiefly successions.

The dissertation uses the Batlhaping Commission of Inquiry (Commission)[1] and other commissions that were established by the Bophuthatswana regime as a lens through which to explore the relationship between the Bophuthatswana "state"[2] and dissident tribal authorities. Its core theoretical approach is based on an understanding of the Commission as a political tool, not a neutral document with an apolitical evidentiary basis. As such, the dissertation argues that the establishment of the Commission, the evidence it used, the questions it asked, and the recommendations and answers it gave shine a light on the efforts of the Mangope regime to socially engineer rural communities in line with the broader Bophuthatswana project, reflecting the state's conceptualization of land, chieftaincy, and political rule. At the same time it shows the limits of the Mangope regime's power.[3] The limits of Mangope's power are best known through the case studies of Chiefs Molotlegi of the baFokeng and Mankurwane of the Batlhaping, who opposed Mangope,[4]

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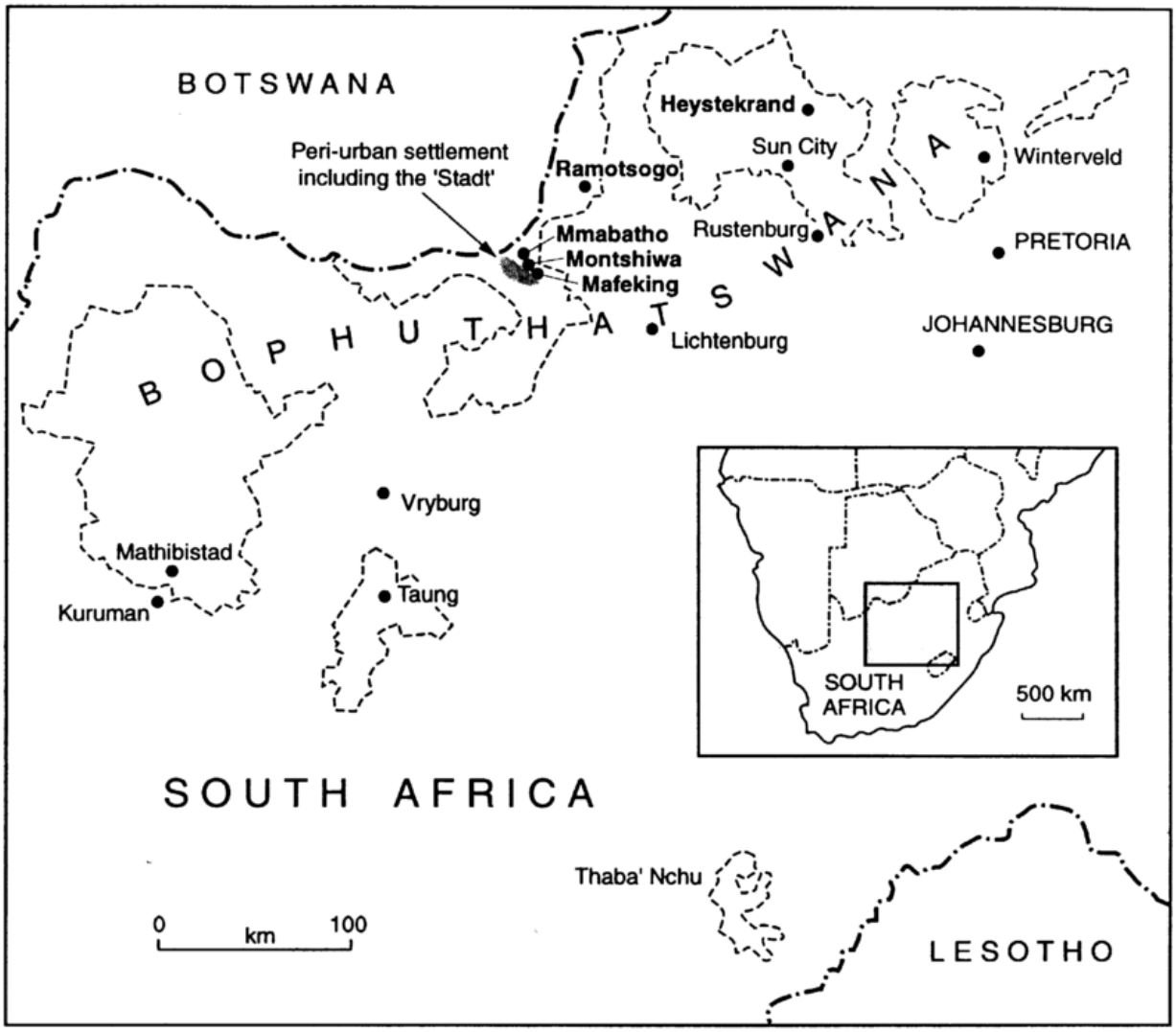
[1] The Batlhaping Commission of Inquiry will be referred to as the Commission throughout the thesis for easy reading.

[2] Bophuthatswana did not have a democratically elected government and was part of the apartheid state's structure. Thus, it was not internationally recognized as a state and its legitimacy was rejected by many on the ground in South Africa too. This dissertation uses quotation marks when referring to the Bophuthatswana "state" for the first time, but then drops the quotation marks for ease of reading thereafter. However, readers should know that the dissertation does not see Bophuthatswana as a legitimate state.

[3] M Lawrence & A Manson, ´The ´Dog of the Boers´: The Rise and Fall of Mangope in Bophuthatswana, ´ *Journal of Southern African Studies*, 20, no 3 (September 1994): 447-461.

[4] P S Jones, 'Mmabatho, 'Mother of the People': Identity and Development in an 'independent' Bantustan, Bophuthatswana, 1975-1994.' DPhil, Loughborough University 1997, p 329.

as well as an attempted coup led by Malebane Metsing the only rebellion from within the cabinet in February 1988.[5]



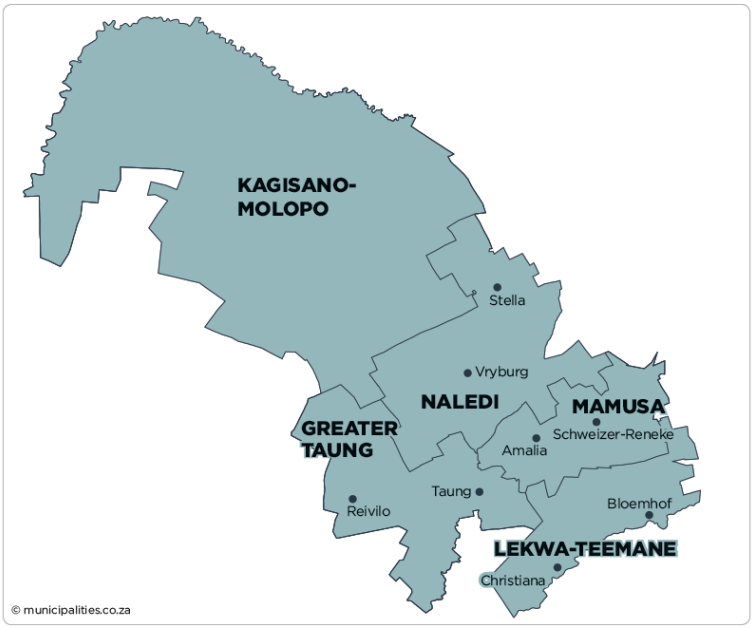
Map 1: Map of Bophuthatswana showing its final regional demarcations[6]

The dissertation makes an important contribution to the literature on rural governance and the Bantustans. While there is significant scholarship on the tensions between Mangope and the Bafokeng (and to some degree on other "dissident chieftaincies") the dynamics of the Batlhaping-Mangope relationship have not received the same attention. In addition to filling the gap on the Batlhaping, this dissertation also shows the legal measures, such as commissions of inquiry, used to govern rural communities, as

[5]AM Karodia et al, 'The Politics of Ethnicity and Subordination of the Masses in the Erstwhile Bophuthatswana State: Lessons for Democratic South Africa,' *AMST Journal*, 2013, pp 1-16.
[6] www.researchgate.net/figure/Map-of-Bophuthatswana-showing-its-final-regional-demarcations.

opposed to the discussion of the outright violent repression that has formed the bedrock of much scholarship on the Bantustans. It adds to our knowledge and understanding of how commissions of inquiry were complex political tools. That is, commissions and related forms of legal inquiry are often designed (by politicians) to create a sense of accountability and justice, to appease the public, to delay, to distract, and to enable the state at best to make minor adjustments[7] - at times this works; other times it fails.

Batlhaping are the inhabitants of the district of Taung in the North West province of South Africa. According to Breutz, their real origin is unknown, and it is also uncertain if they are of the Rolong polity because their tribal name 'Tlhaping' was given to them by the Rolong. They gave them this name because Batlhaping resided on the banks of the Vaal River and lived on fish ["tlhapi" in seTswana].[8] However, the Rolong confirmed them as the Rolong branch that separated from the Rolong polity during the reign of Chief Tau of the Rolong to become their own branch under their own chiefs.[9] They are probably best known through the writings of Kevin Shillington on Luka Jantjie.[10]



Map 2: Map of the Greater Taung Local Municipality [11]

[7] V Harris, Reject commissions of Inquiry, the Poisoned Colonial Chalices that Do Not Deliver Justice, Opinion, *Mail and Guardian*, 2022-11-07.
[8] PL Breutz, *The Tribes of Taung and Herbert* (Pretoria, Government Printers, 1968) p 31.
[9] Ibid.
[10] K Shillington, Luka Jantjie: Resistance Hero of the South African Frontier (Wits University Press, 2011).
[11] Municipalities.co.za/map/1196/greater-taung-local-municipality.

1.2 1.2 Background

The National Party came into power in 1948 on the promise that it would implement more racial separation and more discrimination.[12] The most popular ticket on which they came to power was that of the *swart gevaar* – the "black danger". They instilled fear about the *swart gevaar* "as represented by African urbanization and anxiety about white economic collapse".[13]

It was within the nationalist policymaking and its political circles that apartheid had to be presented as a morally defensible system that would be of advantage to all.[14] It was therefore in terms of apartheid that the Bantustans – or Homelands, in official terminology - were established. The Nationalist Party government believed that apartheid, or separate development as some scholars prefer to call it, was an alternative to multiracialism which it rejected. Accordingly, separate development, which established the Bantustans, was an answer to the outside world's criticism of apartheid.[15]

The Nationalist government's planned development of Bantustans within South Africa was the justification for what it called "the South African solution to the racial problem".[16] Dubow says this was initiated through the introduction of the 1951 Bantu Authorities Act (Act 68 of 1951) which laid the basis of the future Bantustans even though it was not apparent then.[17] It was in this context that Bantustans were established. Initially, "the policy of the white administration was to indirectly rule blacks through government-appointed headmen or chiefs. The headmen oversaw demarcated rural areas called "native reserves". However, with the passing of the Bantu Authorities Act, a radical change was brought to local government in the reserve areas.[18] It provided for the

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[12] Ibid.
[13] L Phillips, 'History of South Africa's Bantustans,' *Oxford Research Encyclopedia,* 2017, (https://.doi.org/10.1093/acrefore/9780190277734.013.80).
[14] S Dubow, *Apartheid 1948-1994*, (Oxford: Oxford University Press, 2014) p 63.
[15] M Lipton, "Independent Bantustans?" *International Affairs,* 48 (1), January 1972, p 1.
[16] Carter GM, African Nationalist Movements in South Africa, 'African National Movements in South Africa' *The Massachusetts Review,* 5 (1), 1963, p 147.
[17] S Dubow, Apartheid 1948-1994, p 64.
[18] C Manona, 'The Collapse of the 'Tribal Authority' System and the Rise of Civic Organisations,' ISER Seminar Series, Rhodes University, March 1995, p 1.

establishment of Tribal Authorities for the main tribal reserves.[19] This bolstered chiefly authority, giving them powers in the rural areas.[20]

The Tribal Authorities were associated with chiefdoms. “They were headed by chiefs, who were assisted by councillors under a system that sought to revive traditional leadership”.[21] The most senior in rank usually became the chief in these Tribal Authorities. It was through these ranks that a formal line of command was created, which led directly from the Native Affairs Department in Pretoria to the village headman.[22]

According to Ntsebeza, these chiefs were an extension of the apartheid regime.[23] He argues that they were unelected and thus unaccountable.[24] This means they were appointed by the apartheid regime and served at its behest. Delius posits that chiefs were said to be drawn from a dominant or royal lineage, but at times their seniority was made up by the apartheid state.[25] Councillors also often played a decisive role in the appointment of a new chief and in replacing the existing one, they manipulated genealogies or used the concept of regency.[26] However, not all chiefs received the support of the regime, and some were opposed to apartheid and the state’s project of governing rural Africans. Delius points out that those who were opposed to the system feared losing their legitimacy, and those who were supportive begged for the recognition of the apartheid regime all the time. The system dealt viciously with those in opposition: often they were neglected, rendered insignificant, or replaced.[27] For example Paramount Chief Sabata Dalindyebo of the Transkei, who was critical of and opposed to the Bantu

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[19] J C Bekker, ‘Tribal Governments at the Crossroads’, *Africa Insight,* 21(2), 1991, p 127.
[20] Ibid.
[21] Ibid.
[22] L Bank, ‘The Failure of Ethnic Nationalism: Land, Power and the Politics of Clanship on the South African Highveld 1860-1990,*’ Africa: Journal of the International African Institute*, 65(4), 1995, p 568.
[23] L Ntsebeza, ‘Resistance in the Countryside: The Mpondo Revolt Contextualized,’ in *Rural Resistance in South Africa: The Mpondo Revolts after Fifty Years,* T Kepe & L Ntsebeza (eds.) (Leiden Boston, Brill, 2011) p 29.
[24] Ibid.
[25] P Delius, ´Mistaking Form for Substance: Reflections on the key dynamics of per-colonial polities and their implications for the role of chiefs in contemporary South Africa´, MISTRA Working Paper on Mediating Convergence and Divergence: Traditional Leadership and Customs in a Constitutional Democracy, p 3.
[26] Ibid.
[27] L Ntsebeza, ‘Resistance in the Countryside: The Mpondo Revolt Contextualized,’

Authorities, “was stripped of his Paramount Chieftainship and forced to flee to exile, where he died”.[28]

Those who served at the command of the system were often officially appointed as the head of a Tribal Authority. Thus, they took direct orders from the apartheid government, though they had some level of autonomy to make decisions, provided these were not contrary to or threatened the apartheid hegemony.

“As the extended arm of the apartheid regime, chiefs were given greater administrative powers”.[29] According to Evans, the chiefs were “to contain and discipline the reserve army of African labour: those Africans prevented by law from departing to urban areas, the ‘idle or disorderly’ evicted from the urban areas, and the ‘excess labour’ skimmed off the white farming areas.”[30]

Hendricks further argues that while the apartheid regime had committed to the programme of “stabilization,” ‘saving the soil,’ and “rehabilitation”, it developed from this commitment “a co-optive device of bringing African chiefs and headmen into the local machinery of government as an attempt to reinvigorate tribalism in the reserves”.[31] The chiefs were therefore not accountable to the people but to the apartheid regime.[32] African chiefs or traditional leaders and headmen were thus brought on board as an extension of the apartheid system as alluded to above.

The Tribal Authorities also served as the first stage in a move towards self-government for the native reserves, which were later named “homelands.” Four homelands – Transkei, Bophuthatswana, Venda, and Ciskei –were ultimately granted “independence” by the apartheid state.[33] This is arguably the foundation of the apartheid system. However, these state authorities were not left unchallenged. They were met with resistance from peasants, migrants, women and other groupings. According to Govan

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[28] Ibid.
[29] Ibid.
[30] I T Evans, *Bureaucracy and Race: Native administration in South Africa* (California, University of California Press, 1997) p 260.
[31] F T Hendricks, *The Pillars of apartheid: land tenure, rural planning and the chieftaincy* (Uppsala: Acta University, Studia Sociological Upsaliensa, 1990) p 122.
[32] L Ntsebeza, ‘Resistance in the Countryside,’ p 30.
[33] J C Bekker, ‘Tribal Governments at the Crossroads’, p 127.

Mbeki, peasants have long resisted oppression in South Africa.[34] That is, they have a long history of widespread and organized resistance to oppression. Many residents resisted forceful removals from their homes, opposed the imposition of discriminatory legislation, the extension of passes to African women, and schemes for the rehabilitation and reallocation of land.[35]

The early rural revolts of the 1950s culminated in, amongst others, the Mpondo revolts that took place in the rural Eastern Mpondoland in the Eastern Cape. The revolt protested the government's policies on rural administration and governance. Ntsebeza ranks the Mpondo revolts among the most significant and best known in South Africa.[36] Ntsebeza argues that although there were significant rural revolts before the Mpondo revolts, "the Mpondo revolts remain the most popular and enduring".[37] He further posits that their significance and popularity obscured those of the urban struggles such as the Sharpeville and Langa massacres of 1960.[38] The apartheid regime suppressed the rural resistance with brutal force, resulting in casualties and deaths. The significance of the brutality of the apartheid police and the army in 1950 is not only that it crushed popular resistance, but it also cemented the enforcement of the infamous Bantu Authorities Act of 1951.[39]

The Act gave greatly enhanced powers to the chiefs, who became the heads of the tribally structured Bantu Authorities, referred to later as Tribal Authorities.[40] The Act, according to Hammond-Tooke, "meant the adoption of what approximates to the classical concept of 'indirect rule'".[41] Ntsebeza argues that chiefs played an important and critical role in the implementation of the apartheid policies. Apartheid officials regarded chiefs as important to their rule, so that some government officials began to rethink the role of chiefs in the wake of resistance. Ntsebeza points out that before the National Party came into power

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[34] G Mbeki*, South Africa: The peasants' revolt* (Penguin Africa Library, 1964) p 111.
[35] Ibid.
[36] L Ntsebeza, 'Resistance in the Countryside,'*,* p 1.
[37] Ibid.
[38] Ibid.
[39] G Mbeki, South Africa: The peasants' revolt, p 111
[40] D Hammond-Tooke, 'Chieftainship in Transkeian Political Development', *The Journal of Modern African Studies,* 2 (4), 1964, p 513.
[41] Ibid.

in 1945, state ethnologist, N.J. van Warmelo urged the state to rope in chiefs in the implementation of its policies.[42]

1.3 Problem Statement

The thesis seeks to investigate how commissions of inquiry in Bopthutaswana both reflected the interests of the apartheid project and Mangope specifically, while also being shaped by ethnologists' complex understandings of Tswana society. It is not the intention of the thesis to overdetermine what happened with the Commission and the ethnologists, but to close the hiatus by showing how Mangope, with the involvement of ethnologists used legal measures such as the commissions of inquiry to govern rural communities, as opposed to the discussion of the outright violent repression that has formed the bedrock of much scholarship on the Bantustans.

1.4 Research Questions

- What did the Batlhaping Commission of Inquiry investigate?
- What purpose did the commissions of inquiry in particular the Batlhaping Commission of Inquiry strive to achieve in relation to the dynamics of the Batlhaping-Mangope relationship?
- How did state-appointed ethnologists´ works shape the conclusions and recommendations of the Batlhaping Commission of Inquiry?
- How did the question of land and that of chieftaincy play out in the Batlhaping Commission of Inquiry?

1.5 1.5 Research Aims and Objectives

- Examine what did the Batlhaping Commission of Inquiry investigate.
- Investigate what was the purpose of the commissions of inquiry in relation to the dynamics of the Batlhaping-Mangope relationship.
- Analyse the works of the state-appointed ethnologists in the conclusions and recommendations of the Batlhaping Commission of Inquiry.

[42] Ibid.

- Analyse how the questions of land and chieftaincy played out in the Batlhaping Commission of Inquiry.

1.6 1.6 Central Theoretical Framework

1.7 The thesis uses the Batlhaping Commissions of Inquiry to explore the relationship between the Mangope government and the dissident tribal authorities. Since the study will not argue from an assumption that all chiefs (or 'decentralised despots' as Mamdani will have it) are lackeys of the state, it examines how the questions of land and chieftaincy played out in the Commission. [43] **It understands the commission of inquiry as a legal instrument shaped by political and historical processes, rather than a neutral arbitor of reality.**

1.8 1.7 Literature review

This research engages in two sets of historiographical debates:

The Bantustans

Historians and other scholars in South Africa and beyond have researched and written about the homeland system and the "independence" of the Bantustans in South Africa. As expected, their approaches to the subject differ. Some approach the subject from a general point of view, while others focus on specific Bantustans and their histories.[44]. Two main approaches have emerged from the plethora of writings: some see Bantustans exclusively as sites of oppression, while others characterize them as sites of South African history that are dynamic and diverse. Nonetheless, both schools of thought recognize tyranny as a common feature of the Bantustans, with their diversity lying in governance and local patterns of history.[45]

The Bantustans were governed by tribal custom and coercive force. They were created with potent effects. For example, "large sums of money were pumped into them and large administrative bureaucratic infrastructures with large new civil services were created"[46].

[43] M Mamdani, *Citizen and Subject*, (Princeton University Press, 1996)
[44] L Phillips, 'History of South Africa's Bantustans'.
[45] Most historians have written of the Bantustan 'governance' as being consistently dictatorial.
[46] A Lissoni & S Ally, 'Bantustan States', *African Historical Review,* 50, (1-2), 2018, pp 1-3.

At the same time, as part of the establishment of the Bantustans, there was often a redrafting of the politics of traditional authority and its relationship to the state.[47]

The Bantustans were one of "South Africa's most infamous projects of racial ordering. Their establishment was an attempt to legitimize apartheid and to deny black South Africans their citizenship".[48] They restricted the movement of Africans and contributed to their disenfranchisement and oppression within South Africa.[49] Not all traditional leaders fully co-operated with the apartheid regime – some worked with the anti-apartheid movements, like *Kgosi* Abram Moiloa of the Bahurutshe, whose deposition by the white authorities in 1957 sparked the Hurutshe revolt that engulfed Lehurutshe in the late 1950s.[50] Most Africans did not accept the Bantustans. They were largely rejected as political frauds governed by illegitimately instated chiefs.[51] Lissoni and Ally are categorical in saying that "Bantustanisation was, of course, an historical failure".[52]

Southall argues that the Bantustans, notwithstanding their inadequacy in fulfilling the aspirations of black people, had a dynamic momentum of their own that perpetuated and stabilize white domination in South Africa.[53] They were geared towards the perpetuation and stabilization of tyranny, offering benefits to a small, elite few. Much of the literature suggests that it is common cause that Bantustans were led by apartheid stooges without support from the black communities over which they ruled.

However, Southall raises an interesting counterargument regarding support for the Bantustan leaders. His contention is that it is simplistic and ignorant to suggest that the Bantustans were completely without the support of the social groups that were emerging in the Bantustans. Included in these groups is what Phillips refers to as a black middle class and bureaucratic elite.[54] These social groups, according to Southall, were a force

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[47] Ibid.
[48] L Phillips, 'History of South Africa's Bantustans.'
[49] A Heffernan, 'The University of the North and Building the Bantustans, 1959-1977, *South African Historical Journal,* 2017, p 10.
[50] A Lissoni, ´Chieftaincy and Resistance Politics in Lehurutshe during the Apartheid era´,*New Contre,* 67, Special Edition, 2013, pp 57-82.
[51] L Phillips, 'History of South Africa's Bantustans.'
[52] A Lissoni & S Ally, 'Bantustan States', p 1.
[53] R J Southall, 'The Beneficiaries of Transkeian 'Independence', *The Journal of Modern African* Studies, 15, (1), 1977, p 3.
[54] L Phillips, 'History of South Africa's Bantustans.'

to be reckoned with. Though they could not determine policies, they were a powerful lobbying force and were an integral part of the Bantustan oppression machinery. [55]

The apartheid state always regarded the nature of chieftainship as something they could modify as needed. An attempt was made in the 1950s to restructure chieftainship. This is one of the reasons why scholars like Ntsebeza see the chiefs in the Bantustans as collaborators in the apartheid project. In the light of this statement, Delius argues in *A Lion Amongst the Cattle* that the power of the collective could have modified state action and the institution of chieftainship if the popular definitions and aspirations of chieftainship were not defeated.[56]

However, as argued above, the Bantustans gave chiefs enormous power, as they were guaranteed more than half of the seats in the Legislative Assembly. They actively colluded with and gave the apartheid system credibility. They were therefore seen as collaborators of the racist oppressive system.[57] In more recent times, however, some scholars have tried to portray the chieftaincies with more historical sensitivity, as in the work of Tim Gibbs' *Mandela's Kinsmen.* While Mandela and Kaiser Matanzima were related as members of a Transkei royal family, Kaiser Matanzima[58] ultimately chose the side of the oppressor when Transkei became the first self-governing territory to be granted full Bantustan "independence" and statehood.[59]

While there is a mode of writing that focuses on the tyranny of the Bantustans, there is also literature that focuses on resistance in the Bantustans. Though some scholars have portrayed Bophuthatswana as politically quiescent for much of its history, resistance to the state's efforts to control rural populations did not begin only at the height of political activism in the Bantustans in the 1980s. According to Beinart, literature on "political resistance and popular struggles in the homelands has recorded the rebellions of the

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[55] R J Southall, 'The Beneficiaries of Transkeian 'Independence' pp 10 - 11.
[56] C Kros, 'Interview with Peter Delius', 37:1, p 206. Interview conducted at the University of Witwatersrand, Johannesburg, *South African Historical Journal*, (37), 1, 1997.
[57] Kwesi, K. Prah, The Bantustan Brain Gain: A Study into the Nature and Causes of Brain Drain from Independent Africa to the South African Bantustans, (Institute of Southern African Studies, Southern African Studies Series no.5, Roma: ISAS, 1989).
[58] Nelson Mandela's tribal nephew and his closest companion at university. who became the first Chief Minister of the Transkei Bantustan.
[59] T Gibbs, *Mandela's Kinsmen. Nationalist Elites and Apartheid's First Bantustan* (Oxford: James Currey, 2014) p 3.

1950s and in the early 1960s in areas such as Zeerust, Sekhukhuneland, Mpondoland, Natal, and the Eastern Cape".[60] Scholars writing on these processes often describe these efforts as the culmination of a long phase of distinct rural mobilization.[61] According to Lissoni, the rural rebellions that took place during the late 1950s in Sekhukhuneland, Mpondoland and Leruhutshe were linked to the national urban-based movements through migrant workers and their associations.[62] Though it is not directly linked to the workers' power, an example of early rural revolts of the 1950s in the area that became Bophuthatswana is the Zeerust uprising or the Hurutshe revolt, which took place in the rural area of Leruhutshe. The popular revolt was sparked by the deposition of *Kgosi* Abram Moiloa,[63] the imposition of Bantu Authorities and the forced extension of passes to African women.[64] Lehurutshe was formerly known as Moiloa's reserve and it later became part of Bophuthatswana.[65] This history has been recorded by several scholars, including Jensen *et al*[66] and Manson *et al*.[67]

The revolts were so significant that they were not even overshadowed by the watershed moment of the Sharpeville massacre and the march in Langa in March 1960.[68] In fact, it appears that there was never absolute calm on the political front regarding opposition to the Bantustans and apartheid. In Mpondoland, rebel leaders talked of an armed struggle long before the ANC elite launched their armed struggle. In Sekhukhuneland, there were connections between migrants and the ANC. The rural branches of Poqo[69] grew such that they were not just a reactive force. Rather, they represented an ideologically guided,

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[60] W Beinart, 'Beyond 'Homelands': Some ideas about the History of African Rural Areas in South Africa', *South African Historical Journal*, (64) 1, 2012, pp 1-21.

[61] Ibid.

[62] A Lissoni, 'Student Organisation in Lehurutshe and the Impact of Onkgopotse Abram Tiro' in Nieftagodien and Heffernan (eds.) *Students Must Rise* (Johannesburg: Wits University Press, 2018), p 35. P. Delius, 'Sebatakgomo: migration organization, the ANC and the Sekhukhuneland revolt, *Journal of Southern African Studies,* 15: 4 (1989), pp. 581 – 615.

[63] *Kgosi* Abram Moiloa was the *kgosi* of the Baruhutshe ba ga Moiloa in the village of Dinokana in Lehurutshe.

[64] A Lissoni, 'Chieftaincy and Resistance Politics in Lehurutshe during the Apartheid era,' *New Contree,* 67, Special Edition, 2013, p 58.

[65] Ibid.

[66] S Jensen & O Zenker, 'Homelands as Frontiers: Apartheid's Loose Ends – An Introduction,' *Journal of Southern African Studies*, 41: (5), 2015.

[67] A Manson & B Mbenga, 'Bophuthatswana and the North-West Province: From Pan-Tswanaism to Mineral-Based Ethnic Assertiveness', *South African Historical Journal,* 64: (1), 2012.

[68] T Kepe & L Ntsebeza (eds), Rural Resistance in South Africa: The Mpondo Revolts after Fifty Years, (Leiden Boston, Brill, 2011), p 21.

[69] The military wing of the PAC that was established after the Sharpeville Massacre and the banning of the PAC.

grass roots nationalism, and they developed the Africanist tradition in the ANC and the PAC that justified the use of violence.[70]

Jensen *et al* point out that the Bantustans and apartheid were resisted from the beginning.[71] In Lehurutshe, *kgosi* Abram Moiloa and his rural constituency played a critical role in the activities of armed insurrection, especially those of uMkhonto we Sizwe (MK).[72] In the early 1960s, Lehurutshe became a strategic point in the underground movement to transport MK recruits and political activists out of the country. As per the instructions of *kgosi* Moiloa, fifty young men and boys were recruited into MK and they formed an integral part of the famous Luthuli detachment.[73]

The introduction of passes for women and an attempt to issue them to the women of Dinokana on 1 April 1957 sparked an uprising, famously known as the Zeerust uprising or the Hurutshe revolt. A government commission of enquiry established to investigate the causes of the revolt put the blame squarely on the ANC for manipulating and instigating rural communities to revolt. Consequently, *kgosi* Abram Moiloa of the Hurutshe and many ANC activists were banished to different areas. Lehurutshe became an important passage to carry ANC and uMkhonto we Sizwe recruits out of the country for military training.[74]

There is also significant scholarship on the political protest and resistance in the period after the 1960s. The impact of the Soweto uprising in 1976 was not only felt in the urban areas but in rural areas as well, particularly in the homelands. Lekgoathi draws attention to the influx of urban youths into the Bantustan of Lebowa and the significance of their experience of student politics they brought to rural areas from the urban areas. They brought with them information about political struggles in towns and led university student representative councils (SRCs) around Mogoto village in Lebowa[75].

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[70] W Beinart, 'Beyond Homelands,', p 10.
[71] S Jensen and O Zenker, 'Homelands as Frontiers,' p 941.
[72] Military wing of the African National Congress.
[73] A Lissoni, 'Chieftaincy and Resistance Politics,' p 63.
[74] Ibid.
[75] S P Lekgoathi, 'Teacher Militancy in Zebediela' pp 239-240, *South African Historical Journal*, 58:1,226-252. S. Mathabatha, 'The 1976 Student Revolts and the Schools in Lebowa, 1970 – 1976,' *South African Historical Journal,* 51 (2004), 108 – 129. Tshepo Moloi, *Place of Thorns: Black political protest in Kroonstad since 1976,* (Johannesburg: WUP), 2015. Anne Heffernan, *Limpopo's Legacy* (James Currey: 2018).

In Bophuthatswana, the Bophuthatswana Legislative Assembly in Montshiwa was burned down.[76] The demonstrators targeted the symbols of Bophuthatswana to show their resistance to the homeland system. In the same vein of the Soweto 1976 insurrection, Phillips adds that the migration of urban children to the homelands to attend school in the aftermath of the 1976 uprising advanced the links between the urban and rural struggles. This contributed significantly to the politicization of rural residents, thus strengthening resistance against the apartheid system in general and in the homelands.[77]

Andrew Manson relates that nine Bophuthatswana policemen and two civilians were killed in Bophuthatswana on the 1st of July 1989 when police sprayed teargas and shot rubber bullets at the villagers of Leeufontein to disperse a village meeting that was held to protest their incorporation into Bophuthatswana. In the process the whole village was abandoned. Villagers fled to neighbouring white farms and to townships in Johannesburg to seek refuge with their next of kin and friends.[78]

Braklaagte, a village inextricably linked to Leeufontein, was also abandoned and villagers fled to nearby Zeerust, where they were accommodated in tents as refugees on the grounds of the Anglican, Catholic and Methodist churches. These events started a long opposition by the two communities to the forces that were bent on undermining their political independence and social cohesion. Their defiance became a symbol of the determination of the rural Batswana to resist the homeland system.[79]

In their study, Anis Mahomed *et al* depart from a premise that the rural masses showed no resistance against the Bophuthatswana government and that the opposition led by Malebane Metsing led the only rebellion from within the cabinet in February 1988.[80]

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[76] P S Jones, 'To come together for Progress:' Modernisation and Nation-Building in South Africa's Bantustan Periphery – The Case of Bophuthatswana', *Journal of Southern African Studies*, 25:4, (1999) p 590.
[77] L Phillips, 'History of South Africa's Bantustants', p 10.
[78] A Manson, Changing Patterns of Resistance – The Case of Leeufontein and Braklaagte in the Western Transvaal, 1906-1991, African Studies Seminar Paper,1992.
[79] Ibid.
[80] AM Karodia *et al,* 'The Politics of Ethnicity and Subordination of the Masses in the Erstwhile Bophuthatswana State: Lessons for Democratic South Africa,' *AMST Journal,* 2013, p 3.

Malebane Metsing was a politician and the leader of the People´s Progressive Party who attempted to overthrow Mangope.[81]

Resistance and political mobilization in the Bantustans prior to and during "independence" was violently suppressed by the apartheid regime and the Bantustan authorities. Other than police brutality and state violence, the state repressed resistors with political bans and police persecution. One case in point is a little-known banning of the ANC in 1958 in Lehurutshe.[82]

Bophuthatswana seems to have attracted more attention from scholars than other Bantustans, probably due to the abundance of platinum reserves and the acceleration of the so-called development of the homeland. Manson *et al* zoom into the legacy of Bophuthatswana and examine the way in which its past has affected the present-day reality of the North West province.[83] The Bophuthatswana government intervened in the affairs of the Batlhaping Ba Ga Phuduhucwana and strained the relations.[84] However, the researcher has not come across a sustained study that focuses on the relationship between the Batlhaping Ba Ga Phuduhucwana and the erstwhile government of Bophuthatswana.

The literature review of this study therefore juxtaposes scholarship on the relationship between the former Bophuthatswana government and the rural communities of Batlhaping Ba Ga Phuduhucwana, to contextualize the relationship prior to and during "independence". While Mangope's support came from the rural communities in the 1950s and the 1960s, as argued by Lawrence and Manson, Manson and Lissoni argue in *Khongolose*[85] that the ANC had made inroads in the same communities by the mid-1960s.[86] However, Mangope had tightened his grip on the rural constituencies, and he was determined not to loosen it or let it go.[87]

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[81] A Manson & B Mbenga, ´The Richest Tribe in Africa: Platinum-Mining and the Bafokeng in South Africa´s Province´ 1965-1999, *Journal of Southern African Studies,* (29)1, 2003, pp 25-47.
[82] A Lissoni, 'Student Organisation in Lehurutshe' p 35
[83] A Manson & B Mbenga, 'Bophuthatswana and the North-West Province': p 97.
[84] Ibid.
[85] Congress
[86] A Manson et al, Khongolose: A Short History of the ANC in the North-West Province from1909 (University of South Africa, Unisa Press, 2016) p 64.
[87] M Lawrence and A Manson, 'The Dog of the Boers': The Rise and Fall of Mangope in Bophuthatswana, p 452.

The Bophuthatswana government was obsessed with state security.[88] Mangope was unsettled in his position as traditional head of Bophuthatswana. He subsequently crushed "any challenge from among his rural constituents, systematically stripped his opponents of their positions of authority, and placed his supporters in every significant chiefdom in the "homeland".[89] Although Mangope manipulated the rural communities into his grip, they were sympathetic to the ANC for decades.

Commissions of Inquiry

The second historiographical debate with which the thesis engages is scholarship that discusses commissions of inquiry. The first recorded state-level commission was established between 1080 and 1086 in England. It was "ordered by the Norman Conqueror William I and was known as the Domesday Book".[90] Gilligan posits that the core features of royal commissions, which have survived largely unchanged over the years, were shaped by the Domesday Book of Inquiry. For example, in the former colonies of Britain, such as Canada, Australia and New Zealand, and in Britain itself, royal commissions remained an ad hoc, flexible and adaptive mode of inquiry established by centralized authority to investigate nominated issues.[91]

According to Lester, "commissions of inquiry have been featuring in English law and governance dating back to the 12th century. They were used as investigative instruments when treason or sedition was suspected, to prosecute those who were a threat to the monarchy, to determine legal guilt or innocence, and they were also used as tribunals".[92] A point reiterated by Gosnell is that investigating bodies of this kind have been used by the British for more than a hundred years, adding that every important measure of reform was preceded by an inquiry by a royal commission.[93]

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[88] P S Jones, "From 'Nationhood' to Regionalism to the North West Province: 'Bophuthatswananess' and the Birth of the 'New' South Africa," *African Affairs,* (1999): 514

[89] A Manson & B Mbenga, 'Bophuthatswana and the North-West Province,' p 103.

[90] G Gilligan, 'Royal Commissions of Inquiry', *The Australian and New Zealand Journal of Criminology,* 35 (3), 2002, pp 289-307.

[91] Ibid.

[92] C A Lester, Truth in the Time of Tumult: Tracing the Role of Official 'Truth-seeking Commissions of Inquiry in South Africa, from Sharpeville to Marikana, MPhil Justice and Transformation, Dissertation, University of Cape Town, 2016. p 25.

[93] H F Gosnell, 'British Royal Commission of Inquiry', *Political Science Quartely,* 49 (1), 1934, pp 84-118.

In South Africa, established commissions evolved from royal commissions to Commonwealth commissions because they were appointed by the South African Governor-General and not the Queen in terms of the (British) Tribunal of Inquiry (Evidence) Act of 1921. They were later appointed in terms of the South African Commissions Act of 1947.[94] Lester further argues that commissions in South Africa relied on past commissions for the techniques and practices from which they derived legitimacy. "Even though the commissions of inquiry may be set up for specific reasons, supported by relevant legislation and guided by a particular mandate, they derive legitimacy from established practices".[95]

Some "scholars, policy-makers and concerned citizens presume that governmental inquiries serve only the proclaimed purposes of impartial fact-finding and that advice arises when the results of the commission of inquiry are matched with their proclaimed purposes".[96] Sulitzeanu-Kenan points out that commissions of inquiry are not permanent institutions; they are established for a particular task and are dissolved once the task has been concluded.[97] They therefore do not deal with an existing crisis that may influence current political evaluations but with setting the record straight.[98]

However, commissions are not appointed or established in a vacuum. There are reasons why governments prefer to establish commissions as opposed to using the other avenues available to them.[99] Ashforth says that a government may decide to set up/appoint a commission of inquiry based on the following categories: i) "the need to transcend politics or instances where governments have to confront and deal with matters of state significance beyond politics (in a non-political way) such as ministerial misdemeanour; ii) limitations of resources within the bureaucracy; this is where the state may be confronted with pressing issues and does not have the capacity to respond to the crisis; iii) distrust between the government and the bureaucracy; when the government's reform initiatives

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[94] C A Lester, Truth in the Time of Tumult: pp 63-64.
[95] Ibid.
[96] A Ashforth, 'Reckoning Schemes of Legitimation: On Commissions of Inquiry as Power/Knowledge Forms'. *Journal of Historical Sociology,* 3 (1), March 1990, pp 1-22.
[97] R Sulitzeanu-Kenan, 'Reflection in the Shadow of Blame: When Do Politicians Appoint Commissions of Inquiry?', *Cambridge University Press,* March 2010, pp 613-634.
[98] Ibid.
[99] A Ashforth, 'Reckoning Schemes of Legitimation, p 5.

may be internally challenged by the bureaucracy; and iv) conflicts within the bureaucracy and pressures from elements within the bureaucracy".[100]

According to Schmid, "truth commissions are established to uncover the facts about broad patterns of abuse, to have a better understanding and acknowledge the scope of abuses committed, and to address changes that need to be made to prevent future atrocities".[101] Although Schmid specifically refers to the Truth Commissions in this instance, they may not be different from other inquiries. They are also temporary bodies, focus specifically on a particular period, and directly engage with the affected population.

But what purpose do commissions of inquiry serve? Commissions are ostensibly "established to produce an official and factual account of a matter of profound public interest and concern. Their task is to investigate highly complex failings or allegations of such failings, and to develop recommendations to prevent the allegations from being repeated".[102] Contrary to the above, they often serve to enable decision-makers in government to delay or postpone decisions without being criticized for doing nothing at all. They provide a platform for special interest groups and the interested public to air their views in a forum that is viewed not to be subject to direct government control. They are effective because they have a great capacity to be, and be seen to be, independent and objective compared to other governmental instruments of public policy analysis.[103]

Pete argues that "commissions of inquiry may sometimes be a means for corrupt or incompetent politicians who are under immediate pressure from the public to account for a crisis caused by their misdeeds or incompetence, to temporarily shift the focus away from themselves, hoping that the delay caused by the investigative process will result in the public forgetting about whatever issue led to the public anger in the first place".[104]

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[100] Ibid.
[101] E Schmid, 'The Diversity of Truth Commissions and Commissions of Inquiry', *United States Institute of Peace, Peace Brief* 118, pp 1-4.
[102] T Maseko, 'Justice and the Commissions of Inquiry: A Tenuous Link,' *Institute for Security Studies*, Dec. 2019.
[103] P Aucoin. 'Contributions of Commissions of Inquiry to Policy Analysis: An Evaluation', *Dalhousie Law Journal,* 12 (3) 12:3, Special Issue: Commissions of Inquiry, Article 13, 1989-1990, pp 197-207.
[104] S A Pete, 'Commissions of Inquiry as a response to crisis: The Role of the Jali Commission in Creating Public Awareness of Corruption (Part 1), 903-925.

The now almost extinct royal commissions played an important role in the policy-making process in their heyday. Those that are being established now continue to seek, as the royal commissions did, to broaden public policy making beyond government.[105] Their frequent importance therefore, as stated by Ashforth, lies in the fact that they structure debate on policy issues. At the same time, he draws our attention to what he calls "a cynical suggestion" that commissions of inquiry serve no other purpose than obfuscation and delay.[106] Either way, they play an important role in public discourse. Royal commissions and Commonwealth commissions of inquiry became blueprints for commissions in South Africa. For example, "commissions such as the Wessels Commission[107] were situated within a tradition of established colonial schemes used to manage resistance to colonial rule".[108]

This study contributes the literature on commissions because it shows how the commissions of inquiry that were established by the Bophuthatswana regime were complex creatures: both aimed at supporting elements of the Bantustan state and shaped by local dynamics on the ground that did not always align with the interests of Mangope and his allies. Harris refers to the commissions of inquiry as chalices that do not deliver justice. He also argues that the commissions are established to determine risk and to understand the nature of the challenge to the state's authority.[109]

The literature on commissions of inquiry traces their bureaucratic procedures to their origins in pre-revolutionary England and describes the apartheid commissions of inquiry as openly pathological, that is, they concealed more than they revealed. They increased hostility more than they decreased it and produced more than reduced instability.[110]

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[105] M Rowe & L McAllister, 'The Roles of Commissions of Inquiry in the Policy Process', *Public Policy and Administration,* 21 (4), 2006, pp 99-115.
[106] A Ashforth, 'Reckoning Schemes of Legitimation,' p 2.
[107] The Wessels Commission was set up by the apartheid regime after the Sharpeville Massacre in 1960 to investigate and report on the events in the districts of Vereeniging and Vanderbijlpark in the Transvaal on 21 March 1960.
[108] C A Lester, Truth in the Time of Tumult,' p 65.
[109] V Harris, 'Reject Commissions of Inquiry, the Poisoned Colonial Chalices that do not deliver Justice', in Mail and Guardian, Opinion, 2022-11-07.
[110] A Sitze, The Impossible Machine: *A Genealogy of South Africa's Truth and Reconciliation Commission*, (United States of America, University of Michigan Press, 2013) pp 11-15.

1.8 Methodology

In pursuit of the objectives of the research, I applied qualitative methods of research. The primary and secondary sources included scholarly articles, and archival sources that all formed part of the historical method.

Archives

I examined archival material at the National Archives of South Africa in Pretoria, online newspaper archives, the North West Provincial Archives in Mahikeng in the North West, and the North West University's repository on the Vanderbijlpark Campus. This enabled me to gain an understanding of the nature and extent of the Bophuthatswana government's governance over the Batlhaping rural communities. I examined archival material that outlines the Batlhaing's experience in Bophuthatswana and their chief's correspondence with the regime. The examined archival material allowed me to have an insight into the role of the Batlhaping during the transition to democracy, especially traditional governance.

To understand the Commission of Inquiry on the Recognition of the Batlhaping Boo Phuduhucwana Ba Ga Thaganyane Tribe and Designation of Kgosan (Batlhaping Commission of Inquiry), I relied on the published findings of the commission, because the evidence submitted to the commission by the people who were interviewed was not available. As a result, I had to read between the lines of the official report.

Another form of evidence that I examined was the writings of the anthropologists and ethnologists. I used their published material to read against the grain to understand their biases that may be implicit in their writings about African societies.

Archival documents have limits. Stoler argues that archival collections are not transparent.[111] For the purposes of this study, they were read with scepticism and critically. Information was therefore understood not as an objective truth, because like the colonial archives, today's archives remain "repositories of good taste and bad faith".[112] In addition, the complexity of using archives is also noted, for example that in some

[111] A L Stoler, Along the Archival Grain: Epistemic Anxieties and Colonial Common Sense, (Princeton University Press, 2008).
[112] A L Stoler, 'Colonial Archives and the Arts of Governance', *Archival Science*, 2, pp 87-109.

documents, government may be presented in good light. That is, documents critical of government may be classified or removed. Since not all the relevant documents are available, silences were expected and were found in the archives.

1.9 Chapter outline

- Chapter One: Introduction - An overview of the scholarly literature on the Bantustans, Bophuthatswana as erstwhile homeland of South Africa and the Mangope leadership, and how these concepts and debates inform the study.

- Chapter Two: The underpinnings of the Commission – This chapter explores the context for the establishment of the Batlhaping Commission of Inquiry and argues that the context in which it was established was already fraught with vested interests and pre-existing notions of how rural communities functioned, while at the same time reflective of the complexity of knowledge production on the ground, away from the interests of the state

- Chapter Three: The Commission and the Chieftaincy – This chapter gives insight into the Bophuthatswana's "idealized" version of chieftaincy as it played out in the Commission of Inquiry, considering the ways this did and did not shape the Commission's findings.

- Chapter Four: In this chapter the land issue is discussed from a broader perspective before the chapter zooms in to the Batlhaping Ba Ga Phuduhucwana and the Bophuthatswana government. This chapter contextualizes land discourse in the Bantustans during apartheid and considers the Commission's concept of property shaped its outcome.

- Chapter Five: Conclusion – This chapter gives a synopsis of all the chapters and responds to the research question as means to inform the research gap.

CHAPTER 2 THE UNDERPINNINGS OF THE COMMISSION.

2.1 2.1 Introduction

The Commission that forms the basis of this thesis was established within a certain political context. Although it was presented as an apolitical “fact-finding” tool, it was a much more complicated instrument that reflected both the interests of the Mangope regime and local conditions and power struggles on the ground. While Mangope might have hoped that it would affirm his ability to interfere in the affairs of rural communities it also relied on evidence from ethnologists whose understanding of the Batlhaping - and rural communities more generally – was shaped by more than just high-level politics.

This chapter traces the relationship between ethnologists and the segregationist and apartheid project. These ethnologists were central to the ethnology and the history of the Batlhaping. Firstly, the focus in 2.2 is on how scholars and writers define ethnography and how ideological divisions in the field of anthropology in South Africa became apparent. Secondly, ethnographers such as PL Breutz, IM Selebogo and NJ van Warmelo and their writings on the Batlhaping are discussed, given their influence on the history of the Batlhaping and the use of their writings in the Commission.

The chapter furthers turn the lens on how Mangope ascended to power and how he consolidated his power and control over some rural communities. This includes how he wrestled power and wealth from his opponents, as well as his interference in the affairs of some of the rural communities, particularly the Batlhaping. The final subsection discusses how other commissions in Bophuthatswana were used as instrument of control and rule.

Taken together, the three subsections of this chapter show that Mangope’s pre-existing battle with Batlhaping informed his interest in the community but did not solely predetermine the outcomes of the Commission. Though his specific interest in one sub-polity of the Batlhaping community did not have direct bearing on the chieftaincy battles of the Batlhaping Boo Phuduhucwana that the Commission sought to adjudicate, it is likely that his political interest in the Batlhaping shaped the broader environment and led to the establishment of the Commission. As this chapter shows, there was a precedent in Bophuthatswana for using commissions of inquiry to intervene in rural communities. The

government used this mechanism to gain international recognition as a sovereign state when the regime wanted to reshape the nomination and installation of chiefs.

2.2 2.2 A general analysis of the ethnography, ethnology and anthropology of the Batlhaping

The starting point of this discussion serves to illustrate that ethnologists played a role in the institutionalization of the apartheid system. The works of the ethnologists were used as evidence at the Commission so that the evidentiary basis of the Commission was closely interwoven with the knowledge systems underpinning apartheid. However, this subsection will discuss underlying politics of anthropology in South Africa, recognizing its role in bolstering the apartheid project at the same time as its relationship to local politics on the ground. I will allow for a more contradictory or complex set of conclusions about ethnologists and their relationship to the apartheid state, as such I will make room for the fact that the Commission came to make what some might see as politically unexpected findings.

Brewer defines ethnography as "the study of people in naturally occurring settings or 'fields' using methods that capture their social meanings and ordinary activities. This involves the researcher's direct participation in the setting to collect data in a systematic manner but without meaning being imposed on them".[113] Gobo agrees with Brewer that ethnography requires the researcher to participate in the social life of the actors observed and that the researcher should maintain sufficient cognitive distance so that they can perform their scientific work satisfactorily.[114] Gobo argues that ethnography is still a colonial method that must be decolonialized.[115]

According to Walsh, anthropologists developed ethnography to the point where it became their primary and almost exclusive method. He agrees that ethnography is based on what is known as participant observation, either overtly or covertly, of people's daily lives.[116] For Agar, ethnography is about encountering; that is, "ethnography is a social research

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[113] JD Brewer, *Ethnography,* (Philadelphia, Open University Press, 2000) p 10.
[114] G Gobo, *Doing ethnography,* (London, SAGE Publications Ltd, 2008) p 6.
[115] Ibid.
[116] D Walsh, Doing Ethnography 'in' C Seale (ed.), *Researching Society and Culture,* (London, SAGE Publications Ltd, 2012) p 246.

style that emphasizes encountering alien worlds and making sense of them".[117] However, for most Afrikaner ethnologists who were sympathetic to apartheid it was not about making any sense of alien worlds but primarily documenting cultural difference and drawing a radical and cultural distinction between themselves (Afrikaners) and other cultures.[118]

Not all anthropologists supported separate development policies of the Afrikaner nationalist regime. *Volkekunde* practitioners and all professors of *volkekunde* were members of right-wing Afrikaner political organizations while social anthropologists leaned toward membership in liberal and radical organizations.[119] Spiegel *et al* posit that there has long been an ideological division in South African anthropology. However, this division was not clear when the first departments of anthropology were originally founded at the country's universities in the 1920s.[120] What emerged later was an ideological division between those who supported apartheid and the regime and those who were opposed to it. The divisions became clear once the apartheid system and regime took hold in the 1940s.[121]

Elements of South African anthropology succumbed to apartheid as the dominant power in the country and in the region. Below follows a discussion on how an Afrikaner interpretation of anthropology, *volkekunde,* an Afrikaner nationalist anthropology, was firstly closely associated with Afrikaner ethnic mobilization and thereafter with the institutionalization of apartheid, with significant implications for the kind of evidence that was used at the Commission.

According to Gordon, ethnology as practiced by some in South Africa, is an Afrikaner branch of anthropology called *volkekunde* and its practitioners, *volkekundiges*.[122] While Dubow traces the beginning of *volkekunde* to the University of Stellenbosch in the 1920s,

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[117] MH Agar, *Speaking of Ethnography,* (London, SAGE Publications Ltd, 1986) p 12.
[118] L J Bank, ´Engaging Mafeje´s Ghost: Fort Hare and the Virtues of ´Homeland´ Anthropology, *African Studies,* 75 (2), 2016, pp 278-295.
[119] R Gordon, ´Apartheid´s Anthropologists: The Genealogy of Afrikaner Anthropology´, *American Ethnologist,* 15 (3), 1988, pp 535-553.
[120] A D Spiegel & H Becker, 'South Africa: Anthropology or Anthropologies?', *American Anthropologist, New Series,* 117 (4), 2015, pp 754-760.
[121] Ibid.
[122] R J Gordon, *South Africa's Dreams: Ethnologists and Apartheid in Namibia* (New York: Berghahn Books, 2012) p 2.

its institutional root was at the universities in Pretoria, Potchefstroom and Bloemfontein.[123] Dubow refers to it as the Afrikaner nationalist anthropology that emanated from a construction theory of immanent group difference based on culture and inner spiritual qualities.[124] The new ethnological discipline of *volkekunde*[125] purported that people are inherently different based on culture and inner spiritual qualities.

To garner support for the institutionalization of apartheid, the National Party government enlisted the services of the state appointed ethnologists. "Ethnologists employed by the South African government made major contributions to the recording of the oral traditions of African communities in the country".[126] At the same time, as Adam Kuper argued, they were "the most insidious proponents of segregationist policy".[127]

The largest employer of ethnologists in Africa was the South African Defence Force (SADF). They recruited exclusively from academic *volkekunde* departments. These ethnologists were recruited to develop "etiquette guides for how to interact with the local population".[128] Ethnologists remained functionaries of governance and power.

More progressive anthropologists built their work on the theory of the development of a single society,[129] which held that "polity identities would whither away as overarching social, political, and economic institutions evolved and a common "civilization" emerged".[130] However, the segregationists, largely aligned with the Afrikaner nationalist camp, however, were opposed to this theory because it threatened their nationalist identity as the Afrikaner people and the integrity of the white race.[131] "The project of apartheid saw the divisions within South African population as natural divisions and the expertise of the Afrikaans-nationalist anthropologists was used to define the appropriate

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[123] S Dubow, "Racial Irredentism, ethnogenesis, and White Supremacy in High-Apartheid South Africa," *Kronos*, 41, no 1 (2015), p 243.
[124] Ibid.
[125] Ibid.
[126] J A Du Pisani and K Kwang-Su, "Precolonial African Historiography as a Multidisciplinary Project: The case of the Baruhutshe of the Marico," North West University, Hankuk University of Foreign Studies, pp 42-65.
[127] A Kuper, Anthropologists in Southern Africa 'in' B de L'Estoile, F Neiburg and L Sgaud (eds.) *Empires, Nations and Natives*: *Anthropology and State-Making,* (Durham & London, Duke University Press, 2005) pp 287-288.
[128] R J Gordon, *South Africa's Dreams: Ethnologists and Apartheid in Namibia*, p 13.
[129] A society where there are no established racial divisions.
[130] Ibid.
[131] Ibid.

subgroupings within the African polity".[132] The strategy of these anthropologists was to focus on apparently conservative rural peoples living on the reserves, probably to draw attention away from the actualities of South African life.[133]

Du Pisani and Kwang-Su criticism of the ethnologists is that they tended to be bogged down by fieldwork and mostly had a top-down perspective, focusing on the traditional leaders and excluding ordinary people, women and the youth.[134] However, they concede that although the ethnologists were prone to flawed assumptions, they produced critical data for the historical research on the Tswana.[135] In the case of the ´Transvaal Ndebele´ Van Warmelo, according to Lekgoathi, applied a different approach to top-down perspective. He relied on African informants and researcher´s accounts such that his texts were not his own ´inventions´[136] but ´the coproduction of cultural knowledge´.[137]

The writings of PL Breutz, NJ van Warmelo, IM Selebogo and other ethnographers and ethnologists formed the core of the evidence before the Commission. They understood the kinship of the Batlhaping to be patrilineal. To prove the chieftaincy of the Batlhaping, in addition to oral history, they depended on genealogical evidence.[138] For example, Selebogo argued that:

> "the patrilineal descendants of Phuduhutswana are named after the founder and ancestor of all Batlhaping tribes. In this regard the descent of all Batlhaping is traced patrilineally to the common mythical ancestor and founder. Their kingship system is patrilineal and descent groupings such as lineages and clans are composed of members connected through their fathers to Phuhutswana".[139]

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[132] Ibid.
[133] Ibid.
[134] J A Du Pisani and K Kwang-Su, "Precolonial African Historiography.'
[135] Ibid.
[136] S P Lekgoathi, ´Colonial´ Experts, Local Interlocutors, Informants and the Making of an Archive on the ´Transvaal Ndebele´ 1930-1989, *Journal of African History,* 50, 2009, pp 61-80.
[137] L Schumaker, Africanizing Anthropology: Fieldwork, Networks, and the Making of Cultural Knowledge in Central Africa (Durham, NC, 2001) p 3.
[138] North West Provincial Archives (NWPA), Department of Culture, Arts and Traditional Affairs (DCATA), Commission of Inquiry: Recognition of the Batlhaping Boo Phuduhucwana Ba Ga Thaganyane Tribe and Designation of Kgosana, n.d.
[139] North West Provincial Archives (NWPA), Department of Culture, Arts and Traditional Affairs (DCATA), Headmanship of Batlhaping Boo Phuduhutswana Ba Ga Thaganyane: Cassel: Didtrict Kudumane, Annexure 2, p 1.

His explanation of succession and belonging meant that a person could not be a descendant if they were not named after or could be traced to the founder and ancestor of all the Batlhaping polities.

"Van Warmelo was a government appointed ethnologist, a trained linguist who obtained his doctorate from the Colonial Institute in Hamburg, Germany".[140] "He was the chief state ethnologist at the Department of Native Affairs in Pretoria".[141] Even though Van Warmelo was associated with the apartheid project, as Lekgoathi shows, this did not make his writings totally biased towards the Afrikaans state. The ethnologists in his department somehow stood aloof "from the emerging apartheid-think among Afrikaner nationalist anthropologists – the *volkekundiges* and the Minister of Native Affairs Hendrik Verwoerd".[142] His writings and of other ethnologists like Breutz were more complex, partially because they relied so heavily on ´native informants´. Thus his writings were profoundly shaped by the perspectives of African informants and researchers and he also relied on African researchers who wrote manuscripts in vernacular.[143] He ambiguously allowed the subjects to speak for themselves even though he saw things from his own angle as an apartheid sympathiser.[144] He "was never fully in control of what was being told or how it was being told".[145]

Breutz came to South Africa in January 1936 as one of the first three German doctoral exchange students sponsored by the Afrikaans-German Cultural Association.[146] "His ethnological work spanned a period of nearly 30 years, beginning in 1948".[147] He was also a state ethnologist.[148] His many publications include eight volumes, which he authored, on South Africa´s Tswana speaking communities.[149] He established himself as a Tswana specialist in the Ethnological Section of the Department of Native Affairs after he had been appointed as an assistant ethnologist in 1948 by Van Warmelo.[150]

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[140] A Kuper, 'Anthropologists in Southern Africa,' p 286.
[141] J C A Boeyens & F Morton, 'The Tswana's Antiquarian: the life and work of state ethnologist Paul-Lenert Breutz (1912-1999)', *Southern African Humanities,* 32, August 2019, pp 109-134.
[142] Ibid.
[143] S P Lekgoathi, ´Colonial´Experts, Local Interlocutors, p 61.
[144] Ibid.
[145] Ibid.
[146] J C A Boeyens & F Morton, 'The Tswana's Antiquarian, p 111.
[147] Ibid.
[148] Ibid.
[149] Ibid.
[150] Ibid.

Notwithstanding that his mind was skewed by racism, Breutz recorded the past with systematic craft, "based on knowledgeable informants he interviewed and guided by the ethnological and language tradition of his doctoral studies at the Hamburg school".[151] Breutz was not affiliated to any political party presumably after World War II because he took membership of and worked for the Nazi party during World War II.[152] He was a long-standing anti-Semite and anti-communist and went along with certain assumptions among Afrikaner intellectuals and the National Party.[153] He supported Grand apartheid homeland formations when supporting the appointment of headmen unaffiliated to the ANC. That was when he was called to advise government on a chiefly succession dispute among Bahurutshe booManyane.[154]

IM Selebogo was the chief state ethnologist of the Bophuthatswana government, advising the government on the genealogy of the Batlhaping and other polities. His work was mostly based on the writings of PL Breutz and Van Warmelo. One of his best-known works was the report on the headmanship of the Batlhaping Boo Phuduhutswana Ba Ga Thaganyane and schematic genealogy of the Batlhaping chiefs.[155] Though there is little information on Selebogo in the archives, one is tempted to speculate that he appears to not have been a trained ethnologist, but rather a government official/bureaucrat appointed mainly to do research based on ethnologists' writings and to advise government. He was perhaps not an African ´ethnic insider´, what Lekgoathi calls ´Native informant´ and African informant.[156] Thus, there is no trace of his research or his participation in the social life of the actors observed. However, in the early 1990s he gave evidence to the Mabiletsa commission.[157] The Mabiletsa commission was established in 1994 to look into the chieftainship dispute between the Moiloas and the Sebogodis of the Bahurutshe of the Braklaagte faction.[158] Selebogo gave evidence that heir apparent, Papsey Sebogodi, had been banished to Barberton but did not say who

[151] Ibid.
[152] Ibid.
[153] Ibid.
[154] Ibid.
[155] NWPA, DCATA, Headmanship of the Batlhaping Boo Phuduhutswana Ba Ga Thaganyane, Cassel District Kudumane 6/1/2 (75) Annexure A. n.d.
[156] S P Lekgoathi, ´Colonial´ Experts, Local Interlocutors, Informants and the Making of an Archive on the ´Transvaal Ndebele´ 1930-1989, p 62.
[157] J A du Pisani, The Last Frontier War: Braklaagte and the Battle for Land Before, During and After Apartheid (The Netherlands, Rozenburg Publishers, 2010) p 63.
[158] A Manson & B Mbenga, 'Bophuthatswana and the North-West Province, p 107.

banished him and never gave reasons for the banishment.[159] One of his works was a report on the headmanship of the Batlhaping Boo Phuduhutswana Ba Ga Thaganyane and schematic genealogy of the Batlhaping chiefs.[160]

Reading between the lines and extrapolating from what evidence we do have about Selebogo and employees working for the Bophuthatswana state, we might then assume that he was at least partial to Mangope's project of Tswana ethno-nationalism, though at the same time probably had a fine-grained understanding of the work of ethnologists in the region and needed to be able to engage in the details of chieftaincy disputes to maintain his legitimacy and position of expertise.

The ethnological report that the chief state ethnologist, IM Selebogo, wrote to the Secretary in the Department of the President was a key piece of evidence used at the Commission. It posits that the Batlhaping are distinguished from all other polities by common identifying characteristics. Their "lineages and clans are composed of members who are connected through their fathers to Phuduhutswana".[161] Thus, they share similar social positions, political and cultural characteristics that identify and distinguish them from all others. They occupy the district of Taung, together with other polities who formed part of the Batlhaping polity.[162] Selebogo stated that, "The descent among Batlhaping Ba Ga Thaganyane is traced through the male line and all descent groups such as lineages and clans are connected through their fathers to the common ancestor".[163]

The report drove the point that if there was no-one within the polity that was connected through their fathers to Phuduhutswana, they were not the descendants of Phuduhutswana. This is an "invention of tradition"[164] that alienates those who are connected through their mothers to Phuduhutswana. It further suggested that the social positions, political connections and cultural characteristics that identified and

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[159] J A du Pisani, *The Last Frontier War*, p 63.
[160] NWPA, DCATA, Headmanship of the Batlhaping Boo Phuduhutswana Ba Ga Thaganyane, Cassel District Kudumane, 6/1/2 (75) Schematic Genealogy of the Batlhaping Chiefs: Annexure A n.d.
[161] NWPA, DCATA, Headmanship of Batlhaping Boo Phuduhutswana Ba Ga Thaganyane, Cassel, District Kudumane 6/1/2 (75) Annexure 2, p 1.
[162] PL Breutz, *The Tribes of the Districts of Taung and Herbert* (Pretoria, Government Printers, 1968) p 31.
[163] NWPA, DCATA, Headmanship of Batlhaping Boo Phuduhutswana Ba Ga Thaganyane, Cassel, District Kudumane 6/1/2 (75) Annexure 2, p 4.
[164] E Hobsbawm & T Ranger, *The Invention of Tradition* (New York, Cambridge University Press, 1983) p 1.

distinguished this group from others are static. That is, their social positions, political and cultural characteristics stay the same and will continue to identify and distinguish them from others. Hobsbawm *et al* explain that,

> "'Invented tradition' means a set of practices, normally governed by overtly or tacitly accepted rules and of a ritual or symbolic nature, which seek to inculcate certain values and norms of behaviour by repetition, which automatically implies continuity with the past. In fact, where possible, they normally attempt to establish continuity with a suitable historic past".[165]

The heavy reliance on the work of ethnologists and the sole focus of these researchers on genealogy thus shaped the centrality of genealogy in their understanding of rural African societies.

Ethnologists' investment in the chieftaincy also shaped how the state understood African societies. Isaac Schapera, a South African ethnographer who "began extensive ethnographic field research among the Tswana peoples of the Bechuanaland Protectorate (now Botswana)"[166], referred to the chief as the executive head of the polity. Everything of significance was done with his knowledge and authority.[167] The chieftainship is hereditary down the male line and under normal circumstances, inheritance was understood to flow from father to son. This meant a chief was never elected and succession was an automatic birth right.[168] Any other circumstance other than the above was deemed abnormal, and the heredity of chieftaincy excluded women. While this produced a very patriarchial understanding of chieftaincy, Schapera did in fact make room for acknowledging women's political roles in society, recognising that women acted as regents among the Ngwaketse (Batswana polity) from 1923–1928.[169] Despite some ethnologists' version of custom, their recognition of women acting as regents among the Ngwaketse was an indication that they were open to conceptualizing the chieftaincy as a dynamic institution.

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[165] Ibid.
[166] A Kuper, 'Isaac Schapera – A Conversation (Part 1: South African beginnings)', *Royal Anthropological Institute, Anthropology Today,* 2003, p 3.
[167] I Schapera, *A Handbook of Tswana Law and Custom* (Oxford University Press, 1938) p 69.
[168] Ibid.
[169] Ibid.

Schapera argued that a chief is greatly honoured and respected and always treated with a good deal of outward respect.[170] However, as various historians have shown, a chief was not an untouchable figure. The chief was not above the law and the tribal life did not revolve around the chief. He was responsive to the wishes of his people, at times ruled by consensus, and carrying his people along the way[171] Accordingly, he was a chief by the grace of his people and as a result he was not above the law.[172]

Silitshena argues the same point as Lissoni, namely that chieftaincy survived through the colonial period. Lissoni further argues that chiefly rule that was first bureaucratized by the settler colonial regime was continued and expanded by the National Party through its social engineering programme of apartheid. This social engineering programme of apartheid was led by ethnologists such as Van Warmelo. It continued with the payment of chiefs, and to some extent increased their salaries and allowances to further their goal of making them stooges. It turned chiefs into salaried government officials responsible for the implementation of apartheid policies.[173] It should be noted that the payment of chiefs did not begin with the National Party; it can be traced back to the 1870s during the rule of colonial governments.[174] However, Welsh traces it back to the 1860s when chiefs and headmen were frequently asking for payment.[175] He posits that when a Select Committee of the Legislative Council recommended increased taxation of Africans in its report to the Executive Council, it suggested that chiefs be paid, because they had lost their traditional sources of income.[176] The Executive Council accepted that suggestion.[177] "Payment symbolised the bureaucratic use of chieftainship, and accelerated the process whereby chiefs derived their ´breath´ (to use Shepstone´s word) from the Government rather than from their people".[178] The chiefs were incorporated into the colonial administration of indirect rule and it operated everywhere except where there were no strong chiefs as in

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[170] Ibid.
[171] RMK Silitshena, 'Chiefly Authority and the Organisation of Space in Botswana: Towards an Exploration of Nucleated Settlements among the Tswana', *Botswana Notes and Records*, 11, p 59.
[172] Ibid.
[173] A Lissoni, 'Chieftaincy and Resistance politics in Lehurutshe during the apartheid era', *New Contree,* 67, Special Edition, November 2013, p 58.
[174] G F Houston & T Mbele, ´KwaZulu-Natal History of Traditional Leadership Project: Final Report, Pretoria: Human Sciences Research Council (HSRC), 2011, p 71.
[175] D Welsh, The Roots of Segregation: Native Policy in Colonial Natal 1845-1910 (London, Oxford University Press, 1971) p 125.
[176] Ibid.
[177] Ibid.
[178] Ibid.

the districts of Ghanzi and Kgalagadi in Botswana.[179] They were incorporated from onset of colonial advancement. The colonial administration of indirect rule is discussed in detail in the following chapter.

In 1935, Van Warmelo published a study in which he attempted to classify the African polities of South Africa, and their political structures as ruled by chiefs.[180] In his discussion of the criteria for classification, Van Warmelo suggests that a purely historical approach to his task was impractical due to the inadequacy of sources. In addition, he suggests that polities were divided, had migrated, were conquered, absorbed, and had changed their cultures. Only language remained and it was the most reliable source for classification:[181]

> "For in the days when many tribes were being broken up, and their culture and all its outward visible signs, such as homesteads and products of arts and crafts, destroyed, the language survived with the speakers".[182]

It was not an easy task, as Van Warmelo explains. It was hard to be precise, because there was so much complexity on the ground. It was difficult to map out who the people were because there was so much intermixing and complexity.[183] Lekgoathi argues that even though Van Warmelo acknowledged the difficulty of genealogical and ethnological research, he was not an innocent participant. He bought into the political project that understood societies as rigid categorizations, and that is why he came up with delineations.[184]

According to Lekgoathi, Van Warmelo was not interested in "big polities" but in small, obscure ones such as the Vhavenda, the Tsitsonga and the Bapedi. He posits that his interest in obscure polities was a response to what the Department of Native Affairs was trying to do at the time: demarcating groups and placing people into specific categories.[185] "He was employed by the South African Native Affairs Department to identify and fix

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[179] RMK Silitshena, 'Chiefly Authority.' pp 59-60.
[180] A Kuper 'The Work of Anthropologists in Southern Africa' p 286.
[181] Ibid.
[182] N J Van Warmelo, *A Preliminary Survey of the Bantu Tribes of South Africa,* (Pretoria, Government Printer, 1935) p 7.
[183] S Lekgoathi, C Kros & J Wright, Conversations with Sekibakiba Lekgoathi, 'in' C Kros, J Wright, M Buthelezi & H Ludlow (eds.), *Archives of Times Past: Conversations about South Africa's Deep History*, (NYU Press, 2022) p 120.
[184] Ibid.
[185] Ibid.

'tribes'".[186] Thus, he featured prominently in the colonial and apartheid project of inventing tradition.[187]

Delius argues that "many African polities had no all-encompassing kingship. Chiefs were defined by the recognition of a particular chief drawn from a dominant or royal lineage".[188] The fundamental part of political systems was the process of consultation to establish the views of both royals and commoners on the question of leadership. Chiefs were advised by councillors; they did not act alone. Councillors were not just ordinary members of the community; they were drawn from the ruling lineage and from subordinate groups in the chiefdom.[189] Ethnologists painted a picture of a rigid, static and rule-bounded chieftaincy. In doing so, they ignored the fact that societies are not static; they are complex, and governments are created.[190] It can therefore be argued that together with the project of apartheid, their aim was to paint the chief as an all-powerful figure, in turn shaping the commission's findings.

The Department of Native Affairs preoccupied themselves with succession. A division in the department collected genealogies to determine who was a legitimate heir. If a contender was seen to be rebellious and uncooperative, they were replaced by an individual who was more controllable.[191] This was a trend that continued throughout to the times of the Bantustans, at which time Mangope, with his continued interference in chieftaincies, replaced legitimate heirs with controllable individuals. If they were uncontrollable, it did not matter whether an individual was a legitimate heir according to the genealogy or not. There were significant push backs though such as in the case of both Molotlegi and Mankurwane of the Bafokeng and Batlhaping respectively. They resisted against Mangope when he interfered their chieftaincy.

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[186] S P Lekgoathi, 'Colonial' Experts, Local Interlocutors, Informants and the Making of An Archive on the 'Transvaal Ndebele', 1930-1989, *Journal of African History*, 2009, pp 61-80.
[187] Ibid.
[188] P Delius, 'Mistaking form for substance: Reflections on the key dynamics of pre-colonial polities and their implications for the role of chiefs in contemporary South Africa,' in M Buthelezi and D Skosana (eds.), *Traditional Leaders in a Democracy*, (Mapungubwe Institute for Strategic Reflection, 2019) p 26.
[189] Ibid.
[190] Ibid.
[191] Ibid.

Nonetheless, the government treated genealogy as a true reflection of the nature of political power and not as evidence that the Commission should prove the genealogical background of the approved Batlhaping leader to find in his favour. Delius argues that the idea that rules determined who would succeed to office in pre-colonial South Africa were flawed. According to him, it is clearly detailed in all collections of oral traditions that succession was as much a flashpoint for conflict in pre-colonial African societies as it was in the 20th century.[192] He further argues that the practice of turning to rule books and genealogies to determine succession was a product of colonial administration and customary law.

Gordon's analysis of the anthropologists and native experts is that "they were obsessed with cultural difference, and at the same time tried to consolidate settler rule". He further argues that:

> "colonialism thrives by dividing people into different cultural categories and anthropologists of the 'translation of culture' have indeed made a profession out of being experts on the boundaries of these culturally constructed boundaries".[193]

His analysis and argument resonate with the state appointed ethnologists we have discussed above. For example, according to Boeyens *et al,* Breutz's "research assumed that Africans were to be distinguished from one another by their languages and cultures and to be categorized thereby as inviolable polities".[194] It follows that he shared the assumptions of Van Warmelo and Werner Eiselen, who was Secretary for Native Affairs under the former Prime Minister of South Africa, Hendrik Verwoerd. They rejected or avoided change within a colonial system and dwelt on historical traditions and genealogies.[195] When the South African government appointed the first ethnologist in 1925, their aim was to professionalize "native administration". The South African government was inspired by Germany when it opened its first professional school to train colonial officials in 1908.[196]

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[192] Ibid.
[193] R J Gordon, *South Africa's Dreams*, 8
[194] J C A Boeyens & F Morton, The Tswana's Antiquarian: Life and Work of State Ethnologist Paul-Lenert Breutz (1912-1999)' pp 109-134.
[195] Ibid.
[196] R J Gordon, *South Africa's Dreams* pp 8-9.

This subsection has shown the complexity of ethnologists' relationship with the institutionalization of the apartheid system. On the one hand South African anthropology was intertwined with the racist regime, but it was also shaped by individuals and the politics of ethnographic writing. The subsection also discussed how the ethnologists understood the history of the Batlhaping, which is significant as their writings provided core evidence to the Commission.

2.3 2.3 "A man who dictated the fortunes of two million people"[197]

The purpose of this subsection is to show Mangope's manipulation, the tactics he used to wrestle power and wealth from his opponents, and the policies he pursued to legitimate and sustain his homeland fantasy. Mangope set up commissions of inquiry not to objectively correct past wrongs, but to serve his political ambitions. As this thesis argues, the Commission was shaped by Mangope's pre-existing efforts to intervene in rural communities more generally, and the Batlhaping specifically.

Chief Lucas Mangope became the first and the last president of the Republic of Bophuthatswana until its dissolution on 13 March 1994. From the time of his ascendency, he lost no opportunity to continuously portray and promote Bophuthatswana as a liberal democratic state that guarantees human rights and the promotion of a free enterprise system.[198] For much of his reign he was not greatly threatened by any opposition in exercising his presidential power, and those opposed him were removed from office.[199]

Mangope was a descendant of a senior clan of the ba Hurutshe bo Manyane, who were the inhabitants of a section of the Moiloa reserve north of Zeerust.[200] As a result of the recognition of their seniority in Motswedi, the ba Hurutshe bo Manyane were normally invited to take charge of activities such as the coronation of a new chief, royal weddings and ceremonies such as the burial of a chief.[201] As the heir apparent of Bahurutshe bo

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[197] M Lawrence and A Manson, "The 'Dog of the Boers': The Rise and Fall of Mangope in Bophuthatswana,"
Journal of Southern African Studies, 20, no 3 (September 1994): 447-461.
[198] L Mangope, 'Trends in Southern Africa and the role of Bophuthatswana' p 5.
[199] M Lawrence & A Manson, "The 'Dog of the Boers':" p 451.
[200] A Manson & B Mbenga, 'Bophuthatswana and the North-West Province: From Pan-Tswanaism to Mineral- Based Ethnic Assertiveness', *South African Historical Journal*, 64 (1) Feb. 2012. p 103.
[201] CJ Makgala & C Ntau, 'The Emergence and Challenges of Post-Liberation Pan-Hurutshe Rennaisance in Southern Africa', *Botswana Notes and Records*, 54, (2022): 233-246.

Manyane, Mangope was attached to the Bangwaketse Tribal Administration in Kanye under Kgosi Bathoen II in 1946 to be tutored in Tswana law and custom, probably to prepare him to take charge of the activities mentioned above. [202]

Mangope "returned from his initiation with a heightened awareness as a Motswana … this awareness as a Motswana left an incredible impact on Mangope and instilled in him an inherent Tswana ethnic nationalism".[203] It follows that during the formative years of the "self-governing homeland" as an "independent state" his rhetoric laid great stress on the ethnic origin of the emerging Tswana nation and his own position as a significant traditional leader within this ethno-national entity.[204]

After the death of Mangope's father in 1958, the white authorities sent PL Breutz to investigate the succession to the chieftaincy at Motswedi.[205] Breutz's report was not favourable for Mangope. It painted a picture of someone who was alienated from the community. Breutz reported that Mangope was not liked by the community of Motswedi, and they were against him taking over. He then advised against the appointment of a chief "who does not carry with him the support of the community and "had shown that he will follow the undemocratic route when necessary".[206] The ethnologist warned that "the government will be playing with fire if they decide to strongly support him".[207]

Breutz did not find fault with the other candidate, Rrakaje. Rrakaje is the person on whose behalf Mangope senior acted as regent when he went to work on the mines in 1929 in the Witwatersrand. However, when he reported again on Motswedi in 1959, Breutz had changed his mind, painting a picture of a radically changed situation. The African National Congress (ANC) had found a weak "spot" where it had rallied the support of at least half of the villagers, and "troublemakers" from the ANC had reportedly turned Rrakaje into a tool to fight the government.[208] The government's focus was firmly on Mangope as the successor to the chieftaincy, and Breutz was tasked with gathering enough evidence to support Mangope's claim to the chieftaincy.[209] The beginning of Mangope's ascension to

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[202] Ibid.
[203] Ibid.
[204] M Lawrence and A Manson, "The 'Dog of the Boers':" pp 447-461.
[205] A Lissoni, 'Chieftaincy and Resistance politics in Lehurutshe during the apartheid era,' p 57-82.
[206] Ibid.
[207] Ibid.
[208] Ibid.
[209] Ibid.

power began in 1959 when he was officially installed as chief in Motsweding, culminating with his appointment as the President of Bophuthatswana in 1977.[210] Breutz's report necessarily complicates our understanding of the political sympathies shaping the ethnologists' evidence in the commission of inquiry.

Mangope was an autocratic leader. He did not tolerate a dissenting view or voice. He did not even create any space that would allow a level playing field. As was typical of a Bantustan leader, he was intolerant of any opposition. The government of Bophuthatswana persecuted political opponents. Persecution was also extended to chiefdoms. Chiefs who were opposed to his authority, such as Chiefs Lebone Molatlegi of the Bafokeng and Mankurwane of the Batlhaping, were deposed by Mangope.[211] The Mangope regime was chiefly concerned and obsessed with state security.[212] Mangope consolidated and shored up his power by any means.

Mangope´s power in Bophuthatswana was based on the control of Bophuthatswana's important resources – land and political power. He consolidated his political control through military power. He also used various instruments such as commissions of inquiry to silence the rural masses and to prevent them from gaining any power.[213] This helped legitimize his dictatorship and totalitarianism. In their work titled *Bophuthatswana: dependent development in a black 'homeland',* Cowley and Lemon argues that among the so-called "independent countries" such as Transkei, Ciskei and Venda, Bophuthatswana was the most politically stable and the most democratic.[214] The impression was that there would never be a rebellion against the government because of the political stability and democracy.[215]

However, Jeffery dissentingly interrogates the legitimacy of the Bophuthatswana government in respect of the above argument of Cowley and Lemon argues that it was

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[210] Ibid.
[211] P S Jones, "Mmabatho, 'Mother of the People': Identity and Development in an 'independent' Bantustan, Bophuthatswana, 1975-1994," (DPhil diss., Loughborough University, 1997).
[212] P S Jones, "From 'Nationhood' to Regionalism to the North West Province,' 513-514.
[213] A Mahomed *et al,*" The Politics of Ethnicity and Subordination of the Masses in the Erstwhile Bophuthatswana State: Lessons for Democratic South Africa," *Research Gate,* (October 2013): 1-16.
[214] Cowley J & Lemon A, 'Bophuthatswana: Dependent Development in a Black Homeland' *Geography,* 71 (3), p 252.
[215] Ibid.

"illegitimate, corrupt and self-serving".[216] He further argues that although the government depicted itself as a multi-party democracy, it was a dictatorship. His inferences are drawn from Mangope's own affirmation to close allies that "the only way to have effective government is to have a dictatorship".[217] This approach extended to his own Christian Democratic Party (CDP), which was stifled in its functioning as a political party, except to parrot his sentiments.[218]

Scholars like Manson and Mbenga[219] have recorded how Mangope engineered the interventions alluded to above to wrestle power and wealth from leaders like the chiefs. In their study, Lawrence *et al* analyse the various tactics and policies Mangope pursued to legitimate and sustain his homeland fantasy, to be discussed in greater detail below.[220]

In the case of Bakgatla Ba Kgafela, the quarrel with Mangope was about land. The fight between Mangope and the Ba Kgafela emanated from the envisaged development of the Pilanesberg Nature Reserve. Much of the land on which the Pilanesberg Nature Reserve was to be developed in the 1970s belonged to the Ba Kgatla Ba Kgafela.[221] The community stalled the project due to dissatisfaction with the locality and the condition of an alternative land that was promised as compensation. However, they were threatened by Mangope's government, which made it clear that if they did not cooperate, they would lose more land. The construction of the park went ahead regardless. The overall benefits for Mangope from this project were revenues from the game reserve and from the platinum mines in the land of the Ba Kgafela.

In the villages of Braklaagte and Leeuwfontein, Mangope wanted to consolidate his land by enforcing the incorporation of the villages into Bophuthatswana "at all costs and without consultation with the specific communities".[222] They resisted because they feared that they would not be able to work in South Africa and would also forfeit independent

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[216] Jeffery AJ, *Conflict at the crossroads in Bophuthatswana,* (Johannesburg, South African Institute of Race Relations, 1993) p 28.

[217] Ibid.
[218] Ibid.
[219] A Manson & B Mbenga, 'Bophuthatswana and the North-West Province´, p 96-116.
[220] M Lawrence & A Manson, "The 'Dog of the Boers'," 447-461.
[221] A Manson & B Mbenga, 'Bophuthatswana and the North-West Province,' p 96-116.
[222] Ibid.

control over their land.[223] Mangope used brute force and violence to force them into Bophuthatswana. Chief Segobodi's family was ousted for opposing incorporation even though they clearly held the majority support in the village.[224]The fight against incorporation by the Braklaagte and Leeuwfontein villages was one of the most sustained efforts of political resistance, matching the 1957 Hurutshe revolt (or Zeerust uprising).[225] The Braklaagte and Leeuwfontein resistance led to a ´Black Saturday´ massacre of 1 July 1989.[226]

In the land of the Bafokeng, Mangope wanted to ensure that he removed or sidelined any rivals. He interfered in the affairs of the Bafokeng by the powers vested in his office as the president. He established a commission of inquiry to investigate allegations of financial malpractices by chief Molotlegi of the Bafokeng.[227]

2.4 Mangope and the Batlhaping

The Batlhaping were not spared the manipulation, the violence and the tactics of Mangope. The Batlhaping are among the African peoples who waged anti-colonial struggles and fierce wars of resistance against the invading colonial force, both as individuals and collectively as a polity. Individually, Chief Jantjie was bitterly opposed to white settler colonialists, and together with Chiefs Galeshewe and Toto, the Bathlaping collectively rebelled against the British colonial rule.[228] It should be noted that these chiefs are currently based in the Northern Cape Province and that the names are carried from generation to generation.

As expected, the punishment for their resistance was not only detrimental to the individuals but to the polity as well. For example, Chief Galeshewe was punished twice for his participation in the Langeberg rebellion, a siege that took place for more than six

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[223] Ibid.
[224] M Lawrence and A Manson, "The 'Dog of the Boers'"447-461.
[225] CJ Makgala & C Ntau, 'The Emergence and Challenges of Post-Liberation Pan-Hurutshe Rennaisance in Southern Africa', p 233-246.
[226] A Manson & B Mbenga, 'Bophuthatswana and the North-West Province,' pp 96-116.
[227] Ibid.
[228] C Matlhako, 'Luka Jantjie, Galeshewe and Toto – their little-known story of courage and bravery in defence of their people, land and livelihoods', *The Thinker,* 56, 2013, pp 16-20.

months between “December 1896”[229] and “3 August”[230] 1897: he was imprisoned and the reserve at Pokwane was confiscated by the government and declared a forest reserve. Pokwane is a region in which the Batlhaping polity lived. This included Magogong, Majeakgoro and Modutung.[231] Galeshewe lost his chieftainship, the Batlhaping polity forcefully lost their land and the government resettled Galeshewe and his polity at Magogong under chief Molale’s rule, who was the younger brother of Mothibi.[232]

The Batlhaping polity were stigmatized for their resistance to dispossession and colonial forces. This is reflective in the synopsis of the findings of the Commission that,

> “had it not been for the rebellious and obstinate nature of the polity and all its Gasebone rulers, we are convinced that the recognition of the polity as a separate unit with its own Kgosi, would long ago have been an accomplished fact”.[233]

It is also suggestive that the Bophuthatswana regime took the colonial baton and continued from where colonial forces left of, thus leading to long-lasting tension between Mangope and the Batlhaping. Commissions of inquiry focused on the chieftaincy and the land, serving as an appropriate vehicle for the Bophuthatswana regime to access the desired land and to place their preferred individuals in the positions of chieftaincy.

Mangope thus tried to interfere in their affairs as well, including in their chieftaincy and their land affairs. Some of his interference was directly political, and in the instance of the Commission, his government used legal mechanisms to shape one of the Bathlaping sub-polities. According to Manson *et al,* the relationship between the Batlhaping and the government was strained.[234] Mangope’s alienation of the Batlhaping started in 1983 when he ordered the killing of “surplus” donkeys by the Bophuthatswana Defence Force (BDF) in all districts of Bophuthatswana.[235]

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[229] H Saker & J Aldridge, ´The Origins of the Langeberg Rebellion´, *The Journal of African History,* 12 (2), pp 299-317.
[230] C Matlhako, ‘Luka Jantjie, Galeshewe and Toto, pp 16-20.
[231] NWPA, DCATA, President, Recognition and Appointment, Chiefs and Headman, Batlhaping Ba Phuduhucwana, Memorandum to the Executive Council, 6/4/2 (66) 2 undated, p 5.
[232] Ibid.
[233] Ibid.
[234] Ibid.
[235] B Mbenga & A Manson, *Land, Chiefs, Mining,* p 135.

Jacobs outlines briefly how the donkeys came to South Africa and that they were adopted by Africans. [236] They were brought to the Tlhaping and Tlharo territories by the London Missionary Society personnel by 1835 to serve as pack animals for postal services.[237] She concludes that it is applicable to the story of the donkey massacre to state that the donkeys arrived through European expansion and that it is fundamentally a history of colonial rule.[238] She also identifies the complications surrounding the adoption of the donkeys by Africans. She posits that the complication lied in the fact that the authority to determine the value of the donkeys was held by the segregationist and colonial state and not by the owners of the donkeys.[239]

According to Jacobs, the story of the donkeys, their owners and the state reached a tragic climax when the Bophuthatswana government ordered the killing of estimated 20 000 donkeys.[240] Since the colonial state promoted the conservationist discourse that donkeys were destructive, the Bophuthatswana government justified the killing by arguing that cattle were more deserving of the available grass.[241] The issue of the availability of grass comes as a result of insufficient grazing for cattle and other domestic livestock due to the crippling drought of that year.[242]

Jacobs's counterargument is that the killing of the donkeys had more to do with relations among people and less to do with relations between animals and the environment.[243] This argument brings to the fore the relationship between the Batlhaping, Mangope, and his government. That is, though donkeys were targeted, the killings were a violent demonstration of the power of the state over poor and disenfranchised people.[244] Though it cannot be said with certainty how many donkeys were killed, more than half of the donkeys that were missed were from the Tlhaping-Tlharo district, where the count of 19 047 decreased to 8 599.[245] As indicated by Manson *et al,* the Batlhaping and the

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[236] NJ Jacobs, The Great Bophuthatswana Donkey Massacre: Discourse on the Ass and the Politics of Class and Grass, *American Historical Review*, 106 (2), April 2021. pp 485-507
[237] Ibid.
[238] Ibid.
[239] Ibid.
[240] Ibid.
[241] Ibid.
[242] B Mbenga & A Manson, *Land, Chiefs, Mining,* p 135.
[243] N J Jacobs, 'The Great Bophuthatswana Donkey Massacre', pp 485-507.
[244] Ibid
[245] Ibid.

nearby communities were incensed by the killing of the donkeys.[246] It was the beginning of an ill feeling between the Mangope regime and the Batlhaping that would last almost a decade.

In 1987, the ruling chief of the Batlhaping, Scotch Mankurwane, died. According to Mbenga and Manson, his death intensified the ill feelings between Mangope and the Batlhaping.[247] After Scotch Mankurwane's death, a regent, Samuel Mankurwane, was appointed by the chiefdom to act for the chief's minor son.[248] He was appointed in late 1987 to serve until the deceased chief's son came of age.[249] As described below, Mangope interfered by trying to convince the royal family to change the appointment, but he failed.[250]

Samuel had graduated from the University of Natal, and he was a supporter of the United Democratic Front (UDF)[251] and a sympathizer with the African National Congress (ANC).[252] Mangope did not like him because rejected the Bantustan/homeland system, and he openly supported a unitary South Africa.[253] He rejected the Bantustan system by refusing to participate in its machinery. For example, he refused to take up his seat in the Bophuthatswana legislature where he was co-opted as a member.[254] Mangope also offered him a senior position in government, and he declined it.[255]

He further irked Mangope by refusing to accept an offer to join his Bophuthatswana Democratic Party (BDP), a move that was endorsed by Mankurwane's supporters.[256]. Mangope then targeted him as a pivotal opponent.[257] The Mangope regime responded by labelling and accusing Samuel of being "a communist and a member of the UDF".[258]

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[246] A Manson & B Mbenga, 'Bophuthatswana and the North-West Province.', pp 96-116.
[247] B Mbenga & A Manson, *Land, Chiefs, Mining,* p 135.
[248] Ibid.
[249] J Seiler, 'Transforming Mangope's Bophuthatswana towards Democracy in the North West" in *Daily Mail and Guardian*, March 1999.
[250] Ibid.
[251] The United Democratic Front was an anti-apartheid umbrella body that incorporated anti-apartheid bodies in South Africa.
[252] J Seiler, 'Transforming Mangope's Bophuthatswana", March 1999.
[253] [253] A Manson & B Mbenga, 'Bophuthatswana and the North-West Province:', pp 96-116.
[254] J Seiler, 'Transforming Mangope's Bophuthatswana", March 1999.
[255]A Manson & B Mbenga, 'Bophuthatswana and the North-West Province', pp 96-116.
[256] Ibid.
[257] J Seiler, 'Transforming Mangope's Bophuthatswana," March 1999.
[258] A Manson & B Mbenga, 'Bophuthatswana and the North-West Province:', pp 96-116.

From then onwards, Samuel Mankurwane was under the surveillance of the Bophuthatswana Intelligence Service (BIS).[259] He was subjected to continuous police brutality. In 1988, he was picked up at a funeral in Mogwase and driven to the offices of Major-General PK Seleke in Mmabatho. That was where the major-general forced him to sign a letter of resignation from the chieftaincy of the Batlhaping, but he refused to sign the letter. The refusal to do so led to his imprisonment and solitary confinement for a week on the accusation of being "a communist and a member of the United Democratic Front (UDF).[260] After a week of imprisonment, Samuel was driven to see Mangope, who once more offered him a senior position in government, which he refused to accept.[261]

When almost all efforts had failed – after Mangope had failed to persuade the royal family to change the appointment of Mankurwane, after he had failed to coerce Mankurwane to resign from the chieftaincy of the Batlhaping and to accept offers of a senior position in government and joining BDP – Mankurwane was deposed. The deposition was "in true Mangope fashion" as described by Mbenga and Manson.[262] Mangope appointed another man[263], a new regent, Stephen Molale.[264] The affairs of the Batlhaping were then in the hands of Molale against the wishes of most of the polity.[265] According to Manson *et al,* with that appointment, Mangope had hoped to neutralize the growing resistance of the Batlhaping.[266]

Mangope summoned the Batlhaping ruling council to the capital, Mmabatho, where he forcefully and angrily persuaded the council to accept the appointment of Molale.[267] However, his hopes to neutralize the growing resistance of the Batlhaping were dashed as Mankurwane's supporters took the matter to court. They succeeded and Mankurwane was briefly restored. The Supreme Court of Bophuthatswana ruled that the appointment of Molale as acting chief of the Batlhaping Ba Ga Phuduhutswana was null and void and of no force or effect in as much as it conflicted with the order made by the same honourable court in June 1988. The ruling stated that Mangope made the appointment

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[259] Ibid.
[260] Ibid.
[261] Ibid.
[262] B Mbenga & A Manson, *Land, Chiefs, Mining,* p 135.
[263] J Seiler, 'Transforming Mangope's Bophuthatswana", March 1999.
[264] A Manson & B Mbenga, 'Bophuthatswana and the North-West Province,' p 96-116.
[265] A Manson & B Mbenga, *Land, Chiefs, Mining,* p 135.
[266] Ibid.
[267] Ibid.

without any regard for the laws and customs of the polity and without hearing the applicants or other interested parties.[268] Typical of Mangope, it was his *modus operandi* to ignore traditional procedures to depose recalcitrant chiefs he felt were threatening his political control.[269]

Nevertheless, their victory was short-lived. Mangope was not happy that the polity had gone to the courts. He summoned members of Mankurwane's royal family to Mmabatho on 4 November 1988 to reemphasize his rejection of Sam Mankurwane's appointment as acting chief of the polity.[270] He told the Mankurwane royal family in no uncertain terms that,

> "I said Sam will not act for the chieftainship. I say so now. I won't make Sam a chief. I spoke to you here. You took your path. That is enough. Ke le supetsa Molale[271]. He will act. Sam a se tshware pitso, a seke.[272] Each member should hold a meeting with the permission of Molale. The Secretary and Administrator will reconstitute the Tribal Authority. I shall come to Taung on 30 or 31 December to announce that Molale is the acting chief".[273]

According to Mbenga *et al,* Mangope amended the Traditional Authorities Act to have legislative powers to depose Mankurwane.[274] The amendment at that time was meant for the purpose of disposing of Mankurwane. However, it could also have been part of a larger effort to control chiefs. Manson and Mbenga say that the Bophuthatswana Legislature amended the Traditional Authorities Act to give Mangope the specific powers he required to affect disposition and install Molale.[275] Whichever way it was, it was for his personal ends – "what Mangope wanted, Mangope got".[276]

This echoed the treatment the Bafokeng received under Mangope. Chief Lebone Molotlegi of the Bafokeng was harassed with his family. Even his wife and son were

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[268] North NWPA, DCATA, Traditional Authority Affairs, Recognition and Appointment Chiefs and Headmen Ba Phuduhutswana, 6/4/2 (31). n.d.
[269] J Seiler, 'Transforming Mangope's Bophuthatswana", March 1999.
[270] NWPA, DCATA, Traditional Authority Affairs, Recognition and Appointment Chiefs and Headmen Ba Phuduhutswana, 6/4/2 (31). n.d.
[271] I show you Molale.
[272] Sam must not hold a meeting, he must not.
[273] NWPA, DCATA, Traditional Authority Affairs, Recognition and Appointment Chiefs and Headmen Ba Phuduhutswana, 6/4/2 (31). n.d.
[274] A Manson & B Mbenga, *Land, Chiefs, Mining,* p 135.
[275] A Manson & B Mbenga, 'Bophuthatswana and the North-West Province,' p 96-116.
[276] J Seiler, 'Transforming Mangope's Bophuthatswana", March 1999.

repeatedly harassed by the regime.[277] An attempted coup in 1988 led by Rocky Malebane Metsing led to Molotlegi's arrest on suspicion of supporting the coup. After his release from detention, he feared for his life and went into exile in South Africa, and later Botswana.[278]

Mankurwane, fearing for his life, also went into exile.[279] He went to Botswana in 1990,[280] and then to Johannesburg, South Africa, in December 1991.[281] However, for his supporters, the struggle continued. They kept his plight in the public eye by holding protests at the Bophuthatswana Consulate in Johannesburg.[282] In April 1995 the Garankuwa branch of the ANC planned to march in solidarity with the Bafokeng to the Union Buildings in Pretoria, where they planned to call on the South African government to intervene to bring the return of their exiled chief, Lebone Molotlegi, and his deported wife, Semane Molotlegi. They further demanded the reinstatement of all chiefs who were deposed by Mangope, including Chief Pupsey Sebogodi of Braaklaagte and Chief Sam Mankurwane of Taung.[283] Meanwhile, Mangope appointed another regent for the Batlhaping, Silas Kekana, who held the fort until the fall of Mangope and his Bophuthatswana.[284]

Sam Mankurwane returned home after six years of exile to take his place as leader of the Batlhaping polity in Taung.[285] Molokoe argues that when Sam returned from exile he was officially installed as a regent of the Batlhaping Ba Ga Phuduhutswana.[286] Sam Mankurwane's first public address was in Jan Kempdorp in March 1992, because he was denied access to Taung, where he addressed 3 000 Batlhaping.[287] He was no longer a fugitive from a dubious judiciary set-up; he could speak freely about his dislike for Mangope. At a public address he provocatively said:

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[277] Ibid.
[278] A Manson & B Mbenga, *Land, Chiefs, Mining,* p 135
[279] A Manson & B Mbenga, 'Bophuthatswana and the North-West Province,' p 96-116.
[280] A Manson & B Mbenga, *Land, Chiefs, Mining,* p 135.
[281] J Seiler, 'Transforming Mangope's Bophuthatswana", March 1999.
[282] A Manson & B Mbenga, *Land, Chiefs, Mining,* p 135.
[283] 'ANC backing for Bafokeng march' in *Sowetan,* 05 April 1991, p 4.
[284] A Manson & B Mbenga, 'Bophuthatswana and the North-West Province,' p 96-116.
[285] 'Corpse' comes back in style' in *Weekend Star,* 28 May 1994, p 11.
[286] BKM Molokoe, Bophuthatswana and its Impact on the North West Province 1974-1998. PhD History, North West University, p 141.
[287] J Seiler, 'Transforming Mangope's Bophuthatswana", March 1999.

> "It is about time he was thoroughly investigated. And if it is found he enriched himself at the expense of the Batswana people, I will strongly recommend that his property and assets be attached and liquidated. Without sounding vengeful, I wouldn't mind seeing the old man walk naked" [288]

While at a rally at the royal kraal in the village on 2 May 1994, he told his loyal subjects that he was optimistic about the future and that the Reconstruction and Development Programme (RDP) of the ANC was a challenge to all of them. In closing, he challenged his subjects to seize the opportunity to see to it that the RDP works.

Mangope's regime's survival depended primarily on intimidation of outward opposition and a complex mix of incentive and hints of punishment for the rest.[289] According to Seiler, it meant that only six chiefs out of some 65 had to be removed for their resistance to Mangope's rule.[290]

The above discussion has chronicled Mangope's style of governance and how he manipulated his constituency and intimidated his opponents, including the Bathlaping. It has further illustrated that he exercised his presidential powers without fear even though the Batlhaping and his other opponents kept him on edge. This tense environment and state efforts to manipulate local politics shaped the Commission even before it started, indicating again the highly politicized nature of the supposed fact-finding mission.

2.4 2.5 Other commissions of inquiry in Bophuthatswana

This subsection discusses some of the other commissions of inquiry established by the Mangope regime and considers their complex role as instruments of control and rule in Bophuthatswana. On the one hand, the discussion shows how Mangope set up commissions of inquiry and how these commissions functioned to serve his political interests. On the other hand, this needs to be read against the (admittedly few) instances of rural resistance to Mangope's regime. Many of the commissions discussed here were set up at an opportune time to serve his personal and political interests. For Seiler, the key to understanding Bophuthatswana is understanding its president, Lucas Mangope.[291]

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[288]'Corpse' comes back in style,' in *Weekend Star,* 28 May 1994, p 11.
[289] J Seiler, 'Transforming Mangope's Bophuthatswana", March 1999.
[290] Ibid.
[291] Ibid.

He became an autocratic ruler who screened himself from opponents and critics and from political reality, common to many reigning autocrats.[292]

Mangope's ascent to power has always been a bone of contention. As discussued, it was clouded by both political and traditional controversies. Seiler posits that Mangope's family had no traditional chiefly positions. His grandfather and father had been minor local chiefs appointed by the South African government. In turn, he was appointed a vice-chief at Motswedi in the Lehurutshe district, north-west of Zeerust,[293] a position created and underwritten by the apartheid state.[294] As a result he felt a sense of insecurity in his position as the traditional head of Bophuthatswana. Thus, he was determined to crush any challenge from among his rural constituencies and he systematically stripped his opponents of their authority.[295]

One of the first commissions to be set up by the Bophuthatswana government after "independence" was the Lekhela Education Commission of Inquiry. It was a 16-member commission that was established in 1978 to inquire into a universally accepted system of education for Bophuthatswana and it was chaired by Professor EP Lekhela.[296] It aimed to establish an education system that was distinct from Bantu Education, the flashpoint for the Soweto Uprisings in 1976 and an infamous feature of apartheid. The Lekhela Commission was one of the earliest initiatives by the Mangope regime to gain international recognition as a sovereign state and to distinguish the Bantustan from apartheid South Africa. The Lekhela Commission was ostensibly established for the youth of Bophuthatswana to give oral evidence to the commission[297] about the system of education they wanted. It was envisaged that the commission may visit Soweto and other South African urban areas for the Tswana people in those areas to also give oral evidence.[298] While Lekhela came to his own conclusions about the nature of education in Bophuthatswana, Mangope used the commission and its findings to help establish an

[292] Ibid.
[293] Ibid.
[294] M Lawrence & A Manson, "The 'Dog of the Boers,' p 452.
[295] A Manson & B Mbenga, 'Bophuthatswana and the North-West Province,' p 96-116.
[296] 'Commission may visit Soweto,' in *Post*, 23 May 1978, p 7.
[297] 'Mangope Inquiry on Bantu Education,' in *The Argus*, 3 November 1977, p 15.
[298] 'Commission may visit Soweto'.

autonomous education system from apartheid South Africa, parading this as proof of his regime legitimacy.

There were other commissions of inquiry that Mangope used for political purposes. In the eastern part of Pilanesburg, about 50 kilometres north of Rustenburg, Chief Bosman Noah Ramokoka of the baPhalane was deposed after he had a quarrelled with Mangope. A commission was established in the 1980s to examine the chief's position. However, it recommended that chief Ramokoka retain his position.[299] Mangope did not follow through on the recommendations because they did not affirm the deposition of chief Ramokoka. He disregarded the commission's recommendations and appointed an acting chief, and the appointment led the community into chaos in 1984.[300] In this case Mangope did not use the commission in the expected way because it was not helpful to his project.

In yet another instance, Mangope set up a commission of inquiry to investigate the AmaNdebele Molethane leadership at Majaneng, Hammanskraal in 1981. There were more than 12 000 AmaNdebele who found themselves within an independent Bophuthatswana and as reported in the Sowetan newspaper, they were a thorn in Mangope's side. The polity was under the leadership of Chief Nathaniel Kekana (a non-Tswana) and they threatened to secede from Bophuthatswana. The commission comprised of Messrs JLC Meiring, LS Selebogo and HA Viviers, who was the chair.[301]

The main objective of the commission, as explained by the chair, HA Viviers, was to solve the problem of chieftainship in the Majaneng area. The process was outlined by Viviers: the commission was prepared to listen to the evidence from three respective families because only the families from three kraals were eligible for chieftainship. If no solution could be reached, the royal kraal would be requested to appoint the new leader.[302] This process could have been Mangope's attempt to depose the AmaNdebele chief and possibly replace him with a Tswana-speaking person who would tow the regime's line.

Mangope disdained political opposition from any quarter and was always willing to use non-Batswana as targets for rhetorical abuse in the process of contriving a special form

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[299] A Manson & B Mbenga, *Land, Chiefs, Mining,* p 134.
[300] Ibid.
[301] M Nkomo, Chieftainship Investigation, in *Sowetan*, 27 February 1981, p 7.
[302] Ibid.

of Tswana nationhood.[303] Bophuthatswana was not a place for all as Mangope purported. True to his form, he gave the AmaNdebele a stern warning "to tow the Bophuthatswana government's line or face possible eviction".[304] It was these attitudes of Mangope that brought widespread intimidation, harassment and physical violence from the police against any expressions of dissent and against non-Batswana communities.[305]

A particularly infamous commission of inquiry centred on the Thusano Foundation, a self-help scheme that was established in 1985 as a Special Employment Action Programme. It was the only means of earning money for the poor people in rural Bophuthatswana. At least 600 projects were undertaken by the Thusano Foundation, including rural water supply, and the erection of schools and clinics. It undertook only those projects that were approved by most of the people of a particular village and projects decided at a community meeting. The opportunity of working on the project was offered to the poorest people.[306]

The Thusano Foundation was highly regarded. Its approach to development was regarded as highly effective and it attracted a number of foreign development experts and aid donors to Bophuthatswana to see its work. It had enough support in government circles to survive and even gradually expanded its support base.[307] Even though the Foundation was not technically insolvent, the Mangope regime wanted to close it down and it mounted a legal battle to that effect in the Supreme Court in Mmabatho. Not only that, the Mangope regime also stopped finance for the organization since this was its primary source of funding. The reasons given for the closure of the Thusano Foundation were allegations of corruption and mismanagement.[308] However, the plans of the regime were challenged by the managing director of the Foundation, Colin Campion.[309]

However, the reasons were more than the above-mentioned. Campion had offended some cabinet members and senior officials with his directness and his unwillingness to accept mediocre performance or corruption. He offended Mangope directly when he

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[303] J Seiler, 'Transforming Mangope's Bophuthatswana.
[304] M Nkomo, Chieftainship Investigation
[305] J Seiler, 'Transforming Mangope's Bophuthatswana.
[306] B Seery, 'Dirt-poor wait while strange battle rages over self-help scheme,' in *The Sunday Star*, 23 February 1991, p 7.
[307] J Seiler, 'Transforming Mangope's Bophuthatswana´.
[308] Ibid.
[309] B Seery, 'Dirt-poor wait while strange battle rages over self-help scheme,'

refused to authorize payment of an invoice for feeding Mangope's cattle at a Thusano Foundation stock feeding facility. A corrupt activity which Campion was not willing to accept. His action prompted an inquiry and Mangope's demand that the Thusano Foundation be closed, and Campion be removed from office.[310]

Lesley Young was the Minister of Finance in the Bophuthatswana government and the chairman of the Thusano Foundation. In mid-1989, he appointed a Board of Inquiry to investigate allegations of corruption and mismanagement within Thusano. The Board was chaired by Brigadier Hennie Riekert, a senior government official in the Mmabatho administration. Mangope appeared personally before the Board of Inquiry and among other allegations claimed that the Thusano Foundation was full of corruption and was undermining the government.[311]

The Thusano Foundation was exonerated by the Board. In its report the Board of Inquiry said it did not hear any evidence to substantiate Mangope's allegations and it accepted the explanations of Thusano Foundation staff members. The report of the inquiry further noted that the work of the Thusano Foundation was "praiseworthy and was of inestimable value to the country". However, it further noted that Campion's style of management was autocratic.[312]

Mangope was not satisfied with outcome of the inquiry he had set up to examine the workings of the Thusano Foundation.[313] He then ordered the appointment of a second commission of inquiry, which was headed by Hennie Van der Walt,[314], a disgraced deputy minister in the National Party government of PW Botha. He was sentenced to 10 years imprisonment for fraud and was paroled in late 1989 after he had served 20 months of his 10-year sentence.[315] It was for the above-mentioned reasons that Campion refused to appear before Van der Walt. Van der Walt was a convicted felon, and according to Campion it was inappropriate to appear before a convicted felon.

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[310] J Seiler, 'Transforming Mangope's Bophuthatswana
[311] B Seery, 'Dirt-poor wait while strange battle rages over self-help scheme,'
[312] Ibid.
[313] J Seiler, 'Transforming Mangope's Bophuthatswana´.
[314] B Seery, 'Dirt-poor wait while strange battle rages over self-help scheme,'
[315] 'Mmabatho govt probes W Tvl land purchases claims,' in *The Star*, 20 February 1993, p 2.

According to Seiler, Van der Walt's first assignment was a politically motivated intervention – he was to bring out a report more pleasing to Mangope.[316] The findings of the Van der Walt inquiry were never made public and Mangope announced in 1990 that it was applying for the liquidation of the Thusano Foundation.[317] However, in May 1991 it became public that Campion is being blamed for the downfall of the Foundation. In his report, Van der Walt found that the foundation was poorly managed, and it had failed to tackle the problems of rural poverty in a responsible manner. The commission recommended the government halt the funding of the Foundation and that it be liquidated and Campion be prosecuted for failing to give evidence.[318] The Thusano Foundation was liquidated and Campion was fired from the Mmabatho administration after the commission met.[319] Van der Walt had delivered a report more pleasing to Mangope and he subsequently prospered.[320] The Thusano event is another example of how Mangope and his government used commissions of inquiry as a legal tool for political ends.

Another example of the use of commissions of inquiry as a legal tool for political ends is Mangope's relationship with the Bafokeng. He attempted to curtail the chief's powers or dissolve the polity to dominate the affairs of the Bafokeng and to take total control of the profits from the mineral resources of the Bafokeng. The continued battle between the Bafokeng and Mangope was not only political but was also linked to the ownership of mining rights and control of assets from mining.[321] In 1983, Chief Lebone Molotlegi of the Bafokeng intensified the resistance when he announced his intention to secede from the "homeland" and refused to allow the flag of Bophuthatswana to be hoisted in Phokeng.[322] Capps argues that Molotlegi's boycott was not only a symbolic challenge to Bophuthatswana's legitimacy but an evasion of one of the key mechanisms through which chiefs were integrated into the political centre and its networks of patronage.[323]

Mangope declared a state of emergency in Phokeng because Molotlegi continued to be "uncooperative with government and that he had harassed government officials working

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[316] J Seiler, 'Transforming Mangope's Bophuthatswana´.
[317] B Seery, 'Dirt-poor wait while strange battle rages over self-help scheme,'
[318] J Seiler, 'Transforming Mangope's Bophuthatswana´.
[319] Ibid.
[320] Ibid.
[321] A Manson & B Mbenga, *Land, Chiefs, Mining*, p 135.
[322] A Manson & B Mbenga, 'Bophuthatswana and the North-West Province,' p 104.
[323] G J Capps, Tribal-Landed Property: The Political Economy of the BaFokeng Chieftaincy, South Africa, 1837-1994. D Phil, The London School of Economics and Political Science 2010, p 267.

in Phokeng".[324] Subsequent to the declaration of the state of emergency, Mangope established a commission of inquiry in 1989 to investigate allegations of malpractice by Chief Molotlegi of the Bafokeng polity.[325] Mr H Combrink was appointed chairman of the commission, which began its hearings at Phokeng on 27 September.[326] The commission was established against the background of the allegations of misappropriation of polity funds by Chief Molotlegi to the amount of R4 million.[327]

The commission's mandate was to determine whether or not the Chief "acted or conducted himself in a manner detrimental to good and effective government and the administration of the Bafokeng polity".[328] It was to further determine whether or not the chief is "otherwise unfit for duties of his office" as it is also alleged that he has been continuously absent from his polity office from 19 February 1988, and that he failed or has been unable to perform his duties, functions and responsibilities as chief of the polity in a diligent and efficient manner.[329]

The conclusion of the commission was that the chief's attempt at secession was an act of insubordination and that there were signs of irregularities in the handling of the Bafokeng's financial affairs. However, these were considered insufficient grounds to curtail the chief's powers or dissolve his polity.[330] This was probably because there was no clear evidence of misappropriation of polity funds but just signs of irregularities as pointed out by the commission. Also, a point of significance worth noting was that Mangope's determination to dominate Bafokeng affairs was matched by his desire to control the mineral-rich resources from which Bafokeng had begun to profit.[331] Mangope had set up the commission of inquiry as an effort to unlawfully lay his hands on the wealth of the Bafokeng since the polity was beginning to profit from the mineral resources.

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[324] A Manson & B Mbenga, 'Bophuthatswana and the North-West Province,' p 104.
[325] 'Chief took R4 million-claim,' in *Sowetan* 08 September 1989, p 4.
[326] Ibid.
[327] 'Bafokeng chief centre of Probe,' in *Pretoria News*, 08 September 1989. p 4.
[328] Ibid.
[329] Chief took R4 million-claim.
[330] A Manson & B Mbenga, 'Bophuthatswana and the North-West Province,' pp 104-105.
[331] Ibid.

2.5 2.6 The Batlhaping Commission of Inquiry

In the case of the Batlhaping Ba Ga Phuduhucwana, Mangope appointed a two-person commission of inquiry in 1988 to investigate the recognition of the Batlhaping Ba Ga Thaganyane and the designation of *kgosana.* The commission was chaired by Messrs. HA Viviers and MP Montoedi. The dispute was about seniority in the polity and the ownership of the Batlhaping land. Headman Thaganyane refused to recognize *kgosi* Motshwarakgole as his chief and to be ruled by him, while *kgosi* Motshwarakgole disputed the right of Thaganyane and his polity to be independent from him.[332]

The commission concluded that the land of the Batlhaping Ba Ga Phuduhucwana Ba Ga Thaganyane be transferred to the President in Trust for the polity concerned. The rest of the thesis engages with the underpinning assumptions that shaped the Commission.

2.6 2.7 Conclusion

This chapter explored how Mangope tried to used systems of governance, in particular commissions of inquiry, to legitimize his authority in Bophuthatswana. As a starting point, the chapter critically analysed the writings of different scholars regarding ethnology, ethnography and anthropology. It argued that state-appointed ethnologists both perpetuated the state's segregation policy and reflected local understandings of politics, contributing significantly to the recommendations and the conclusions of the Batlhaping Commission of Inquiry. The chapter revealed that Mangope had become a law unto himself. His application of the law was self-serving, and his consultative relationships were intended to be detrimental to specific rural communities. Finally, the chapter explored the dynamics of the commissions of inquiry. The chapter argued that Mangope set up the commissions to create conducive conditions for manipulation, intimidation, control and rule. The following chapter discusses the details of the Batlhaping Commission of Inquiry.

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[332] NWPA, DCATA, Commission of Inquiry: Recognition of the Batlhaping Boo Phuduhucwana Ba Ga Thaganyane as An Independent Polity, 6/4/2 (75). 12/10/1988.

CHAPTER 3 THE COMMISSION AND THE CHIEFTAINCY.

3.1 3.1 Introduction

This chapter argues that the Commission gives us insight both into Bophuthatswana's state's "idealized" view of chieftaincy *and* the partial independence of the commission from the Bantustan state's interests. On the one hand we see that the commission conceived the chief as a patriarchal figure who rules over land on behalf of his subjects and that a subject population owes allegiance to one ruler, a conceptualisation that aligned closely to the interests of the apartheid project; on the other hand, the commission accepted evidence that understood the political construction of the chieftaincy. At the heart of this tension was a dispute between *kgosi* Motshwarakgole's claim to rule over one of the Batlhaping subpolities and headman Thaganyane's claim to autonomous rule through his position as an 'independent headman.' To explain part of the commission's approach, this chapter also refers to a 1982 commission - the Commission on the Chieftaincy and Administration of the Batlhaping Ba Ga Phuduhucwana Ba Ga Phetlu at Kamden – which also sought to adjudicate on chieftaincy disputes among the Batlhaping.

3.2 3.2 The establishment of the 1982 Kamden Commission of Inquiry

On 1 June 1982, the Bophuthatswana regime appointed Messrs J Sechoaro, HA Viviers and JIC Meiring to form a commission and investigate the problems that arose with respect to the chieftaincy and administration of the polity of the Batlhaping Ba Phuduhutswana Ba Ga Phetlu at Kamden.[333] The problem was said to be the competing claims to chieftaincy of the Phetlu and Mothibi lineages.[334] An exploration of this commission of inquiry gives a sense of how significance genealogy was to ethnologists – and the Bantustan states' – vision of chieftaincy.

The Batlhaping was under the chieftaincy of chief Mothibi since he took over in 1812. Chief Mothibi subdivided his land among his sons and brothers, and as a result, the polity was broken up into different Thlaping polities. The polities and their genealogy and control

[333]NWPA, Department of Culture, Arts and Traditional Affairs, President, Recognition and Appointment, Chiefs and Headman, Batlhaping Ba Phuduhucwana, Report of the Commission of Inquiry into Administrative Problems and Chieftainship of the Batlhaping Ba Phuduhutswana at Kamden, 6/4/2 (66) 2 p 1.

[334] Ibid.

over land is discussed in the Commission, reflecting the Commission´s interest in the issue. The sub-polities were as follows:

i) The generations of Iehe – Gasebone – Botlhasitse Galisiwe – (Phetlu), who had authority over Pokwani, Magagong, Majeakgoro and Modutung.

ii) Jantjie – Luka – De Volk – Kgosienewang. They ruled over the largest area, Dithakong at Vaalhartz as well as Majeng, Mmamutla, Shaleng, Driefontein, Seoding, Sekingin, Taung and in Kuruman Manyeding, Bothetheletsa, Metse Matswe, Smouswane, Konong, Legobate and Seoding. It should be noted that according to the report of the commission of inquiry into administrative problems and chieftainship of the Batlhaping Ba Phuduhutswana at Kamden, Jantjie was at some stage mistakenly made headman under Phetlu. The investigators assumed into the genealogy that Olebogeng Phetlu was the rightful chief in Manyeding, Kuruman.[335] The error was rectified to some extent[336] and at the time of the report of the commission of inquiry referred to above, Jantjie had been reinstated as the rightful chief at Manyeding.[337]

iii) Molale – Mankuroane – Molale – Kgosietsile. They were in Taung north of Magagong and the Taung town. Chief Scotch Mankuroane was the chief at the time of the report.

iv) Mahura – Mase – Tholotitane – Gaobakwe – Lekwe. They oversaw Dithakwaneng (Vryburg) and at the time of this report they were at Deerward, Tlhaping/Tlharo.

v) Saku – Thaganyane – Pulelo – Thaganyane. The last Thaganyane was at Klein Chwaing, but when this report was compiled, he was under chief Motsoarakgole at Botitong.[338]

The Batlhaping Ba Phuduhutswana Ba Ga Phetlu are the descendants of Mothibi. Phetlu and Gasebone were the sons of Iehe, Mothibi's oldest son. Phetlu was the oldest and

[335] Ibid.
[336] Ibid.
[337] Ibid.
[338] Ibid.

Gasebone was his younger brother. On Mothibi's death, Gasebone, the younger brother, succeeded as regent and his lineage that flowed to Botlhasitse and Galisiwe ruled as regents for three generations.[339] As a result, the Phetlu lineage never ruled as chiefs. They were ruled by Galisiwe, Gasebone's grandson until 1896 when Galisiwe was deposed and sent to prison by the Cape government for his participation in the Langeberg rebellion.[340]

The Langeberg rebellion was an anti-colonial struggle and resistance effort waged by African peoples against the invading colonial forces.[341] It took place in 1897 in the Langeberg Mountain range on the southern fringes of the Kalahari. It was a dramatic and violent six-month siege where Luka Jantjie, the ruler of the Batlhaping, collaborated with chief Toto of the Batlharo[342] in defence of their people, land and livelihoods.[343] They were captured, Jantjie was beheaded, and Toto was imprisoned on Robben Island, where he died.[344]

Upon his release from prison in 1903, the South African government placed Galisiwe and his polity under chieftainship of Mankuroane. From then onwards Galisiwe and his successors constantly and continuously claimed chieftainship, but with no success. Phetlu, on the other hand, was nowhere on the list of persons of significance until 1944 when the South African government made Obakeng chief at Kamden. However, Obakeng was not appointed a chief of his own polity but of a conglomeration of people who were not a polity. His chieftainship was therefore allegedly fake and the ties with his real polity in Modutung were severed, resulting in Phetlu's forfeiture of his claim to chieftainship over

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[339] NWPA, DCATA, President, Recognition and Appointment, Chiefs and Headman, Batlhaping Ba Phuduhucwana, Report of the Commission of Inquiry into Administrative Problems and Chieftainship of the Batlhaping Ba Phuduhutswana at Kamden, 6/4/2 (66) 2 pp 4-5.

[340] NWPA, DCATA, President, Recognition and Appointment, Chiefs and Headman, Batlhaping Ba Phuduhucwana, Memorandum to the Executive Council, 6/4/2 (66) 2 p 1.

[341] C Matlhako, ´Luka Jantjie, Galeshewe and Toto – their little-known story of courage and bravery in defence of their people, land and livelihoods´, *The Thinker,* 56, 2013, pp 16-20; K Shillington, *Luka Jantjie.*

[342] J Aldridge, 'Luka Jantjie: A Publisher's view of a Highly Illustrated Historical Biography', *Botswana Notes and Records,* 45, 2013, pp 141-179.

[343] C Matlhako, ´Luka Jantjie, Galeshewe and Toto.'

[344] Ibid.

his people. [345] This gives us a sense of what counts as a “legitimate” chief from the Commission´s perspective.

According to the findings of the Commission, Gasebone and his descendants, though of a younger lineage to that of Phetlu, had a strong claim to be recognized as chiefs. They felt that the Phetlu lineage should come to an end with Obakeng, the son of Olebogeng Phetlu.[346] Their argument stretched back to the death of chief Mothibi in 1836/38. The commission argued that the Phetlu seniority was not recognized until 1944 when Olebogeng Phetlu was appointed chief by the South African government. The recommendations of the commission disregarded the seniority of the Phetlu polity.

Thus genealogy formed the bedrock of the static vision of chieftaincy.

3.3 3.3 Chieftaincy in the Commission into the Batlhaping Boo Phuduhucwana Ba Ga Thaganyane Tribe

During 1966, the Thaganyane polity, who resided on the Klein Chwaing reserve, were resettled on the farms Cassel 511 IM and Sheppard’s Gift 512 IM. They then formed part of the Bothithong tribal authority under the chairmanship of k*gosi* Motshwarakgole.[347] Their resettlement was carried out by the Bantu Affairs Commissioners Bowen and Henning.[348] The resettlement took place after their land at Klein Chwaing had been expropriated by the South African government.[349] Though it cannot be established from the investigation why their land was expropriated, it probably formed part of broader segregationist efforts to socially engineer the countryside. The Thaganyane polity was resettled, according to the ethnological report submitted to the president of Bophuthatswana, under the chairmanship of chief Motshwarakgole.

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[345] NWPA, DCATA, President, Recognition and Appointment, Chiefs and Headman, Batlhaping Ba Phuduhucwana, Memorandum to the Executive Council, 6/4/2 (66) 2 pp 1-2.
[346] Ibid.
[347] NWPA, DCATA, Recognition and Appointment Chiefs and Headmen Ba Bothitong, Commission of Inquiry: Recognition of the Batlhaping Boo Phuduhucwana Ba Ga Thaganyane Polity and Designation of Kgosana, 6/4/2 (75) vol. 2, 07-10-1988, p 1.
[348] NWPA, DCATA, Republic of Bophuthatswana,The Secretary Department of the President Mmabatho, Headmanship of Batlhaping Boo Phuduhutswana Ba Ga Thaganyane: Cassel: District: Kudumane, Annexure 2, 6/1/2 (75) undated, p 9.
[349] NWPA, DCATA, Memorandum to the Executive Council, Commission of Inquiry: Recognition of the Batlhaping Boo Phuduhucwana as an Independent Polity: Kudumane District, 6/4/2 (75) undated, p 2.

Unlike the 1982 commission of inquiry, this ethnological report had a more historically dynamic vision of how chieftaincy had been constituted in the region. It argued that the Takwaneng and Klein Chwaing Tribal Authority that was established by Government Notice No. 579 of 26 April 1957 under headman Lekwe Mahura, was theoretical with no basis in practice.[350] The report's argument is based on the impracticability of carrying out functions related to the governance of the tribal authority. This shows that the Commission´s report does recognize that genealogy is not the only determinant in who constitutes a chief. It recognized that the South African state was involved in "chief-making", making decisions for practical reasons. Takwaneng and Chwaing were two areas separated by 120 kilometres. It would not be practical therefore for headman Lekwe Mahura to attend to demands and perform duties such as trying the criminal and civil cases of the two polities that were combined into one, namely the Batlhaping Boo Phuduhutswana Ba Ga Mahura and Batlhaping Boo Phuduhutswana Ba Ga Thaganyane. Of significance though is that the report advised that the Batlhaping Ba Ga Thaganyane would never allow headman Lekwe Mahura to exercise political power and rule over them because "both Lekwe Marumo and Kaine Thaganyane were of equal ranks and as such could not agree to combine their tribal authority to constitute one tribal authority".[351]

However, genealogical claims to chieftaincy were not ignored. For example, In terms of the schematic genealogy of Batlhaping drawn by the chief ethnologist IM Selebogo, *kgosi* Motshwarakgole and *kgosana* Thaganyane are the descendants of Phuduhutswana, and they share a common ancestor, chief Mmamae of the Batlhaping Boo Phuduhutswana, 1595–1665.[352] According to a hand-drawn skeletal genealogy of the Batlhaping polity in the Commission's report, based on the rules of primogeniture, Thaganyane is senior to Motshwarakgole.[353]

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[350] NWPA, DCATA, Republic of Bophuthatswana,The Secretary Department of the President Mmabatho, Headmanship of Batlhaping Boo Phuduhutswana Ba Ga Thaganyane.
[351] Ibid.
[352] Ibid.
[353] NWPA, DCATA, Recognition and Appointment Chiefs and Headmen Ba Bothitong, Commission of Inquiry: Recognition of the Batlhaping Boo Phuduhucwana Ba Ga Thaganyane Polity and Designation of Kgosana, 6/4/2 (75) vol. 2, 07-10-1988.

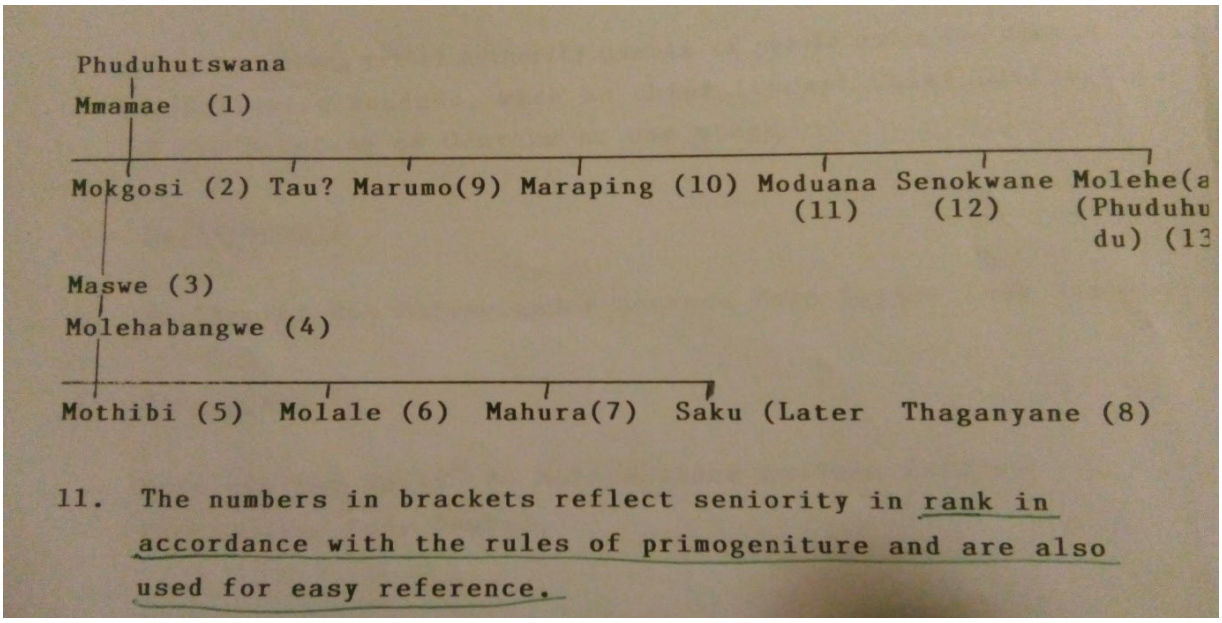

Figure 1: The skeletal genealogy sketch of Batlhaping

The above sketch was drawn to reflect the relationship of k*gosi* Motshwarakgole and his people to Thaganyane.[354] It is drawn in order of seniority in rank according to the rules of primogeniture. Next to each leader of a polity, there is a number in brackets. The numbers are used for easy reference. The context within which the sketch was drawn emphasizes the seniority of the descendants of Saku (8) to those of Molehe (13), Thaganyane and k*gosi* Motshwarakgole respectively.

The above-mentioned ethnological report described the kingship system of the Batlhaping as patrilineal. Thus, the descendants of Phuduhutswana are named and traced after the founder and ancestor of all Batlhaping tribes, Phuduhutswana.[355] They are therefore distinguished from all other polities by the common identifying characteristics they share, such as social positions, and political and cultural characteristics. Their "lineages and clans are composed of members who are connected through their fathers to Phuduhutswana".[356]

Kgosi Motshwarakgole and headman Thaganyane were the contesting parties in the investigation of the Commission. They contested the recognition of their individual

[354] Ibid.
[355] NWPA, DCATA, Republic of Bophuthatswana, Headmanship of Batlhaping Boo Phuduhutswana Ba Ga Thaganyane: Cassel: District Kudumane, Annexure A, 6/1/2/ (75) p 1.
[356] Ibid.

chieftaincies. Thaganyane advocated for the recognition of the Batlhaping Ba Ga Thaganyane as an independent polity, free from k*gosi* Motshwarakgole's rule.

On the other hand, *kgosi* Motshwarakgole argued that he is the chief under whose rule headman Thaganyane and his polity should fall. Thaganyane refused to recognize *Kgosi* Motshwarakgole and counter argued that he (Thaganyane) was an independent chief of the Ba Ga Thaganyane polity.[357] Thaganyane fought for the independence of the Ba Ga Thaganyane polity from the rule of *kgosi* Motshwarakgole. While he was under the chairmanship of *kgosi* Motshwarakgole in Bothitong, he refused to recognize *kgosi* Motshwarakgole as his chief and to be ruled by him.[358] As a result he did not regard himself as the subject of the Bothitong authority – he ruled himself, collected money from his polity, built the schools himself and tried the polity cases.[359] The reaction and views of each of the leaders' supporters were not highlighted in the deliberations of the Commission. Even though the dispute between *kgosis* Motshwarakgole and Thaganyane may not have reached a boiling point to a level of violence, it was in the interest of the Bophuthatswana government to establish the Commission because the chieftaincy was intricately intertwined with the politics of land, an important element of leverage and political control.

The Commission was tasked with investigating Thaganyane's claim for recognition of the polity's independence; the recognition of headman; and to solve the questions of why Motshwarakgole insisted on ruling over Thaganyane. It explored why Thaganyane refused to recognize *kgosi* Motshwaragole as his chief and why on the other hand *kgosi* Motshwarakgole disputed the right of Thaganyane and his followers to be independent from his rule. It should be noted that the above dispute does not relate to Mangope's tension with Mankurwane, even though the actors in the dispute are the Batlhaping from a different sub-polity.

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[357] NWPA, DCATA, Recognition and Appointment Chiefs and Headmen Ba Bothitong, Commission of Inquiry: Recognition of the Batlhaping Boo Phuduhucwana Ba Ga Thaganyane Polity and Designation of Kgosana, 6/4/2 (75) vol. 2, 07-10-1988, p 1.
[358] Ibid.
[359] Ibid.

3.4 3.4 Independent Headmen

Ethnologists' evidence was used to assess Thaganyane's claim to be an 'independent headman' and as the debate showed, there was a genuine effort to grapple with the nature of political power on the ground among the Batlhaping. The Commission reported that the concept of an independent headman was unknown to the Tswana.[360] The Commission claimed that "In Tswana law there is no such office as "independent headman": If a tribe is independent, the leader is a Kgosi. When the leader is a kgosana, he is subordinate to a Kgosi".[361]

In the matter of the request to elevate the status of the headmanship of the Batlhaping Boo Phuduhutswana Ba Ga Mahura to that of a chieftainship, the chief ethnologist, IM Selebogo advised that the founder of the polity, who was also the earliest ancestor, "had prominent status of chieftainship which should continue in his line of descent".[362] As alluded to above, the Bophuthatswana government continued to make and implement decisions based on the concept of independent headmen, even though the concept was unknown to the polity and the Tswana people.

A memo from Selebogo to the president explained that the headman acted on his own without guidance or assistance from any chief. So, the headman could not be regarded as an independent headman because "the concept of an independent headman does not take into consideration the tradition, customs, laws and usages of the tribe (polity). It has a derogative effect of degrading and humiliating hereditary position".[363]

On the other hand, one key function of the ethnologists was to identify and fix "tribes"[364] because known and visible "tribes" could be controlled by the state.[365] They invented tradition and thus codified hegemony. They kept their focus on the internal affairs of chiefdoms and referred disputes to external institutions such the ethnology section of the

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[360] NWPA, DCATA, Recognition and Appointment Chiefs and Headmen Ba Bothitong, Commission of Inquiry.
[361] Ibid.
[362] NWPA; DCATA, Chiefs and Headmen Batlhaping Ba Phuduhutswana Ba Ga Mahura, Memo to the President Elevation of Status of Headmanship to that of Chieftainship Batlhaping Boo Phuduhutswana Ba Ga Mahura: Dithakwaneng: District Kudumane, 6/1/2 (78), p 1.
[363] Ibid.
[364] S P Lekgoathi, 'Colonial' Experts, p 60.
[365] Ibid.

Department of Bantu Administration and Development.[366] Their instance that Thaganyane be considered a chief might be read against this context.

The Commission centred its main argument on the long-held independence of Thaganyane and his seniority over Motshwarakgole. The issue of Thaganyane's independence can be traced back to 1880.[367] The seniority of Thaganyane over Motshwarakgole is referenced throughout Phuduhucwana history and is illustrated in a handwritten skeletal genealogy, to which the ethnologists and the report of the Commission referred.

According to the skeletal genealogy, as shown above, seniority in rank is reflected in numbers in accordance with the rules of primogeniture. Based on the above, the Commission confirmed that Thaganyane was not subordinate to Motshwarakgole. *Kgosi* Motshwarakgole, in his capacity as the chief, installed Gabonthone Thaganyane as headman. Even after he had installed Gabonthone Thaganyane as headman, the Commission advised the Bophuthatswana government not to view it as an act of recognition of *kgosi* Motshwarakgole as chief because he was only performing his duties in his capacity as *rangwani* [368] and not as chief.[369]

That advise, not to recognise Motshwarakgole as chief, was contrary to the archival material. The minutes of the office of the Minister of Native Affairs referred to a community meeting held in 1970 in which the family of the chief of the Batlhaping Ba Phuduhudu polity made a request for Sekao Daniel Motshwarakgole to succeed Gaseemelwe as their chief.[370] Subsequent to the presentations to the State President of South Africa by the Minister of Native Affairs, Motshwarakgole was installed as chief of the Batlhaping Ba Phuduhudu in terms of Artikel 2 (8) of the Bantoe-administrasie Wet, 1927 (Wet No. 38 van 1927)[371] and that confirmed Motshwarakgole´s legitimate chieftaincy when he

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[366] J L Comaroff, 'Chiefship in a South African Homeland: A case study of the Tshidi Chiefdom of Bophuthatswana,' *Journal of Southern African Studies,* 1 (1), October 1974, pp 45-46.
[367]NWPA, DCATA, Commission of Inquiry: Recognition of the Batlhaping Boo Phuduhucwana Ba Ga Thaganyane as an Independent Tribe [Polity], 6/4/2 (75).
[368] Uncle
[369] NWPA, DCATA, Commission of Inquiry: Recognition of the Batlhaping Boo Phuduhucwana Ba Ga Thaganyane as an Independent Tribe [Polity], 6/4/2 (75).
[370] National Archives of South Africa (NASA), NTS, 186/362 (2) A, 187/362 (1), 8963, F. 54/1734/5, Minuut No. 148, 4/2/1970.
[371] Ibid.

installed Thaganyane as headman. While Selebogo disputed the chieftainship of Motshwarakgole as alluded to above, he also contradicted himself when confirming that Motshwarakgole "was elevated to the status of chieftainship".[372] He confirmed the chieftaincy of Motshwarakgole in a memorandum to the Executive Council of the Mangope government when he was motivating for the elevation of the status of headman Mahura to be elevated to that of chieftainship.[373] The complexity on the ground was clearly reflected in the commission's efforts to grapple with Motshwarakgole's claim to the chieftaincy and Thaganyane's insistence on his independence.

an ethnological report written by ethnologist IM Selebogo to the Mangope regime on the headmanship of Batlhaping Boo Phuduhutswana Ba Ga Thaganyane in the Cassel district of Kudumane, Selebogo shows that Van Warmelo draws a line of distinction between the authority of Thaganyane and Gaseemelwe.[374] He referred to them respectively as an independent headman and headman. He seemed to have emphasized the concept of independent headmen[375] even though the Commission disputed the concept as unknown to the Batswana.[376]

The issue of independent headmen and headmen was contested terrain. According to the Commission it was unknown to the Batswana. The Commission reported that in Tswana law there was no such thing as independent headman. Instead, if a polity was independent, the leader was a chief. If a leader was a headman, he was subordinate to the chief.[377] The ethnologists, Breutz and Van Warmelo, on the other hand, regarded the existence of independent headmen as a fact and continued to do so beyond 1906 as discussed below. The irony though is that even though the Commission argued against independent headmen, they relied on ethnologists' reports that argued otherwise.

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[372] NWPA, DCATA, Republic of Bophuthatswana, President, Recognition and Appointment Chiefs and Headmen Batlhaping Ba Ga Mahura, 6/4/2 (78) 2, Memorandum To The Executive Council, Elevation of Status: Batlhaping Ba Ga Mahura Polity File No. 6,
[373] Ibid.
[374] NWPA, DCATA, Republic of Bophuthatswana, Headmanship of Batlhaping Boo Phuduhutswana Ba Ga Thaganyane: Cassel: District Kudumane.
[375] Ibid.
[376] NWPA, DCATA, Commission of Inquiry: Recognition of the Batlhaping Boo Phuduhucwana Ba Ga Thaganyane as an Independent Tribe [Polity].
[377] Ibid.

According to the Commission, the concept of independent headman emerged in 1906 when the South African government recognized the leader of the Batlhaping Boo Phuduhucwana Ba Ga Thaganyane as an independent headman.[378] It was mentioned repeatedly by Van Warmelo in 1935 in his preliminary survey of the Bantu tribes of South Africa,

> "[t]hat the office of the headmanship of the Batlhaping Boo Phuduhutswanan Ba Ga Thaganyane was hereditary in the line of descent of Thaganyane from 1880, whereas the office of headmanship of Batlhaping Boo Phuduhudu became hereditary in 1933 in the line of descent of Gaseemelwe".[379]

The implication was that independent headman was a leader of a polity who was not subject to the rule of any other chief. Breutz went the same route of emphasizing the concept of independent headman, adding that Thaganyane was the first independent head of [the] polity.[380] According to the interpretation of the report, by implication Breutz meant "Thaganyane was independent of every chief and subject to no other superior authority of a tribal authority except the South African Government".[381] This may settle a contentious point of whether the ethnologists had been implicated in the colonial and apartheid project of "divide and rule" and the invention of tradition model. Among other things, the ethnologists were codifiers. They were to ensure that there were no constant disputes over office in the various chiefdoms. According to Breutz, if disputes were to continue unchecked, it would disrupt the entire system.[382] Consequently, the Department of Bantu Administration and Development maintained a watchful eye over the internal affairs of the chiefdoms. Breutz noted that once disputes arose, they were referred to the ethnology section of the department.[383]

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[378] Ibid.
[379] Ibid.
[380] Ibid.
[381] Ibid.
[382] J L Comaroff, 'Chiefship in a South African Homeland' p 45.
[383] Ibid.

3.5 The Commission's deliberations, findings, conclusions and recommendations

3.5.1 Thaganyane and Motshwarakgole

The Commission reported that during the separate reigns of Thaganyane, during the reign of two Thaganyane *dikgosana* Kaine and Gabonthone, there was cooperation between the polity Ba Ga Thaganyane, *kgosi* Gaseemelwe and his successor, *kgosi* Motshwarakgole.[384] A rift occurred in 1987 between *kgosi* Motshwarakgole and headman Mothusi Thaganyane when on the eve of his appointment as headman, Thagayane refused to recognize *kgosi* Motshwarakgole as his chief.[385] This rift was linked to the politics in Bophuthatswana since it was more about the occupation or ownership of land and authority over the polity.

According to the chief ethnologist, Selebogo, the position of Thaganyane within the lineage was that of a hereditary head of a royal lineage.[386] He was headman of the component clans of the polity at Klein Chwaing from 1880–1906 and this was transmitted from generation to generation. Thus, the ethnological report submitted that Thaganyane would have violated the rule of primogeniture by subjecting himself and his polity to the rule of Batlhaping Boo Phuduhudu (Motshwarakgole). He was independent of every other chief and subject to no other superior authority of a tribal authority, except the South African government.[387] However, Breutz´s description of hereditary head is different from what the archival material is telling us. He described hereditary head as the first independent head of a polity.[388] That description implied that Thaganyane was not affiliated to any other chief or headman and was completely self-governing in his own tribal authority.[389] Even though their description of what Thaganyane was differed, their implications were common – Thaganyane´s independence from any other chief or headman. This tells us something about the politics of the Commission and its evidence.

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[384] NWPA, DCATA, Recognition of the Batlhaping Boo Phuduhucwana Ba Ga Thaganyane Polity and Designation of Kgosana, 6/4/2/ (75) 1988-10-07, p 1.
[385] Ibid.
[386] NWPA, DCATA, Republic of Bophuthatswana, The Secretary Department of the President Mmabatho, Headmanship of Batlhaping Boo Phuduhutswana Ba Ga Thaganyane: Cassel: District: Kudumane, Annexure 2, 6/1/2 (75), p 5, undated.
[387] Ibid.
[388] Ibid.
[389] Ibid.

The Commission was silent on their consultation process with the affected communities except, in the introduction of their report. The introduction states that they "met with the people concerned on 25 and 26 August 1988".[390] This creates the impression that *kgosi* Motshwarakgole and Thaganyane were the only parties the Commission had met with/consulted since they were the arguing parties. The silence on a wider consultation process was probably because of the Commission's extensive reliance on state appointed ethnologists. This puts the Commission's work and its conclusions and recommendations on shaky ground.

3.5 Thaganyane and Mahura

Even though it may appear that Thaganyane would have had to subject to a chief at some point or another, it appears the Commission obscured any possibility of that eventuality. For example, the Commission reported that because in terms of the Bantu Authorities Act of 1951, the tribal authorities of Thakwaneng and Klein Chwaing where Mahura and Thaganyane resided respectively were amalgamated into the Batlhaping Tribal Authority of Thakwaneng and Klein Chwaing under the chairmanship of headman Mahura,[391] a headman of the Batlhaping Ba Phuduhucwana Ba Ga Mahura in the district of Kudumane, Deerward farm.[392]

The merger into one tribal authority meant that Thaganyane was under Mahura's rule based on seniority. However, the Commission maintained that despite the merger, Thaganyane was not subordinate to Mahura. He remained independent because according to the Commission, the merger was for the purposes of the establishment of the Batlhaping Tribal Authority of Thakwaneng and Klein Chwaing in terms of the Bantu Authorities Act of 1957.[393] The merger was not meant to benefit Mahura and to interfere with the headmanship of Thaganyane because Thaganyane had been independent by

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[390] NWPA, DCATA, Recognition of the Batlhaping Boo Phuduhucwana Ba Ga Thaganyane Polity and Designation of Kgosana, 6/4/2/ (75) 1988-10-07.
[391] Ibid.
[392] NWPA, DCATA, Memorandum to the President, Elevation of Status: Batlhaping Ba Phuduhutswana Ba Ga Mahura Tribe [Polity], Annexure to the Commission's Report, File 6, 6/4/2 (78).
[393] NWPA, DCATA, Recognition of the Batlhaping Boo Phuduhucwana Ba Ga Thaganyane Polity and Designation of Kgosana, 6/4/2/ (75) 1988-10-07.

about 1880.[394] The independence and the name Thaganyane had been passed on from that generation to generation.

Consciously or not, the Commission turned a blind eye to the subordination of Thaganyane to Mahura when Thakawaneng and Klein Chwaing merged under headman Mahura. Since Mahura was senior in rank, Thaganyane was supposed to be subordinate to him. Instead, the Commission emphasized that "Thaganyane retained his independent status and by no means, did he become subordinate to Mahura".[395] The argument of the Commission was that since the merger was not meant to benefit Mahura, Thaganyane was not subject to him. He remained an independent headman. However, in the case between *kgosi* Motshwarakgole and Thaganyane, the Commission strongly argued for the seniority of Thaganyane and his independence and disputed his subordination to *kgosi* Motshwarakgole based on seniority. Even in that case the Commission confirmed Thaganyane's independence. The merger created one overarching political structure but according to the commission's argument, it was for the purposes of the Bantu Authorities Act, 1957.[396]

3.5.2 The invention of Oomang Gaseemelwe

The Commission reported that Molehe, an ancestor of both Gaseemelwe and *kgosi* Motshwarakgole, and his descendants were not recognized as rulers until 1933 when Oomang Gaseemelwe of the chiefly family of *kgosi* Motshwarakgole was appointed headman.[397] The Commission argued that the polity was there but that the leaders were not recognized as rulers by the government. As a result, they did not have a headman until Gaseemelwe was appointed as such in 1933.[398] This was total shift away from the traditional way of appointing headmen. Traditionally, a headman is appointed and installed by the chief. Oomang Gaseemelwe's appointment made him accountable to the government, but he lost legitimacy because he was not appointed in the traditional manner.[399] It was therefore an invention. It should be noted that most, if not all royal

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[394] NWPA, DCATA, Recognition and Appointment Chiefs and Headmen Ba Bothitong, Commission of Inquiry.
[395] Ibid.
[396] Ibid.
[397] Ibid.
[398] Ibid.
[399] Ibid.

names are carried over to next generations. The Gaseemelwe referred to below is of a later generation.

The later Gaseemelwe was a member of the Bophuthatswana parliament during 1982, after Tlhoale's resignation.[400] Tlhoale was a resident of Cassel and had been a civil servant and a member of parliament in the Bophuthatswana government. He was forced to resign from parliament and aligned with Thaganyane thereafter. Early on, there was a misunderstanding between Tlhoale and Gaseemelwe, which led to enmity. Tlhoale became one of the main instigators of Thaganyane's claim to independence,[401] significant information the Commission chose to ignore. If this information had been found to be true or if the Commission had not ignored it, the Commission would not have been established because this would have meant that Thaganyane was not genuine in his claim. He would have been seen to be appeasing Tlohale, whose objective was to create a rift between Thaganyane and Gaseemelwe.

The Commission chose to ignore the reason behind Thaganyane's claim to independence. In its report to President Mangope, the Commission observed that a former civil servant and a former member of parliament in the Bophuthatswana government, Mr Tlhoale, was popular with the people of Cassel. Due to his popularity, he participated in the discussions about the succession of Thaganyane and the people regarded him as their spokesperson.[402]

It is not clear from the Commission's report why Tlhoale was forced to resign from parliament. However, the indications are that he was not happy to leave parliament. The enmity between him and Gaseemelwe emanated from his forced resignation. The suspicions were that Gaseemelwe may have had a hand in his forced resignation because after he had left parliament, Gaseemelwe was appointed as a member of parliament.[403] However, the report does not mention whether he was replaced by Gaseemelwe or not. He aligned with Thaganyane because his enemy, Gaseemelwe, was of the chiefly family of *kgosi* Motshwarakgole.

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[400] Ibid.
[401] Ibid.
[402] NWPA, DCATA, Recognition and Appointment Chiefs and Headmen Ba Bothitong, Commission of Inquiry, p 8.
[403] Ibid.

3.5.3 The Commission's recommendations

The Executive Council approved all the conclusions of the Commission and added a blanket approach recommendation regarding other polities' headmen. For example, they recommended that other headmen such as headman Mahura of Deerward and Montsho and Motseki be designated as independent polities.[404] They also recommended that the area of jurisdiction of the Batlhaping Ba Ga Thaganyane, the Bothithong Tribal Authority, be redefined and amended accordingly.[405] This may have been done to quell potential resistance and protest from headmen. These headmen may have felt hard done and may have pushed back through their communities or organized their communities for push-back since headmen were strategically placed. Headmen were a point of entry into the communities. They were the foot soldiers, on the ground with the communities. Most tribal duties, such as presiding over disputes, were performed by headmen. Thus, state representatives often feared them more than the chiefs.

3.5.4 The Commission's conclusions

The Commission concluded that Thaganyane and his followers had been an independent *bogosana*[406] since 1880.[407] Due to this long-standing independence, they never subjected themselves to the rule of any *kgosi*. They never intended to become the subjects of *kgosi* Motshwarakgole after their resettlement to Cassel and Shippards Farm, and they had good cause to claim recognition as an independent tribe.[408] The Commission therefore recognized Thaganyane and his followers an independent polity under the name Batlhaping Ba Ga Thaganyane of the Batlhaping Ba Ga Thaganyane Tribal Authority.[409] However, the Commission did not verify whether the Tribal Authority was in terms of the Bantu Authorities Act.

Based on his seniority to *kgosi* Motshwarakgole and in terms of Tswana laws and customs, it was concluded that Thaganyane should be designated chief and not

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[404] Ibid.
[405] Ibid.
[406] Headmanship.
[407] NWPA, DCATA, Recognition and Appointment Chiefs and Headmen Ba Bothitong, Commission of Inquiry, p 13.
[408] Ibid.
[409] Ibid.

independent headman. The Commission suggested that Thaganyane be regarded as senior to Motshwarakgole and that he could therefore not accept Motshwarakgole's rule over him. It was further concluded that after the chieftainship had been created, the report of the Commission must be referred to the Executive Council for recommendation in terms of the Bophuthatswana Constitution Act.[410] The recommendation of the Executive Council and the decision of the President would be announced at a public meeting of the polity at Cassel.

The Commission then turned its focus to the constitution of the Batlhaping Ba Ga Thaganyane and Mothusi Thaganyane. It concluded that the departmental ethnologists should be instructed to investigate the constitution of the Batlhaping Ba Ga Thaganyane Tribal Authority and ensure that it is properly constituted.[411] The Commission advised government to issue a warning to Mothusi Thaganyane about his behaviour as a leader, that if he does not perform his duties within the framework of the law, immediate and appropriate action would be taken against him.[412] The warning may have been issued for fear that (i) Thaganyane may renege on agreements such as the people's resettlement and the transfer and registration of the farms in the name of the President in trust for the polity based on the Constitution of the Batlhaping Ba Ga Thaganyane Tribal Authority which we are not privy to; (ii) He may influence the community to protest the agreements, in particular the above which seems to be of significance; and (iii) He may be influenced against the regime by external forces such as for example Tlhoale.

3.6 Conclusion

The purpose of this chapter was to show how the Commission revealed Bophuthatswana's "idealized" view of chieftaincy as all powerful while at the same time laying out multiple pieces of evidence that suggested a grappling with the historical and local conditions on the ground.

The chapter discussed how the Commission unbundled the ancestry of the Batlhaping by referring to a skeletal genealogy based on the rules of primogeniture. The purpose of this

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[410] NWPA, DCATA, Commission of Inquiry: Recognition of the Batlhaping Boo Phuduhucwana Ba Ga Thaganyane as an Independent Tribe [Polity], 6/4/2 (75).
[411] Ibid.
[412] NWPA, DCATA, Recognition and Appointment Chiefs and Headmen Ba Bothitong, Commission of Inquiry, p 15.

reference has been to show the relationship between *kgosi* Motshwarakgole and his people and Thaganyane, as understood by the Commission. Subsequently, the chapter pointed out the contesting parties and what the contestation was about.

CHAPTER 4 LAND

4.1 Introduction

One of the general characteristics of African land tenure in the precolonial era was that land was held variously by "chiefdoms, villagers, lineages or other social groupings".[413] Chieftaincy was recently resurrected "across sub-Saharan Africa as both a political and an economic actor, strengthening its role in local rural government and in land administration through the influence of international donors and partly in response to domestic pressure".[414]

In South Africa, the Tribal Authorities in the rural African reserves were a creation of the Bantu Authorities Act of 1951. The premise of the Act was that each polity in the rural African reserves should be given their own separate channels of expression and to some extent a measure of political recognition. It provided for the establishment of authorities for the main tribal reserves. The government through this Act gave itself extensive powers to declare chiefs, councillors and headmen regardless of whether they were legitimate.[415]

This chapter examines how the Commission viewed land: it argues that the Commission saw the land on which the Batlhaping had been resettled as owned by the chief. Therefore, the chieftaincy dispute that the Commission was established to investigate, was seen as intricately connected to the question of land and property. Ntsebeza explains that land in the rural areas of the former Bantustans was categorized as unsurveyed, unregistered state land and "trust land".[416] "Trust Land" was land that was held "in trust" for a group of Africans by the state. The category was initially established by the Native Trust and Land Act of 1936. These categories of land emerge in the deliberations and conclusions of the Commission. Davies posits that it was with the Natives Land Act of

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[413] B Cousins, ´More Than Socially Embedded: The Distinctive Character of ´Communal Tenure´ Regimes in South Africa and its Implications for Land Policy´, *Journal of Agrarian Change*, 7(3), July 2007, pp 281-315.

[414] G Capps, ´Tribal-Landed Property: The Value of the Chieftaincy in Contemporary Africa´, *Journal of Agrarian Change*, 16(3), July 2016, pp 452-477.

[415] S Dubow, Apartheid, 1948-1994,. p 64.

[416] L Ntsebeza, Land Tenure Reform in South Africa: An example from the eastern Cape Province, Land Tenure Reform in South Africa: An example from the eastern Cape Province. Paper presented at the DFID workshop on Land Rights and Sustainable Development in sub-Saharan Africa at Sunningdale Park Conference Centre, Berkshire, UK, February 1999, p 4.

1913 that the racial division of land was given the force of law. It allocated seven percent of the land to the black population. This would later be extended to 13 percent by the Native Land and Trust Act of 1936.[417]

The overarching argument of this chapter is that the Commission envisioned land in the Bantustans as a form of private property, owned by the chief. As such, the chief had the power to parcel it out to his subjects. This also shows us how the Commission or the Bophuthatswana government tried to buy off political leaders by "giving" them land, assuming that a chief or political leader could be treated as the owner of the land. This is evidence that Commission viewed land as a form of private property, effectively owned by the chief.

To explore how and why the Commission viewed land in this way, I discuss the development of racialized forms of property ownership in the late 19th to mid-20th century. This includes the following: The history of dispossession and what kinds of property rural Africans could lay claim to, including in native locations. The chapter also focuses on the chiefs to see why they were made, *de facto*, the private owners of "communal" or "tribal land".

Lastly, the chapter explores the issue of land in Bophuthatswana. It also looks at the story of two farms, Cassel and Shippard's Gift - that is, how it is that these two farms became the territory on which the Batlhaping were resettled and how the Commission linked Cassel and Shippard´s Gift to the chieftaincy. Because these farms were used to buy off political leaders, the chapter argues that the commission's understanding of the relationship between land and the chieftaincy was based on far more static understandings of African property than its more dynamic understanding of African political structures.

[417] W Davies, We Cry for Our Land: Farm Workers in South Africa, (Oxford, Oxfam, 1990). p 3.

4.2 The development of racialized forms of property ownership in the late 19th to mid-20th century

The dispossession of rural blacks from their land in South Africa, according to Davies, stretches a far back as the mid-17th century. The first to be dispossessed were pastoralists and farming communities. They were dispossessed by consecutive invasions of white (British and Dutch) settlers from the mid-17th century onwards.[418] In our area of study, that of Sotho-Tswana, first land dispossessions were in the 19th century. For example, in the Transvaal the Bafokeng were dispossessed of all their land in the first half of the 19th century. This land extended to the Selons river in the west, the Sterkstroom in the east, the Magaliesberg in the south and up to the Elands River in the north.[419]

The settlers subsequently needed labour to work the land they had possessed. The dispossessed black rural farmers, pastoralists and blacks in general were not prepared to give up their own independent production.[420] White farmers had to find a way to get labour, and their immediate solution was unfree labour in the Cape Colony and the rest of the Boer Republics - that is, they resorted to the use of force and violent means. Ross argues that the forcible dispossession of African land was a necessary condition for the establishment of colonial agriculture. The European conquest of the Cape Colony and the rest of South Africa was therefore a violent process.[421]

In Saulspoort in the western Transvaal where most of the Kgafela-Kgatla lived during the 1860s, chief Kgamanyane was humiliated when Commandant Paul Kruger flogged him publicly for refusing to instruct his men to provide unfree labour, to the Boers in early 1870.[422] Consequently, Kgamanyane and half of his people migrated to present-day Botswana. Mbenga argues that though unfree labour was a significant factor in the departure of Kgamanyane, the flogging of the chief hastened the migration.[423] Despite

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[418] Ibid.

[419] J S Bergh, "Bergh JS, "We must not forget where we come from": The Bafokeng and their Land in the 19th century Transvaal, *History in Africa*, 32, 2005, p 99.
[420] R Ross 'Ross R 'Origins of Capitalist Agriculture in the Cape Colony: A Survey.' In Beinart, W., Delius, P and Trapido, S. *Putting a Plough to the Ground, 1850 – 1930.* (Ravan Press, 1986) pp 72 -73.
[421] Ibid.
[422] B Mbenga 'Forced Labour in the Pilanesburg: The Flogging of Chief Kgamanyane by Commandant Paul Kruger, Saulspoort April 1870', *Journal of Southern African Studies*, 23(1) Mar. 1997, pp 127-128.
[423] Ibid.

fierce resistance against the advancement of the settlers, they occupied most of the land. They subtly forced their way with the use of fraudulent treaties and agreements of sale that were mostly in their favour, and they had a superior armed force. [424] Brass says unfree labour was when a worker is unable personally to sell his or her own labour-power, unlike free labour where a worker can enter or withdraw from the labour market at will.[425]

Krikler argues that in the early twentieth century the state waged a class struggle between landlords and the peasants. The state on its part acted as a super-landlord by intervening in the countryside after the South African War of 1899-1902, campaigning in support of the rights of private property owners. It was a campaign in favour of landlords. This was the ZAR state offensive to which the Squatters' Law was central.[426] The Boer state found it difficult to create new laws that will compel black farmers and the African populations in general to provide unfree labour. Their efforts were frustrated by a signed convention with the British that reiterated the abolishment of slavery. To ensure the continued supply of labour, the 1887 Squatter Law was introduced.[427] The law was aimed at encouraging unfree labour for the African population. I will briefly explain the Glen Grey Act, which is one of the first to introduce ´private ownership´ in the Cape, before I discuss the Land Acts and the effects on Blacks.

There were two attempts in the 1890s at dealing with the issues of land and labour in the Cape Colony: the Cape Labour Commission´s report and the Glen Grey Act.[428] The Glen Grey Act was adopted by the Cape parliament on 31 August 1894[429], Act No. 25 of 1894.[430] It is considered a pathfinder for the Land Act of 1913 by some authors.[431] The main provisions of the Act were for the survey into individual allotments of tribally held

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[424] W Davies, We Cry for Our Land: Farm Workers in South Africa, p 1.
[425] T Brass, ´Some Observations on Unfree Labour, Capitalist Restructuring, and Deproliterianization´, *International Review of Social History*, 39, 1994, pp 255-275.
[426] J Krikler, *Revolution from Above*, *Rebellion from Below*: *The Agrarian Transvaal at the Turn of the Century* (Oxford, Oxford University Press, 1993). p 178.
[427] S Trapido, 'Landlord and Tenant in a Colonial Economy', *Journal of Southern African Studies*, 5(1) Oct. 1978, pp 26-58.
[428] P Denis, ´Abbot Pfanner, the Glen Grey Act and the Native Question´ *South African Historical Journal,* 67(3) 2015, pp 271-292.
[429] Ibid.
[430] R T Ally, The Development of the System of Individual Tenure for Africans with Special Reference to the Glen Grey Act, 1894-1922, MA Rhodes University, 1985.
[431] C Bundy, *The Rise and Fall of the South African Peasantry* (University of California Press, 1979). pp 33-36.

land and for a system of local self-government.[432] It also addressed itself to the transformation of the bed-rock of tribal society - the communal system of land holding.[433] The thinking was that transformation would affect the operations of other traditional structures of African society. Since the authority of the chiefs rested largely on the control that they exercised on the land, chieftaincy would be particularly hard-hit.[434] It meant the new form tenure required a new political structure. The Glen Grey Act provided the political structure in the form of the council system.[435]

The Squatters' Law ordered that no more than five black families were allowed to live together on private properties unless permission was granted by the government. If it happened that they did, they had to be tenants or servants under white masters.[436] Phillips points out that those African communities who were not granted a designated location after the demarcation by the local commission, had to align themselves with a "tribe" that was recognized by the state and had to provide labour to white farmers or enter into tenancy agreements with white landlords.[437] Landlords had rights to families rather than to individual workers. If a landowner owned more than one farm, he was permitted to transfer families under his control to another farm to enlarge or increase tenants. In addition to giving a better distribution of labour to landowners, the decree was aimed at ending favourable access to land enjoyed by thousands of peasants on land previously regarded as private property.[438]

The Natives Land Act was passed in the Union parliament three years after the formation of the Union of South Africa Act 27 of 1913. According to Feinberg, it was one of the most important segregation laws of the century.[439] Phillips argues that the Act was of great disadvantage to the Africans, which made up much of the population of the country,

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[432] R T Ally, The Development of the System of Individual Tenure, p v.
[433] Ibid.
[434] Ibid.
[435] Ibid.
[436] J Krikler, Revolution from Above, Rebellion from Below: The Agrarian Transvaal at the Turn of the Century, pp 178-179.
[437] LH Phillips, ´Below the Land Deals: The Making of Mineral Property in Ga-Mphahlele, South Africa, 1880-1994´ *The Journal of African History*, 63(1), 2022, pp 4-18.
[438] Ibid.
[439] H M Feinberg, 'The 1913 Natives Land Act in South Africa: Politics, Race and Segregation in the Early 20th Century', *The International Journal of African Historical Studies*, 26(1) 1993, p 65.

because the racial division of land left them with the use of only small pieces of land.[440] Africans were further driven to the periphery through the expansion and entrenchment of the system of native reserves. Native reserves were secluded, unproductive areas on the periphery that were set aside so that Africans would have access to land.

Switzer points out that native reserves was formerly introduced by the Natives Land Act of 1913 and that the Act has been regarded as the single most important piece of segregationist legislation affecting the African peasantry since the Union in 1910. Earlier efforts made by the settler colonies to prevent Africans from acquiring land and economically benefitting from it were consolidated by the Natives Land Act of 1913.[441]

Three essential features to the Natives Land Act of 1913, as pointed out by Switzer, were firstly that Africans were to have permanent access to land only in reserves set aside for them; secondly, the area under individual tenure was to be extended as far as possible to the reserves; and, thirdly, a major attempt was made to prohibit Africans who were not labour tenants from renting white-owned land.[442]

The long-term results of the Natives Land Act of 1913 were devastating. What was more devastating, according to Davies, was that "over a million black tenants were forced to leave their homes and tramp the dusty roads with their dying stock in a desperate search for white farmers who might be prepared to break the law and take them on as rent tenants or sharecroppers".[443]

According to Feinberg, the Act attacked a key aspect of the African way of life, namely land. It allowed ownership rights in only seven percent of cases, with an insignificant increase to 13 percent later. The long-term results were therefore worse than anyone had anticipated.[444]

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[440] L Phillips, 'History of South Africa's Bantustans', np (https://doi.org/10.1093/acrefore/9780190277734.013.80).
[441] L Switzer, Power and Resistance in an African Society: The Ciskei Xhosa and the Making of South Africa, (University of Wisconsin Press, 1994) pp 194-195.
[442] Ibid.
[443] W Davies, We Cry for Our Land:, p 3.
[444] H M Feinberg, 'The 1913 Natives Land Act in South Africa: Politics, Race and Segregation in the Early 20th Century', p 70.

In the final analysis, the effects of land dispossession and forced removals may be summarized as follows in Lahiff's words: "Dispossession and forced removal of African people under colonialism and apartheid resulted not only in the separation of people along racial lines, but also extreme land shortages and insecurity of tenure for much of the black population".[445]

The above discussion clearly indicates the problems and challenges Africans faced when it came to the issue of their land. Africans were forcefully dispossessed of and removed from their land. As correctly argued by Feinberg, land is a key aspect of the African way of life.[446] It is a factor of production, a store of value and wealth, a status symbol, and a source of political and social influence.[447] Africans were forcefully stripped of their way of life. Even though Africans were in the majority, they were allocated the smallest percentage of land for use.

The importance of land in South Africa lies in the fact that land beyond record has been a major national asset and has always represented the very element of human survival – the core of life itself, providing food, shelter, energy and fuel for her inhabitants.[448] Land ownership also seems contiguous to identity. Lephakga's contention is that the identity of black people is deeply rooted in the ancestral and motherland and the dislocation of an African from their land will surely have implications for their sense of belonging.[449]

Effectively, African land in the Transvaal was expropriated by whites in the early 1880s with the establishment of a Location Commission, "ostensibly to demarcate land for ´Native Tribes´".[450] According to Lekgoathi, the establishment of a Location Commission was a formal way of expropriating land from Africans.[451] As a result, Africans could not lay claim to whatever land or property they chose because the Commission had set boundaries. The Ndebele communities were no exception from other African polities,

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[445] E Lahiff, 'Land Reform in South Africa: Is it meeting the Challenge?', *Programme for Land and Agrarian Studies*, (1) Sept. 2001, p 1.
[446] H M Feinberg, p 70.
[447] Z Skweyiya, 'Towards a Solution to the Land Question in Post-Apartheid South Africa: Problems and Models' *Columbia Human Rights Review*, 21(2), 1989, pp 211-234.
[448] Ibid.
[449] T Lephakga, 'The History of Theologised Politics of South Africa: The 1913 Land Act and its Impact on the Flight from the Black Self', *Studia Historiae Ecclesiasticae*, 29(2) Feb. 2013, p np.
[450] LH Phillips, ´Below the Land Deals.'
[451] S Lekgoathi, Ethnicity and Identity: Struggle and Contestation in the Making Northern Transvaal Ndebele, ca. 1860-2005, PhD University of Minnesota, 2006, p 69.

"they were eventually subordinated to colonial administration, systemically stripped of their primary source of livelihood-land and penned down into tiny native locations". In the Transvaal, African polities lost their land completely,[452] unlike the chiefdoms of the Kekana of Moletlane and Mokopane and those of Langa who received some land.[453] The same happened to Mphahlele´s descendants of Ga Mphahlele in today´s Limpopo province, who were recognized by the state as a polity and were deserving of land. The ZAR Location Commission allocated 30 000 acres of land to the Mphahlele Location in November 1882.[454] However, even if Africans could buy land anywhere in South Africa, their land rights could not be completely secured even with privately held property.[455] Thus they could not make claim to any piece of land or property. Nonetheless, the process of the dispossession of Africans increasingly meant that Africans were seen not as individuals, but part of a "tribe," living on land designated to the tribal leader.

4.3 The Chiefs and land ownership

The chiefs "bore the brunt of conquest in the nineteenth century and fought to defend their people, territories and way of life".[456] They continued to settle disputes and to allocate land.[457] They could grant or withdraw land rights. According to Bekker, this power to grant and withdraw land rights was the last real hold they had over most of the people. As a result, they would resist any reform of land tenure that provided for private ownership.[458] Even though the chiefs did not formally own the land, they were given so much power over the land that they acted almost as private property owners. They were made, *de facto,* the private owners of "communal" land. For example, Moguerane argues that in the northern hinterlands of the Barolong polity, the chief privately accumulated land because of inequality in landholding.[459] After Britain had annexed two domains of Botswana, Bechuanaland Protectorate and British Bechuanaland in 1885, Silas Molema, the Barolong chief, became the most powerful among the landlords in Bechuanaland, in

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[452] Ibid.
[453] Ibid.
[454] LH Phillips, ´Below the Land Deals: The Making of Mineral Property in Ga-Mphahlele, p 8.
[455] Ibid.
[456] A K Mager et al, The House of Tshatshu: Power, politics and chiefs north-west of the Great Kei River c1818-1820 (Cape Town, UCT Press, 2018) p 8.
[457] E Adriaan *et al,* ´States and Chiefs-Are Chiefs mere Puppets´, *Journal of Legal Pluralism and Unofficial Law*, 39, 1996, pp 39-78.
[458] JC Bekker, 'Tribal Government at the Crossroads' *Africa Insight*, 12(2), 1991, p128.
[459] K Moguerane, ´Black Landlords, their Tenants, and the Natives Land Act of 1913´, *Journal of Southern African Studies,* 42(2); 2016, pp 243-266.

the Barolong territory.[460] The farms that were classified as reserves in the protectorate chiefs´ territories "were distributed among chiefs, including Silas Molema, as if they were their personal property".[461]

Capps posits that the colonial state had given the chiefs the sole preserve of land because it wanted to push back against a threat that the emerging African land markets were posing "to the chieftaincy´s allocative authority".[462] By giving "communal" land rights to the chieftaincy, the colonial state intended to grant all African land solely to the chieftaincy and "to formalize the boundaries of their administrative jurisdictions", leading to an instant emergence of "an entirely new form of rentier landlordism".[463] As a result, the rise of that landlordism became a threat to the popular legitimate chieftainship and to the integrity of its administration.[464]

Historically, "communal" was not a form of quasi-privately owned land. Hay argues that land rights were less static, and that ordinary people had difficulty accessing land independently, "whether as owners or as tenants"[465] because of the Natives Land Act of 1913.[466] The Tswana of the Transvaal did not organize land tenure strictly according to custom. The chief or his headman allocated land and that land could be inherited by men.[467] Hay is specific that chiefs did not directly allocate land to polities, "chiefs allocated land to subordinate leaders and ward heads, who in turn allocated land to household heads".[468] "Household heads" in this instance meant men, and it therefore relates to Breutz's argument above that lands were inherited by men. Once "land had been granted to a household, chiefs had very limited say over it".[469]

However, in cases where there were no children at the time of a man's death, widows were allowed to inherit their husband's lands until they remarry. Close relatives of the

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[460] Ibid.
[461] Ibid.
[462] G Capps, ´Tribal-Landed Property: The Value of the Chieftaincy in Contemporary Africa´, p 455.
[463] Ibid.
[464] Ibid.
[465] Ibid.
[466] M Hay, ´A Tangled Past: Land Resettlement, Removals and Restitution in Letaba District, 1900-2013´, *Journal of Southern African Studies*, 40(4), 2014, pp 754-760.
[467] PL Breutz, *The Tribes of Vryburg District*, (Pretoria, The Government Printer, 1959) pp 39-40.
[468] M Hay, ´A Tangled Past: Land Resettlement, Removals and Restitution in Letaba District, 1900-2013´, pp 754-760.
[469] Ibid.

deceased husband were also allowed to inherit land with the approval of the chief.[470] Even though the chiefs did not own the land, they had power over it. “Land is allocated to the clans for further distribution”.[471] Regardless of the powers the chiefs had over land as depicted by Breutz, Beinart *et al* argue that together with their councils, the role of chiefs in the allocation of land was largely administrative and that they did not own land.[472]

The land belonged to the polity and to each family. For example, regarding the land tenure of the Batlhaping of Dithakong, “lands which their ancestors have dug and sown, became the property of the family, and all of them know well what ground in this way belongs to each family”.[473] However, the chiefs gave permission for land uses such as ploughing, harvesting and for grazing on the harvested lands.[474] All this is evidence that Commission viewed land as a form of private property, effectively owned by the chief.

4.4 Land in Bophuthatswana

The intensity and pressure associated with land and its control was heightened by the politics of land in Bophuthatswana. In his opening address of the Congress of the International Centre of Medicine and Law on Human Rights in August 1987, which coincided with the tenth anniversary of Bophuthatswana’s “independence”, Mangope alluded to the fact that when they accepted “independence” from South Africa in 1977, they seized an opportunity to take back what they had always considered to be theirs: their land and freedom.[475] In the order of what belongs to them, he prioritized land. This signals that land was important to Mangope as an individual and as a leader representing wider collective priorities.

In this instance Mangope’s land consolidation demands were that the South African government should hand over towns such as Brits, Warmbaths, Lightenburg and Vryburg as well as a dozen or more of “white” towns to Bophuthatswana.[476] He was eyeing more

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[470] PL Breutz, The Tribes of Vryburg District, pp 39-40.
[471] Ibid.
[472] W Beinart et al, Rights to Land: A Guide to Tenure Upgrading and Restitution in South Africa, (Jacana 2017) p 97.
[473] PL Breutz, The Tribes of Vryburg District, p 40.
[474] Ibid.
[475] LM Mangope, ‘Address by His Excellency the State President of Bophuthatswana, Southern Africa, at the opening of the Congress of International Centre of Medicine and Law on Human Rights’, *Medicine and Law*, 7, Aug. 1987, pp 399-402.
[476] ‘Joining the queue?’ *Financial Mail,* 1 November 1975.

than the 13 percent of South Africa that was allocated to black people. It would have doubled the size of Bophuthatswana.[477] BJ Vorster, who was the Prime Minister of the Republic of South Africa, rejected the land demands of the Bantustans, claiming that he was bound by the Native Land Act of 1936.[478] In the end Mangope somersaulted on his long-held view that he would not accept "independence" unless his land demands were met by the white-minority state.

He ultimately accepted "independence" even though his land demands were not met by Prime Minister BJ Vorster. By accepting "independence" Mangope accepted separate development on Vorster's terms, and it was a victory for Vorster. Nevertheless, his strife with the white minority state for territorial consolidation continued. In his speech at the opening of the fifth session of the first National Assembly of the Republic of Bophuthatswana on 27 April 1982, he reported that negotiations with the white minority state were continuing unabated to allow the sensitive issue of land to be settled mutually to the satisfaction of Bophuthatswana.[479]

It was not only Mangope who expressed himself strongly on the issue of land but all Bantustan leaders. Some Bantustan leaders such as K D Matanzima did not seem to care whether Africans occupied only 13 percent of the worst land in the country. "Land is the issue on which Bantustan leaders have expressed themselves most strongly. They all demanded more land and consolidation of their scattered territories".[480] Even though Vorster had promised them maximum consolidation, it was quite impossible due to the unavailability of land.[481]

4.5 The Batlhaping and the land

Between 1720 and 1730, the Batlhaping separated from the Barolong in Taung and settled in Dithakong before 1800. After 1830, they occupied Dithakwaneng and Klein

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[477] Ibid.
[478] Ibid.
[479] Mangope on progress in Bophuthatswana. Extracts from a speech by President Lucas Mangope on the opening of the fifth session of the first National Assembly of the Republic of Bophuthatswana, on 27 April 1982 at Mmabatho.
[480] M Lipton, 'Independent Bantustans?', *The Royal Institute of International Affairs*, 48 (1), Jan 1972, pp 1-19.
[481] Ibid.

Chwaing.[482] The district of Taung was the old centre of the Batlhaping.[483] Sub-polities occupied areas such as Thakwaneng and Klein Chwaing, Bothithong, and Dithakong.

As early as the 1880s, with the establishment of a Local Commission by the Zuid-Afrikaansche Republiek (ZAR), land was demarcated for "Native Tribes," a process that led to the formalization of the "expropriation of African land in the Transvaal".[484] Native land was "created to decentralise, further segregate, and ethnicise the governance of black South Africans".[485]

According to Selebogo "Dithakwaneng, Dithakong, Gamorona and Klein Chwaing were "native reserves"[486] and as stated by Van Warmelo, they were owned by Africans. By implication "these tracts of lands in the district of Vryburg have been reserved for the occupation of Batlhaping Boo Phuduhutswana Ba Ga Mahura, Batlhaping Boo Phuduhutswana Ba Ga Gaseemelwe and Batlhaping Boo Phuduhutswa Ba Ga Thaganyane respectively".[487] They were not reserved for the chiefs but for the polity under the administration of their respective tribal authorities.

According to the findings of the Commission that was established in 1988 by the Bophuthatswana government, the last leader to rule over all the Batlhaping tribes of the Kudumane, Vryburg, Taung and Herbert districts was Kgosi Mothibi between 1820 and 1830.[488] "His land was too large and widespread, and he therefore divided it amongst his sons and his brothers".[489] He gave his son Jantjie areas in Kudumane and Taung. His brothers Mahura and Molale, were allocated the fourth section of the Batlhaping at Dithakwaneng and an area in Taung respectively around 1830. His other brother Saku from the fourth house of his father was given the Klein Chwaing reserve to rule. This polity

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[482] PL Breutz, The Tribes of Vryburg District, p 19.
[483] Ibid.
[484] LH Phillips, ´Below the Land Deals.'
[485] Ibid.
[486] "Native land" was a term designating land to decentralize, further segregate, and ethnicize the governance of black South Africans.
[487] NWPA, DCATA, Republic of Bophuthatswana, The Secretary Department of the President Mmabatho, Headmanship of Batlhaping Boo Phuduhutswana Ba Ga Thaganyane: Cassel: District: Kudumane, Annexure 2, 6/1/2 (75), p 8.
[488] PL Breutz, The Tribes of Vryburg District, p 22.
[489] NWPA, DCATA, Recognition and Appointment Chiefs and Headmen Ba Bothitong, Commission of Inquiry: Recognition of the Batlhaping Boo Phuduhucwana Ba Ga Thaganyane Polity and Designation of Kgosana, 6/4/2 (75) vol. 2, 07-10-1988, p 1.

was removed from Klein Chwaing and resettled on the farms Cassel and Sheppards Gift in 1966.[490]

A report on the headmanship of the Batlhaping Boo Phuduhutswana Ba Ga Thaganyane by the chief ethnologist, IM Selebogo, indicate that Dithakwaneng, Dithakong, Gamorona and Klein Chwaing were native reserves.[491] These areas were native-owned land and by implication those tracts of land in the district of Vryburg were deemed to have been reserved for the occupation of Batlhaping Boo Phuduhutswana Ba Ga Mahura and Batlhaping Boo Phuduhutswana Ba Ga Thaganyane respectively.[492]

In terms of Section 3 of the Bantu Trust and Land Act 18 of 1936, Kubuge, Kiang, Cassel, Glen Red, Shippard's Gift, Nertherway, Poval, Lotpapa and Tlabeng were released areas[493], declared scheduled areas reserved for the occupation of Barolong Boo Mariba Ba Ga Letlhogile. They were incorporated in the Ganyesa Native Reserve under the jurisdiction of Chief Letlhogile.[494]

With the establishment of the Bantu Tribal Authorities, all these areas were incorporated under the Motitong Tribal Authority in terms of Government Notice No 579 of 26 April 1957. The name was meant to be neutral to indicate that it was not centralized around power and authority so that incorporated tribal authorities could acknowledge one centralized authority.[495] It seems that the Commission thought that there may be a power and land struggle among the polities after the incorporation referred to above.

Consequently, the Commission held that the bond of union between the component lineage and clans of Batlhaping Boo Phuduhutswana Ba Ga Thaganyane should be based on their kinship system. That is, they should unite because of their kinship, not because they share the same land such as that of Motitong Tribal Authority under which

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[490] Ibid.
[491] NWPA, DCATA, Republic of Bophuthatswana, The Secretary Department of the President Mmabatho, Headmanship of Batlhaping Boo Phuduhutswana Ba Ga Thaganyane: Cassel: District: Kudumane, Distribution of Tribes in District Vryburg, Annexure C, 6/1/2 (75) undated.
[492] Ibid.
[493] Declared scheduled areas that were deemed to have been reserved for the so-called natives.
[494] NWPA, DCATA, Republic of Bophuthatswana, The Secretary Department of the President Mmabatho, Headmanship of Batlhaping Boo Phuduhutswana Ba Ga Thaganyane: Cassel: District: Kudumane, Annexure 2, 6/1/2 (75) undated, p 8.
[495] Ibid.

they were brought in terms of Government Notice No 579 of 26 April 1957 as alluded to above.

Since Cassel was expropriated from the Barolong Boo Mariba Tribal Authority by the South African government and incorporated into the Bothitong Tribal Authority, it should be expropriated from Bothitong Tribal Authority and be incorporated into the Batlhaping Boo Phuduhutswana Ba Ga Thaganyane Tribal Authority.[496]

4.6 The farms Cassel and Shippard's Gift

According to the ethnological report by Selebogo, the farm Cassel was state-owned land.[497] It was a government breeding scheme from 1936 to 1966. It was reserved specifically for the purpose of breeding government pedigree bulls. The pedigree bulls were distributed from Cassel to all native reserves in the Vryburg District.[498] Agricultural extension officers and labourers were the only people who were living at Cassel. Between 1936 and 1966, Cassel was used for the purposes for which it was reserved.[499] That changed when the Batlhaping Boo Phuduhutswana Ba Ga Thaganyane were resettled there.

The resettlement changed the purpose of Cassel from a breeding scheme to a human settlement with subsistence farming. In the preceding chapters I discussed how impractical it was for the Takwaneng or Dithakwaneng and Klein Chwaing Tribal Authority to function as one tribal authority as prescribed by Government Notice No. 579 of 26 April 1957.

As a result, the Batlhaping Boo Phuduhutswana Ba Ga Thaganyane were resettled from Klein Chwaing to Cassel. Cassel was expropriated from the Bothitong Tribal Authority, which was under *kgosi* Motshwarakgole, and incorporated into the Batlhaping Boo Phuduhutswana Ba Ga Thaganyane Tribal Authority.[500] Expropriation was a strategic move on the part of the Commission to ensure that Thaganyane was independent from *kgosii* Motshwaragole and the Bothitong Tribal Authority. The Commission argued that

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[496] Ibid.
[497] Ibid.
[498] Ibid.
[499] Ibid.
[500] Ibid

placing the Batlhaping Boo Phuduhutswana Ba Ga Thaganyane under the jurisdiction of the Bothitong Tribal Authority, subject to the rule of another headman (Motshwarakgole) who is not of royal descent, would disrupt and disintegrate their tribal unity and identity.[501]

This was concluded even though according to the findings of the Commission, the land belonged to the state. It was given to Thaganyane as compensation. The Bantu Authorities Act of 1951 gave chiefs powers over the administration of communal land while ownership remained with the state.[502] This is what the Commission believed, because of their perception of land as a form of private property. The process of allocating the two farms speedily was to satisfy the authorities' desire to have the farms registered in the name of the Mangope government in trust.

There had almost been an agreement between *kgosi* Motshwarakgole and the government when the government suggested that it would allocate state land to him if he would grant Thaganyane independence from his rule. This shows how the Commission, or the Bophuthatswana government tried to buy off political leaders by "giving" them land, assuming that a chief or political leader could be treated as the owner of the land. They viewed land as a form of private property owned by a chief, who would then allow his subjects to live on the land. However, the suggestion was not accepted because *kgosi* Motshwarakgole believed Thaganyane must be deposed as headman so that he could rule those people as *kgosi.* In addition, there was no vacant state land available in the district of Kudumane for allocation to *kgosi* Motshwarakgole. The Commission was satisfied that the two farms cannot be claimed by him because they have never been used by his polity. In any event, they were given to Thaganyane as compensatory land. Again, this proves my point about the Commission´s view of the chief as a private landowner. The Commission argued that the fact that the farms formed part of the tribal authority of which *kgosi* Motshwarakgole was the chairman, cannot be decisive.[503]

The Commission concluded that the farms Cassel and Shippard's Gifts belong to Thaganyane and his polity and should be registered in the polity's name. The basis of

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[501] Ibid.
[502] M Hay, ´A Tangled Past,' pp 754-760.
[503] NWPA, DCATA, Commission of Inquiry: Recognition of the Batlhaping Boo Phuduhucwana as an Independent Polity: Kudumane District: Memorandum to the Executive Council, 6/4/2/ (75), p 2.

this decision may have been political because the objective was to increase Mangope's power over the area and the people.

Kgosi Motshwarakgole had no legal claim to the two farms. The Commission reached that conclusion although Kgosi Motshwarakgole presided over the Bothitong Tribal Authoriy under whose jurisdiction Cassel farm fell. But in addition, the two farms were given as compensation for their land that was expropriated by the South African government.

4.7 Memorandum to the Executive Council

In their Memorandum of 12 October 1988 to the president for approval, the Commission stated that the farms Cassel 511 IM and Shippard's Gift 512 IM were given as compensation to this polity when their land at Klein Chwaing was expropriated by the South African government, probably to incorporate it into one tribal authority, the Takwaneng and Klein Chwaing Tribal Authority. As a result of some administrative omissions, land had not been transferred in title to the polity, instead it had been transferred from the central South African state to the government of Bophuthatswana. As a result, this memorandum requested the approval of the Executive Council for the transfer of the two farms (Cassel and Shippard's Gift) to the president in trust for polity concerned.[504]

In its meeting held on the 14 August 1989, the Executive Council resolved that the farms Cassel 511 IM and Shippard's Gift 512 IM be transferred to the president in trust for the polity concerned.[505]

This memorandum was an internal communication meant for the president and the Executive Council. It was a confidential communication to a few politicians. Its significance lies in the fact that it tells us what is different from the Commission and other documents. It tells us about the approval of the transfer of the Batlhaping land (Cassel and Shippard´s Gift farms) to the president in trust for the Batlhaping. It therefore provides us with more context around the motive for what happened to the two farms, Cassel and Shippard´s Gift. With the two farms the Commission did not express its consultation

[504] Ibid.
[505] Ibid.

process except to say they tried. “From the commencement of our investigation, we have endeavoured to obtain some other corroborating evidence pertaining to the negotiations and other circumstances before, during and after the resettlement of the Batlhaping of Klein Chwaing. Our endeavours have been unsuccessful until after the report had been completed”.[506]

4.8 Conclusion

This chapter shows the role land played in the Commission. While there was far more historical awareness of the constitution of chieftaincy, the commission reflected the generally static understanding of the relationship between chiefs and land: that land was in effect the private property of the chief. However, with reference to the rich historical record, I argued in this chapter that land was not owned by the chief as a form of private property as was envisioned by the Commission. I unpack the development of racialized forms of property ownership in the late 19th to mid-20th century and explore how and why the Commission imagined land as being owned by the chief. Contrary to what the Commission envisioned, I show that land was vested in the polity and that the dispossession of Africans stretched far back into the past.

The ZAR promulgated laws of dispossession, such as the Squatters’ Law of 1887. However, the Natives Land Act of 1913 features prominently in the chapter as a vehicle through which the racial division of land was given the force of law. It affected the African peasantry by attacking the key aspects of the African way of life. Its importance in the land discourse should not be ignored. The chapter argues that the chiefs or chieftaincies are not static. The chiefs were adaptive in their roles in the colonial and post-colonial era.

The chapter documented why and how the Batlhaping Boo Phuduhutswana Ba Ga Thaganyane were resettled. It showed how the resettlement reconfigured the original purpose of Cassel and how it affected the findings of the Commission. Consequently, privileging Thaganyane and transferring farms Cassel and Shippard’s Gift to President Mangope in trust for the Batlhaping Boo Phuduhutswana Ba Ga Thaganyane. The Commission or the Bophuthatswana government tried to buy off political leaders by

[506] NWPA, DCATA, Recognition and Appointment Chiefs and Headmen Ba Bothitong, Commission of Inquiry: Recognition of the Batlhaping Boo Phuduhucwana Ba Ga Thaganyane Polity and Designation of Kgosana, 6/4/2 (75) vol. 2, 07-10-1988, p 16.

“giving” them land, assuming that a chief or political leader could be treated as the owner of the land.

CHAPTER 5 CONCLUSION

The thesis makes an important contribution to the literature on rural governance and the Bantustans. It adds to our knowledge and understanding of how Commissions of Inquiry have been used as a political tool. Historiographically, the thesis makes an important contribution to the literature on rural governance and the Bantustans. In addition to 'filling the gap' on the Batlhaping, this thesis also shows the legal measures used for governance of rural communities, as opposed to the outright violent repression that has formed the bedrock of much scholarship on the Bantustans. By engaging with different historiographical debates, the dissertation contributes to an understanding that the Bantustans were oppressive yet their oppression was not hegemonic. They came nowhere close to fulfilling the wishes of most of the people. As a result, they were rejected and resisted.

Based on the examination of chieftaincy, the dissertation agrees that the apartheid project reshaped the nature of chieftaincy, turning chiefs into collaborators of the apartheid system. However, the dissertation argues that not all chiefs supported the apartheid system, and this is evident from the harsh punishment meted out to those who did not collaborate and their removal from their constituencies. It is the contribution of the dissertation that the support of the Bantustans and their leaders was not one-sided. The dissertation builds on the argument that even though the support for the Bantustans and their leaders was a minority, it was a significant lobbying group that contributed greatly to the apartheid machinery. In exploring this dynamic, the dissertation shows the significance of the legal mechanisms of repression and rule, not only the outright violence associated with the Bantustans, and Bophuthatswana in particular. However, the legal mechanisms did not last long since Mangope had lost the support of rural communities he had once enjoyed. His support and credibility began to erode steadily from the mid-1980s.[507]

[507] M Lawrence and A Manson, ´The Dog of the Boers´, p 448.

The thesis has identified a lacuna that existed on the scholarship on the relationship between Mangope/Bophuthatswana regime and the Batlhaping polity. That is, while there is significant scholarship on the tensions between Mangope and the Bafokeng (and to some degree on other 'dissident chieftaincies) the dynamics of the Batlhaping-Mangope relationship have not received the same attention. To try to close that gap, the thesis has attempted to explore the relationship between the Bophuthatswana state and dissident tribal authorities. And the thesis has identified and used the The Commission of Inquiry on the Recognition of the Batlhaping Boo Phuduhucwana Ba Ga Thaganyane Tribe and Designation of Kgosana (Batlhaping Commission of Inquiry) as a tool through which to investigate the Batlhaping-Mangope relationship and other commissions that were established by the Mangope regime between 1977 and 1994.

Chapter 1 has covered an analysis of the scholarly literature on Bantustan governance and commissions of inquiry. It looked at Bophuthatswana as erstwhile homeland of South Africa and the Mangope leadership, and how these concepts and debates inform the study.The Batlhaping Commission of Inquiry formed the basis of this thesis. The thesis argued that though the Commission was presented as an apolitical 'fact finding' tool, it was in fact part of a broader political project shaped both by the Mangope government's interests and the nature of on-the-ground processes.

Since the Commission was part of a broader political project as mentioned above, the thesis initiated an account of how most ethnologists who supported Afrikaner nationalism were central to the ethnology and the history of the Batlhaping; and how they were enablers of the institutionalization of the apartheid system when the apartheid government appointed them as state ethnologists, given their centrality to the history of the Batlhaping and the utilization of their writings in the Batlhaping Commission of Inquiry. The thesis showed how the works of the ethnologists were used as evidence in the Batlhaping commission of inquiry and argued that the evidentiary basis of the commission was closely interwoven with the knowledge systems underpinning apartheid. At the same time however it also showed how ethnologists' evidence was heavily shaped by their experiences on the ground and did not always reflect the exact top-down wishes of the apartheid state.

Chapter 2 set up the context for the establishment of the Batlhaping Commission of Inquiry and argued that the context in which it was established was already fraught with vested interests and pre-existing notions of how rural communities functioned.

In Chapter 3 the thesis gave an insight into Bophuthatswana´s ´idealized´ version of chieftaincy – that is, a chief is a patriarchal figure who rules over land on behalf of his subjects and that a subject owes allegiance to one ruler. It was argued in the chapter that the Commission´s version of chieftaincy was self-serving in the sense that it gave the Bophuthatswana regime a legitimizing language they needed in intervening in land control and usage. The thesis further explained in the chapter what the Commission investigated and the contestations that took place between the parties involved such as a claim to chieftaincy by Kgosiemang Mothibi, Kgosi Motshwarakgole and headman Thaganyane. However, the commission did not always accept the finding of the ethnographers and we see space for a more historically sensitive understanding of chieftaincy.

Chapter 4 showed how land played out in the Batlhaping Commission of Inquiry and the thesis argued that the Commission envisioned the land on which Batlhaping had been resettled was owned by the Chief. Thus, the chieftaincy dispute which the Commission was established to investigate was seen as intricately connected to the question of land and property. The overarching argument of this chapter is that the Commission envisioned land in the Bantustans as a form of property, owned by the Chief. This static vision of land stands in contrast to the conceptualisation of the chieftaincy.

To explore how and why the Commission imagined land in that way, the chapter discussed the development of forms of racialized forms of property in late 19th – mid 20th century. The chapter also discussed the story of two farms, Cassel and Shippard´s Gift. It zoomed into how was it that these two farms became the territory on which the Batlhaping were settled and how the Commission linked Cassel and Shippard´s Gift in relation to the chieftaincy. Lastly and importantly, the chapter showed how the Commission, or the Bophuthatswana regime tried to buy off political leaders by ´giving´ them land assuming that the chief or political leader could be treated as the owner of the land.

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