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Collisions, collusions and coalescences

New takes on traditional leadership in democratic South Africa – an introduction

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In January 2018, the newly elected African National Congress (ANC) president, Cyril Ramaphosa, and his executive team paid two courtesy visits: the first to Zulu King Goodwill Zwelithini kaBhekuzulu (Mthethwa, 2018), and a second, later visit to Xhosa King Zwelonke Sigcawu (eNCA, 2018). Both visits formed part of a well-publicised trip to KwaZulu-Natal and the Eastern Cape provinces, following Ramaphosa's highly contested election as president of the ANC at the party's December 2017 Nasrec conference.

Strikingly, this newly elected ANC leadership chose to meet traditional leaders as one of the first political statements of its incumbency. These visits were integrated into a wider tour of places of historical significance to the ANC, including the graves of former party presidents John Langalibalele Dube, Josiah Gumede, Pixley ka Isaka Seme and Albert Luthuli (Matiwane, 2018). The meetings

between the new ANC president and traditional leaders raised a number of questions: what kinds of relationships could be expected between government and traditional leaders under Ramaphosa, given the rapprochement between the two institutions under President Jacob Zuma? Would state institutions be reorganised once again to reposition traditional authorities vis-à-vis local governments and rural communities?[1] And would we finally see clarity in policy and legislation on the role of traditional leaders in land administration and rural governance?

The chapters in this book bring fresh eyes to questions surrounding the evolution of traditional leadership in democratic South Africa. The volume investigates traditional leadership across the country, from KwaZulu-Natal and North West, to the Eastern Cape, Northern Cape and Gauteng, drawing from the disciplines of history, anthropology, political science and legal studies. Indeed, the book is unique in its geographic, historical and disciplinary scope. Yet this has not diminished its depth, with many authors offering detailed and complex case studies of traditional leadership in flux.

At the core of the book is an exploration of two types of governance – traditional and democratic. They remain discernibly distinct in contemporary South Africa but have also mutually transformed one another to look nothing like the institutions envisaged in formal legislation. The recognition of traditional leaders post-1994 – whether as custodians of land, mediators of disputes or champions of local development – has changed the very nature of constitutionally prescribed democracy. In this volume, Peter Delius's chapter draws on pre-colonial history to show how the relationship between traditional leaders and land has been distorted in the democratic period, favouring static and imposed formulations of the institution instead. Taking this argument further, Aninka Claassens's chapter describes how the laws of the new South Africa have entrenched colonial and apartheid formulations of traditional leadership, and so have robbed rural people of their land rights in profoundly undemocratic ways. Her chapter tracks the effect of post-apartheid legislative interventions in the wake of the report of the High Level Panel on the Assessment of Key Legislation and the Acceleration of Fundamental

Change released in November 2017.[2] Claassens's intervention shows that legislation passed since 2002 has favoured the interests of elites, including traditional and political party leaders, at the expense of the people living in the former homelands. What's more, the space for holding leaders accountable has remained limited and in some cases has even narrowed.

In Sindiso Mnisi Weeks's chapter, we learn that post-apartheid approaches to traditional leadership have (ironically) eroded forms of democratic participation inherent in customary communities. The state's approach has favoured senior traditional leaders – chiefs – at the expense of lower-level leaders – headmen. Her chapter demonstrates that it is in fact at the lower levels of traditional leadership, below the chieftaincy, where the most extensive dispute resolution and community building takes place. Similarly, Fani Ncapayi's chapter draws on a case study from the Eastern Cape's Cala Reserve, in which traditional leaders were imposed in ways that were contrary to the (far more democratic) customary practice of electing lower-level traditional leadership.

In these and other ways, the incorporation of traditional leadership into post-apartheid governance has had a profound effect on how democracy has (or has not) unfolded. Indeed, the ongoing role of traditional leaders in local governance has led some authors to argue that South Africa's democracy has been distinctly uneven, benefitting urban but not rural citizens (see Claassens's chapter 3; Ntsebeza, 2004).

But while traditional leadership has had an indelible impact on the shape of South African democracy, so too has post-1994 democracy imprinted itself on traditional leadership. To return to the Cala Reserve: rural residents used democratic legal institutions to assert their right to elect local headmen, which had been custom in their community for some time. As Ncapayi's chapter illustrates, these residents leveraged *democracy* to retain ownership over the forms of *traditional* leadership they held dear. Similarly, in the KwaZulu-Natal village of Makhasaneni, the local headman, along with his constituents, drew in legal counsel to launch a campaign against mining on the community's land, premised on the land rights accorded

them in a democracy (see Sithandiwe Yeni's chapter 5).

Similarly, the October 2018 landmark judgment of the Constitutional Court upheld the land tenure rights of the Lesetlheng community over and above mining rights that had been obtained in collaboration with traditional leaders. Here, it is quite explicitly a democratic constitution that serves to delimit the powers of traditional leaders, thereby disrupting prior practices which had positioned Bakgatla Ba Kgafela traditional leaders as primary custodians of the land.

South Africa's new dispensation, along with the democratic government's attempts at redress, have also created the context for the KhoiSan revival movement explored in William Ellis's chapter. The diverse KhoiSan community who, under colonial and apartheid administrations, had their land, identity and languages stripped from them is now leveraging both democratic and traditional institutions to campaign for recognition. They have leveraged the South African parliamentary process and rights-based discourse, alongside post-1994 traditional leadership legislation, in their attempts to claim territory and recognition as a customary community in a modern democracy.

Indeed, what both democratic and traditional institutions seem to share, at least in theory, is a mandate to restore the dignity of African and 'indigenous' peoples. Calls for cooperation between elected and traditional leaders have often been premised on this principle. The contributions by Dineo Skosana, Nkosi Holomisa and Nkosi Nonkonyana bear witness to this.

The chapters presented here show that there continues to be astonishing fluidity and heterogeneity in the practice of traditional leadership, despite legislative attempts to homogenise the roles and functions of the institution. In this regard, traditional leadership has remained true to its form: ever changing and contextually rooted. This will have implications for the future of both traditional leadership and democracy, as the two institutions continue to rub against and remould each other.

A political history

One argument used to explain the persistent relevance of traditional leaders in a democracy is that the ANC makes advances to traditional leaders at election time, in keeping with the untested assumption that 'chiefs bring the rural vote' (Oomen, 2005; Claassens, 2014; Bendile, 2018). In the context of renewed political fervour around land reform in South Africa, even the opposition party, the Economic Freedom Fighters (EFF), is beginning to form its own relationship with the Congress of Traditional Leaders of South Africa (Contralesa); this was illustrated by a recent joint media conference on 5 July 2018 (*Polity*, 2018). Traditional leaders, too, are cognisant of political parties drawing closer to them in order to vie for rural votes. Following a meeting with EFF officials, Contralesa General Secretary Zolani Mkiva is reported to have said, 'We [Contralesa] need to be advising political parties on what to do and actually, sometimes, command them on what they have to do. And that thing of people agreeing with you simply because they want your vote … We're not going to take that anymore. We will tie political parties to their word' (Bendile, 2018).

The question remains: to what extent does the nature of a political party's relationship with traditional leaders influence how voters vote at election time? It's a question that cries out for fuller examination. Recently, Aninka Claassens (2016) has called for an interrogation of the assumption that aligning with traditional leaders will deliver the rural vote. Classens argues that this assumption has been discredited by increasingly vigorous protests by rural citizens at traditional leaders' lack of consultation in negotiating and profiting from mining deals.

Many of the chapters in this book describe the contests and contradictions of traditional leadership in democratic South Africa. In this introduction, we offer a historical reflection on the crafting of South Africa's democratic constitution to understand how the roles and powers of traditional leaders were negotiated, as well as the effect of these negotiations on contemporary instantiations of traditional leadership.

South Africa's democratic transition and the formal establishment of a precarious balance

The negotiators at the Convention for a Democratic South Africa (CODESA I and II) and then the Multi-Party Negotiation Process (MPNP) (1991–1993) arrived at a precarious compromise on the future roles and powers of customary leaders who, to all intents and purposes, had formed local government in the homelands of apartheid South Africa. As Michael Williams (2010: 82) notes, chiefs were adamant that they should continue to exercise authority at local level as representatives of the people. Williams (2010: 85) explains that when the first round of negotiations took place in 1991, traditional leaders were not invited. They were only included in the second round of negotiations in 1993 (Williams, 2010: 85). The Inkatha Freedom Party (IFP), which was the ruling party in the KwaZulu homeland, refused to take part in these CODESA II negotiations in protest at what they deemed a slight to King Goodwill Zwelithini.[3] Inkatha also doggedly refused to commit to participation in the elections until quite late in the process, pursuing a policy of brinksmanship and violence. Williams (2010: 86) notes: 'It was not until the ANC and the National Party [NP] agreed to a constitutional principle that guaranteed the Zulu monarchy would be recognised and protected in the newly formed KwaZulu-Natal province, that the IFP agreed to participate in the elections.' At about the same time, the Ingonyama Trust Act No. 3KZ of 1994 was rushed through the KwaZulu legislature and was eventually signed into law by FW de Klerk in the last days before the first democratic elections. Traditional leaders in former homelands across the country became beneficiaries of the IFP's brinksmanship and Contralesa's engagement in the negotiations. A settlement with the IFP and Contralesa was conditional on traditional leaders being granted constitutional recognition. This, in turn, would be used to give legitimacy to the powers of traditional leaders over rural land and citizens, well into South Africa's new dispensation. And so it was that chieftaincy – a hereditary, largely patrilineal institution – was entrenched at the very birth of the South African democratic state.

Before the transition to democracy

Long before the negotiations and transition of the early 1990s, ANC intellectuals such as Govan Mbeki in the 1950s and subsequently Jabulani 'Mzala' Nxumalo as late as 1988, had seen chieftaincy as a 'backward' institution that would be abolished once democracy had been achieved (Van Kessel & Oomen, 1997: 565). The emergence of Contralesa in 1987 took the ANC by surprise and forced a change of stance (Van Kessel & Oomen, 1997: 568).

The position of chiefs in relation to the state and to liberation politics had undergone major changes in the preceding century, as traced by Ineke van Kessel and Barbara Oomen (1997). Despite representing the concerns of the small, urban, black middle class, the early ANC had maintained a connection with the rural aristocracy. It had created an Upper House for traditional leaders who joined the organisation.[4]

However, the organisation was radicalised by the growth of its working-class membership in the 1940s and 1950s when South Africa's industrialisation process accelerated, the National Party gaining power in 1948 (Van Kessel and Oomen, 1997: 562–563). From the 1950s onward, the apartheid government restructured rural society, making chiefs responsible for the recruitment of labour for the mines, commercial agriculture and industry; implementing land 'betterment' schemes, which involved culling livestock and demarcating land, and trying minor cases such as family disputes and disputes over livestock.[5] Chiefs became accountable to the state and not the people they led, leading to despotism and deep unpopularity (Mamdani, 1996: 122). Hereditary chiefs were deposed if they resisted state policies and new chiefs were installed. New chiefdoms were also created in the drive to re-tribalise Africans, and chiefs were imposed on communities that previously had no institution of chieftainship (Van Kessel & Oomen, 1997: 563).

From about 1950, the ANC had turned the focus of its mobilisation to urban areas, and by 1960 it no longer perceived chiefs as potential allies (Van Kessel & Oomen, 1997: 564). In the 1980s, youths aligned to the United Democratic Front (UDF) revolted against the authority

of these chiefs. By then, chiefs in the bantustans had, for the most part, become functionaries of the state with little popular legitimacy.[6] In the 1980s, many of them collaborated with the apartheid state's security forces to try to suppress the youth revolts, organising vigilante groups – armed by the South African Defence Force – that fought bloody battles against members of civic organisations (Van Kessel & Oomen, 1997: 567–568).

Contralesa emerged out of this maelstrom as an alliance of progressive chiefs who were resisting the creation of a new bantustan for the Ndebele Ndzundza people in the then northern Transvaal, which is part of the Limpopo province today. The organisation quickly aligned itself with liberation movements. The ensuing debate about what the place of chiefs should be in an anti-apartheid alliance was resolved when the ANC shifted focus to a negotiated settlement, as a military victory seemed less and less likely. Thus, '[w]ith the promise of delivering the "block vote", chiefs assumed a new role: no longer relics of a feudal past, but strategic allies in the conquest of state power' (Van Kessel & Oomen, 1997: 571).

Extending the South African state: Entrenching the chieftaincy after 1994

Borrowing Richard Sklar's concept, Williams (2010: 30, 86) correctly maintains that South Africa established a 'mixed polity' when accommodating the chieftaincy in the Interim Constitution of 1993. However, there was a significant shift in how customary authorities were to be accommodated from the initial agreements reached in the negotiations and formalised in the Interim Constitution Act 200 of 1993, and the final form that was incorporated into the post-apartheid state, defined in the Constitution of the Republic of South Africa (Act 108 of 1996). Williams (2010: 87) usefully draws out the change: firstly, whereas in the Interim Constitution chiefs were entitled to be members of local government and were eligible to be elected to any office in local government, in the final Constitution the president, at his or her discretion, decides the status of traditional

leaders in local government. Secondly, the Interim Constitution 'provided that provincial legislation must establish Provincial Houses of Traditional Leaders to deal with matters relating to the chieftaincy or customary law' (Williams, 2010: 87) whereas the final Constitution watered down this provision, stating that provincial legislation 'may' create such houses. Finally, in the Interim Constitution, a Council of Traditional Leaders was to have 'the authority to review national legislation that affected the chieftaincy' (in Williams, 2010: 88). In 1996, this was revised to say national government 'may' establish such a body (Williams, 2010: 88). Ultimately, the final Constitution rendered the powers and roles of customary leaders hollow. Chapter 12 of the Constitution merely recognises the institution of traditional leadership as subject to the Constitution itself and to customary law. The chiefs, their positions voiced by Contralesa and the Inkatha Freedom Party, were unhappy (Williams, 2010: 88).

Things were to get worse for traditional authorities when the Local Government White Paper was published in 1998. The White Paper proposed the creation of wall-to-wall municipalities, superimposing new institutions over apartheid-era tribal and regional authorities that were legislated by the 1951 Bantu Authorities Act No. 68 and had been established in the 1970s in most homelands (Williams, 2010: 91–92). Institutional plurality at local level was firmly established to continue the mixed polity established in 1993. The White Paper was soon followed by the Municipal Structures Act No. 117 of 1998 that formalised many of the proposals in the White Paper. Effectively, this meant legislation that established a system of governance that retained apartheid-era structures (now defended by customary leaders in an attempt to retain the authority given to them by the apartheid state) and superimposed on them another structure to be elected through the ballot, as Aninka Claassens and Brendan Boyle have argued (2015: 2). It also meant two different systems of governance: one for areas previously designated as homelands for black South Africans, and another for urban areas and rural areas previously demarcated for white people. In effect then, this legislation retained the demarcations laid down in the 1913 Natives Land Act No. 27, which had formalised and legalised black South Africans'

dispossession from the land by white settlers.

It took until 2004 for the state to define and legislate the place of traditional leaders in the democratic dispensation. By 1997 in KwaZulu-Natal, at the IFP's unbending insistence, traditional leaders still formed part of local government (Van Kessel & Oomen, 1997: 576). The ANC attempted to loosen Inkatha's grip on traditional leaders and their rural support base by transferring the responsibility for paying the chiefs from the provincial to the national government in 1996. The IFP challenged this move in court and won (Van Kessel & Oomen, 1997: 577). According to Jo Beall, Sibongiseni Mkhize and Shahid Vawda (2004: 763), with the rushing through Parliament of the Traditional Leadership and Governance Framework Act (TLGFA) No. 41 of 2003 ahead of the election in 2004, the state finally validated the role of chiefs in local government. They would be leaders of 'traditional councils' in the rural areas of South Africa where they would work alongside elected representatives. Beall, Mkhize and Vadwa (2004: 763) see the effect of this law as '… significantly entrench[ing] the authority of traditional leaders', meaning, 'in effect, that legislation introduced in the 21st century will give perpetual life to a system of "indirect rule" dating back to the colonial era and ossified under apartheid'. This is because these 'traditional councils' were a continuation of apartheid-era tribal authorities. The former were never discontinued.

The 2009 TLGFA also established the Nhlapo Commission, which was set up to investigate, among other things:

- a case where there is doubt as to whether a kingship, principal traditional leadership, senior traditional leadership or headmanship was established in accordance with customary law and customs,
- a traditional leadership position where the title or right of the incumbent is contested,
- all traditional leadership claims and disputes dating from 1 September 1927 to the adoption of provincial legislation dealing with traditional leadership and governance matters.

As Dineo Skosana and I have written elsewhere,

> The Commission received 1322 submissions, conducted many problematic investigations and hearings, and published a report on paramountcies in its five-year life span. By the end of its term, it had not resolved all claims and disputes before it, leading one claimant, Melizwe Dlamini of the Nhlangwini in southern KwaZulu-Natal, to challenge the President of South Africa in court to extend the Commission's term so that his claim could be resolved. The result was the establishment of a new Commission in 2011 (Buthelezi & Skosana, 2018).

While it took until 2003 for legislation attempting to clarify the powers and roles of chiefs to be passed, customary leaders, as Williams (2010: 2–3) shows, did not sit around and wait for their roles, functions and powers to be legislated. The chieftaincy was now compelled to share its authority with a new set of institutions based on norms, rules and processes that differed from its own. Consequently the chieftaincy set to work, negotiating a way to accommodate itself to the new institutions. The result has been 'the mutual transformation of both the state institutions and the chieftaincy, and the blending together of the different political norms, rules and processes associated with each' (Williams, 2010: 2–3). In other words, we have observed the development of vernacular forms of democracy or, in Lucia Michelutti's (2007: 1) formulation, 'the vernacularisation of democracy'. By this, Michelutti (2007: 1) means 'the ways in which values and practices of democracy become embedded in particular cultural and social practices, and in the process become entrenched in the consciousness of ordinary people'.

Williams (2010: 80) describes how 'the post-apartheid South African government has sought to simultaneously accommodate and transform the chieftaincy as it has attempted to introduce democratic norms, processes and institutions into the former bantustan areas'. The ruling ANC's policy of 'incrementalism' (Williams, 2010: 83), which saw the TLGFA passed almost 10 years into the democratic era, meant that 'at the local level there were important informal relationships being formed' while the formalisation of the chieftaincy was being negotiated. After they had lost the battle to be local

government, chiefs had to compete with the new local government institutions. They thus set about establishing 'accommodations' with these local government institutions 'with the goal of controlling them as much as possible' (Williams, 2010: 143). Mutual transformation of both institutions thus took place in several ways:

- Local government councillors have to accommodate themselves into pre-existing local rules, procedures and norms. 'They cannot simply claim that their authority [is] the result of democratic elections and begin working directly with rural communities' (Williams, 2010: 153). They thus have to work with chiefs and their deputies such that they end up appearing to work with, or even under, chiefs.
- In some places, chiefs and elected councillors work together on matters of development to best serve the interests of members of rural communities (Williams, 2010: 132–3). This sometimes extends to the co-option of councillors by chiefs, some of whom have their own independent access to power which allows them to bypass local elected councillors.
- At the same time, whereas the positions of chiefs (*amakhosi*), their deputies (*izinduna*) and assistants have historically been hereditary, with the introduction of democratic norms and processes in post-apartheid South Africa, internal reforms have been increasingly adopted. This has meant that greater participation and choice have become possible. Williams (2010: 225) cites the case of village-level elections introduced to choose the chief's councillors.

It is clear, therefore, that following the end of the transition negotiations in 1993, tribal authorities were left in place to accommodate the regional Inkatha Freedom Party, which was waging political violence that could have ended in a protracted civil war (Traniello, 2008: 36). In 1998, elected local government was then superimposed onto this institution in the hope that the chieftaincy would be overridden by this new democratic institution. Subsequently, an attempt was made to 'democratise' the chieftaincy. This attempt took the form of introducing legislation in 2003 that laid down rules for representation on the tribal councils, which were then renamed 'traditional councils'.

The regulations stipulated that women should hold at least 30 per cent of the seats on the council, and that 40 per cent of representatives on the council should be elected rather than appointed. By 2018, that formal democratic transformation had failed. Meanwhile, at local level, informal, contingent transformation has proceeded apace – and not necessarily in directions that enhance democracy. This has yielded hybrid vernacular practices, norms and rules.

The two types of institutions – the chieftaincy and local government – have mutually transformed each other. Away from the eyes of national authorities, both traditional leaders and their constituents work out institutional forms, norms and rules that suit their needs. There is evidence of a trend towards chiefs using their hereditary positions to negotiate with mining and agricultural capital on behalf of communities, becoming business partners in mining and farming initiatives ostensibly on behalf of these communities and then pocketing the communities' share of the money. Sonwabile Mnwana's chapter gives the historical context for these dynamics in the Bakgatla area of the North West. Mnwana illustrates how the relationship between traditional leaders and land has instantiated over time, contributing to the present-day centrality of traditional leaders in struggles over the distribution of resources. The chapter demonstrates that, at least in some instances, chiefly power over land precedes post-apartheid legislation, and is instead located in a much longer history. Similarly, in his chapter, Tlhabane Motaung delves into a chieftaincy dispute near Hammanskraal, with roots that date back to the 1800s. The cases explored by Mnwana and Motaung are two of many in which the legitimacy of the chieftaincy – in the eyes of either other members of their chiefly family or the wider community – is fiercely disputed. The interventions of the Nhlapo and similar provincial commissions, have been unable to resolve these disputes.

In fact, it appears impossible to resolve disputes for all time. As Peter Delius's chapter shows, leadership positions are almost – by definition – fluid. Legitimacy, therefore, is not an indefinite given. Legitimation of chiefly authority is a repetitious process through which the right to govern is earned. Contestation and challenges to leadership, either from the ruled or from contenders to the throne,

are a common feature of leadership systems, be they democratic or hereditary (Comaroff & Comaroff, 1974; Hamilton, 1998). Both Sithandiwe Yeni's and William Ellis's chapters show us how processes of contestation are playing out. In Sithandiwe Yeni's chapter, we see unaccountable power being challenged from below in Makhasaneni. In this case, a lower-level traditional leader (headman) collaborates with constituents to challenge the royal council. Similar contests over legitimacy are described in William Ellis's chapter. He explores how KhoiSan groups have seized opportunities opened up by the state in their ongoing attempts to resolve vexed questions of traditional leadership. This is after more than two decades of the state focusing on traditional leadership in black African groups, and KhoiSan groups being giving little consideration. Historically, the KhoiSan have had an ad hoc leadership structure. However, the recognition afforded traditional leaders in South Africa's democratic dispensation has encouraged some KhoiSan revivalists to define and leverage 'authentic' KhoiSan leadership.

Finally, Fani Ncapayi's chapter explores how people in the Cala Reserve have resisted the imposition of traditional leaders, which is in contravention of established local practices of electing headmen. This led to the imposed laws being subverted or resisted by the community. In instances like these, it takes adjudication by a court to avert confrontations that have the potential to turn violent. To be sure, violence in the contests over traditional leadership has manifested in various parts of the country over the years. It has especially been driven by contestation over land rights in relation to mining operations, as touched on by Mwana and Yeni.[7]

To offer a different perspective from the critical takes by academics and activists who dominate this volume, Nkosi Phathekile Holomisa and Nkosi Mwelo Nonkonyana trace a history of traditional leaders becoming progressive activists in the struggles against colonial and apartheid authorities. They offer their personal experiences to demonstrate a side of the institution that is often considered only in passing in public debates. Taken together with the other chapters, their contributions reinforce the complexity of traditional leadership and the ways in which it interfaces with democratic institutions in

post-apartheid South Africa. This interface is not only a South African phenomenon, but one that is acutely visible in other contemporary African societies. Contributions to *The Politics of Custom: Chiefship, Capital and the State in Contemporary Africa*, edited by John and Jean Comaroff (2018), show just how complex these matters are in countries including Mozambique, Zambia, Cameroon, Ghana, Sierra Leone and Burkina Faso. The Comaroffs (2018: 7) put these complexities down to

> … the changing character of the global economy as it has worked its way into Africa, the political effects of which include the greater or lesser decentring of the state and the outsourcing of many of its functions; the deregulation of markets and, with it, the circumventing of national administrations by corporations, NGOs, and donor and development agencies; the pluralisation of sovereignties, jurisdictions, and modes of legitimation; the privatisation of public life and the empowerment of parochial authorities, communities, cultures, and identities; forces that play out diversely in their encounter with micro-ecologies of the local.

What remains unresolved

Many matters remain unresolved as multiple interests – including those of various arms of the state, traditional leaders, activists, citizens, academics, mining and international bodies – sometimes violently collide, sometimes cooperate and, at all times, remain in ongoing negotiation with one another. Some long-standing questions remain relevant:

- What is the source of traditional leaders' authority today?
- Can there ever be a resolution to the impasse about whether support for traditional authorities means replicating colonial and apartheid formulations of African political power?
- Can drawing on precolonial thinking about, and frameworks for, systems of governance help to resolve this impasse? In other

words, what should African pasts mean in postcolonial presents as new modes of existence are being worked out?

- How are the boundaries of contemporary 'customary communities' determined and on what basis is one a member?
- How do residents in these communities accommodate a life as both traditional 'subjects' and democratic citizens? Why do only some South Africans grapple with this dual governance, while others do not?
- How do we accommodate the fluidity and heterogeneity of traditional leadership, while still regulating its roles and functions?
- Can the hereditary nature of traditional leadership ever coexist comfortably with a democratic system of election to office? Answers to this question need to take into account the fact that previous means of contesting succession, including violent usurpation, are no longer open to those wishing to take office, as they may have been prior to colonial and apartheid legislation.
- And, ultimately, what should be the place of traditional leaders in democratic dispensations?

This volume offers us routes to engaging with these complex questions. In historically and contextually grounded chapters, authors help readers to navigate some of the most contested questions of South Africa's democracy. The debates they raise, and enter into, will rage on as the balance of forces changes and changes again over the coming years. As South Africa continues to negotiate what is a protracted and messy democratic transition, it would do well to understand the trade-offs, power structures and high social stakes entailed in the future of traditional leadership.

A note on terminology

The English terms 'chief' and the more palatable 'traditional leader' remain contentious and conceptually imprecise. In most indigenous South African languages, there are extensive lexicons describing rulership and relationships between various levels of authority.

Across the various languages, the terms do not name or describe the same offices or relationships, making translation or description in another language a difficult, if not impossible, task. Consequently, it was left up to each author to choose the terms used in his or her contribution. Hence authors have employed different vocabularies to name institutions and office holders, anchoring these terms in the specificities and context of their work.

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Endnotes

1 Traditional Affairs was elevated into a national department alongside Cooperative Governance in 2014.
2 The Panel was tasked by the Speakers' Forum in Parliament with reviewing the effects of key legislation passed since the dawn of democracy on the triple challenge of poverty, unemployment and inequality; wealth creation and distribution; land reform; and social cohesion and nation building.
3 See https://www.sahistory.org.za/dated-event/codesa-ii-talks-end-deadlock.
4 See Ngqulunga (2017) on Pixley ka Isaka Seme and his relationship with chiefs. As with a British House of Lords, this Upper House would serve as a review and advisory board for elected officials (the Lower House), but would have lesser powers and functions.
5 This is the function of maintaining order that Williams (2009) argues gives the chieftaincy legitimacy, having been exercised by chiefs since pre-colonial times and been continuous even as it was elaborated by colonial and apartheid authorities.
6 It is a moot point that legitimacy was uneven. Scholars like Oomen (2005) and Mamdani (1996) argue stridently that chiefs had such little popular legitimacy that this effaces the nuances that existed.
7 At the time of writing this introduction, media carried news of a confrontation in the Eastern Cape between the Minister of Mineral Resources accompanied by some chiefs on the one hand, the Amadiba Crisis Committee, other people opposed to mining on the Wild Coast and their lawyers during a public consultation (Carnie, 2018).