

**THE INCREASING, AND DECREASING, IMPORTANCE OF AGNATIC KINSHIP FOR
ACCESS TO LAND IN THE EASTERN CAPE:
PATH-DEPENDENT SOCIAL CHANGE AND ITS IMPLICATIONS FOR LAND TENURE
REFORM**

By

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Abstract

This paper focuses on so-called “communal” tenure in southern Hobeni, a community in Xhora District, in the former Transkei. Although Hobeni is one of seven communities involved in the successful land claim on the Dwesa-Cwebe Nature Reserve, this paper focuses on land tenure in the areas *outside* the reserve. Residents use this land for the homesteads, for agriculture (in homestead gardens and distant fields) and for grazing. Agriculture is widespread: as in Shixini (Andrew 1992), people in Hobeni expanded cultivation of homestead gardens in the mid-20th century. In contrast to Shixini (and many other areas of the Eastern Cape), people in Hobeni and nearby areas did not abandon their more distant fields as they expanded the gardens adjoining their homesteads.

Introduction¹

¹ The paper draws on roughly sixteen months of ethnographic fieldwork conducted between April 1998 and October 1999 as well as archival research in the Umtata and Cape Town archive depots. The fieldwork included a household survey, covering 80 randomly selected households (of 223) in southern Hobeni, as well as participant observation, card sorts, transect walks, life histories, plot histories and other participatory research methods.

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This paper focuses on so-called “communal” tenure in southern Hobeni, a community in Xhora District, in the former Transkei.² Although Hobeni is one of seven communities involved in the successful land claim on the Dwesa-Cwebe Nature Reserve, this paper focuses on land tenure in the areas *outside* the reserve. Residents use this land for the homesteads, for agriculture (in homestead gardens and distant fields) and for grazing. Agriculture is widespread: as in Shixini (Andrew 1992), people in Hobeni expanded cultivation of homestead gardens in the mid-20th century. In contrast to Shixini (and many other areas of the Eastern Cape), people in Hobeni and nearby areas did not abandon their more distant fields as they expanded the gardens adjoining their homesteads.³

² “Former” here refers to the legal and political status of the region as a “homeland” from 1963-1994; the Transkei remains a distinct geographical, demographic and economic region within the Eastern Cape Province. “Communal” appears in inverted commas because the term is a problematic label for a variety of different tenurial arrangements. I do not use inverted commas in later references in the interests of readability.

³ Although earlier aerial photos of Hobeni do not cover the area necessary to establish when this trend began, 1962 aerial photos of Hobeni reveal that garden cultivation there was even more widespread than in Shixini at the time. In 1998, 72.5 per cent of homesteads in Hobeni (and 84.5 per cent in neighboring Cwebe) had access to fields; 90 per cent of people in Hobeni with fields had cultivated them in the previous year. Ninety-one per cent of homesteads in Hobeni (and 98 per cent in Cwebe) had attached gardens, and 88 per cent of homesteads with gardens had cultivated in the previous year. Overall, 95 per cent of homesteads in the sample were cultivating in fields and/or gardens, and 64 per cent were cultivating in both.

Despite a largely shared set of rules and norms concerning access to land, two divergent patterns of practices related to land are evident here: in some neighbourhoods,⁴ outsiders have generally been successful in requesting new residential and garden sites, relying on a range of social ties; in others, land is almost exclusively available to the kin of existing residents.

These patterns, I argue, are related to variations in the kinship composition of local neighbourhoods.⁵ While the regional ethnographic literature focuses on neighbourhoods characterized by diverse groups of agnatic kin⁶ (that is, neighbourhoods where few families have links to common male ancestors), a significant minority of neighbourhoods (and three of the six in southern Hobeni) consist primarily of descendants of only one or two apical ancestors. These demographic variations have contributed to the emergence of different tenure practices within a common normative system: residents of diverse areas tend to be more accepting of outside applicants for land, while residents of “agnatically dense”⁷ areas tend to reserve land for their kin.

The ethnographic present in this paper refers to 1998-99. The legal status of tenure at Hobeni is anticipated to change with the registration of the Hobeni Communal Property Association (CPA) as part of the finalization of the Dwesa-Cwebe land claim. At the time of my fieldwork, however, the CPA had no role in land

⁴ By “neighbourhoods,” I refer to the clusters of homesteads under a subheadman. These groups, known in Xhosa as *isixeko* or *isiphaluka*, are variously referred to in the literature as “neighbourhoods,” “sublocalities,” “village sections,” and “subwards.” I have chosen to use the English term “neighbourhood” because its connotations suggest the cooperation and frequent interaction among the members of these groups.

⁵ Figure one (at the end of the paper) provides an outline map of the neighbourhoods of southern Hobeni.

⁶ For readers unfamiliar with anthropological jargon, agnates refer to people who are related through a male line of descent (adj. agnatic), cognates to people related through males or females, excluding relatives by marriage (adj. cognatic), and affines to people related through marriage (adj. affinal). Lineages refer to corporate groups tracing descent from a common ancestor. (<http://lucy.ukc.ac.uk/TVillage/Pages/glossary.html>).

⁷ I use this term as a shorthand to refer to areas in which one or two patrilineal extended families are numerically predominant.

management. The CPA committee had grown out of a committee that had been elected with a mandate to execute the land claim, not to get involved in village land management, and its members were following this closely.⁸ The conclusion discusses the CPA model and its local viability in more detail.

Understanding Tenure as Spatially-Situated Practice

To understand how there can be two patterns of tenurial change in a single community, one needs to focus on tenure in practice rather than normative models or rules, and to recognize that land is always spatially situated. In a recent volume on natural resource management in southern Africa, Pauline Peters draws on a long line of anthropological reflection (e.g. Barth 1981, Bourdieu 1977), arguing that while one cannot ignore rules and norms, framing an account predominantly in these terms gives an incomplete picture of how institutions shape land and natural resource use (Peters 2002).

⁸ As of June 2003, the Hobeni CPA still had not been registered, because of inter-governmental disputes about the form that South African tenure policy should take (Robin Palmer, pers. comm., André Terblanche, pers. comm.). On the origins of the CPAs at Dwesa-Cwebe, see Palmer *et al.* 2002.

The literature on tenure in the Transkei region has generally taken a normative and/or a policy focus. Past research has generally concentrated either on the structural relationships between the administration's system of land allocation, the Bantu Authorities system, and labour migration, or the feasibility of issuing individual titles to land.⁹ The literature rarely explores the constraints and opportunities that affect how and where people gain access to land under communal tenure. Hammond-Tooke's insightful ethnographic study of headmen and administration in the 1970s nevertheless focussed on "legitimated authority" rather than the local "political influence" (Hammond-Tooke 1975: 221) that might have affected land tenure in practice.

In contrast, I focus here on the relationship between land tenure and local social relations. I draw on an interactional concept of "access," focussed on the "ease or difficulty of acquiring rights in particular areas" (Reyna and Downs 1988: 12), to illuminate practices and variations that would be hidden in a normative account. In applying an access approach, my field method focussed on developing an account from a series of cases, rather than collecting a set of rules. As Bruce has argued (1988), a biographical approach that concentrates on how people have acquired land over their lifetimes can illuminate patterns that are not evident from normative statements. By focussing on the way positioned individuals justify their claims to land, I aim to identify nuances within communal tenure that might not be evident in an account based on tenure policy or on people's statements about the rules that govern tenure.

I also focus on spatial variations that became increasingly evident over the course of my fieldwork. Attention

⁹ The former body of work has drawn attention to the way the administrative system entrenched the power of chiefs and headmen and led to widespread corruption. It also highlights the role of the "one man-one plot" policy in tying people to sub-subsistence production in the reserves, which both discouraged permanent movement to the cities, and prevented land accumulation and the development of viable commercial agriculture on the other (e.g. Hendricks 1990, Haines 1984, Segar 1989, Ntsebeza 2001). The latter body of work concerns proposals for conversion to individual freehold tenure, generally based on the investment incentives supposedly associated with individual title and secure property rights (cf. Cross and Haines 1988). I do not address this literature here for several reasons: first, arguments in favour of freehold often wrongly assume that tenure is the primary obstacle to agricultural intensification, rather than labour shortages, lack of inputs, marketing constraints, etc., and ignore plentiful evidence that a) freehold tenure is rarely correlated with improved agricultural performance in sub-Saharan Africa, and that b) the costs of titling are likely to greatly exceed any benefits (Moll 1985 presents a strong case against conversion to freehold in the Transkei; see also Platteau 1996 and Shipton 1989); second, this debate has been largely superseded in South Africa by proposals for tenure reform since 1996 that have rejected freehold in favour of more flexible systems (discussed in more detail in the conclusion).

to spatial variation is implicit in Reyna and Downs' formulation of "access" ("in particular areas"; 1988: 12). Land is an unusual resource in that it possesses attributes (e.g. location, size, and fertility) that make specific parcels unique, incommensurable, and situated, in a way that, e.g., two bundles of thatching grass are not. Because a particular piece of land is always located in space, actors' social positions and the spatial locations of the land they seek will both contribute to their ability to gain access to land. Access depends on who is looking for land, and where they are looking for land.

The Origins of Divergent Land Tenure Practices and Neighbourhood Composition

There are, broadly speaking, two divergent patterns in tenure in southern Hobeni, corresponding with variations in the kinship composition of local neighbourhoods. In agnatically dense areas, kin ties are a virtual necessity for access to land; most land is occupied by, and allocated to, members of a few long-established local families. In diverse areas, people seeking land mobilize ties other than agnatic kinship (e.g. affinal and cognatic kin ties, church membership, employment, patron-client relationships, and healer-initiate/client relationships); in these areas local residents often allow outsiders without agnatic ties to settle.

Both types of neighbourhoods are compatible with the ecological constraints on Cape Nguni settlement. As Sansom argued, there was an ecological dimension to the historical form and scale of Cape Nguni settlements: people settled on ridges overlooking the many small streams that cut through the Transkei, in small territories that provided most of the resources for their subsistence needs: arable land, grazing, water, fuelwood, areas for foraging and hunting, and building materials (Sansom 1974). This argument, however, leaves open the social composition of neighbourhoods. Ecology may shape the size and population density of a given neighbourhood but the content of the relationships between the residents—whether, for example, they are largely unrelated or members of one or two descent groups—cannot be inferred from environmental constraints.¹⁰

These variations reflect long-term social processes. By the early 1920s, local economic differentiation had created conditions conducive to longer-term divergence between the two types of neighbourhood; these conditions were amplified by the spatial effects of local development. The workings of tenure in these two types of neighbourhoods, I argue, represent "path-dependent" patterns of change, related to these past conditions. I borrow the concept of "path-dependency" from institutional economics (e.g. North 1990), where it has been invoked as a way to conceptualize the influence of history on economic processes and applied to topics such as regional economic variation and technological choices. The distribution of kin on the ground in these two types of neighbourhood, I argue, is a long-term consequence of peoples' decisions about where to

¹⁰ As Sahlins has argued, even though ecological conditions may *constrain* productive possibilities, they do not *specify* the content of the relationships between producers (Sahlins 1976).

seek and where to grant access to land; these decisions reflect both social and spatial opportunities and constraints.

Diverse and Dense Neighbourhoods

The existence of agnatically dense neighbourhoods contrasts with the picture of Cape Nguni neighbourhoods typically described in the ethnographic literature. Hammond-Tooke summarizes the picture of a typical Cape Nguni neighbourhood in the ethnographic literature: it contained a diverse mix of “agnatic clusters,”¹¹ with none holding a clear majority: “80 per cent of such agnatic clusters are made up of six homesteads or less. A cluster of twenty agnatic relatives is decidedly exceptional. There is evidence that this pattern goes back as far as the 1920s, at least” (Hammond-Tooke 1985a: 315).

In southern Hobeni, three neighbourhoods (Mhlanganisweni, Velelo and MaVundleni) clearly fit the model presented by Hammond-Tooke: no clan or agnatic cluster has a clear majority. However, the other three (MaBambeni, KwaDingata, and KuBhula) have a more dense concentration of a few agnatic groups: more than two-thirds of the homesteads can trace their origins to one or two ancestors.¹² These are the most extreme cases of a local settlement pattern that is also found in other areas of Hobeni and in the adjacent ward of Cwebe (see below).

The origins of this twofold pattern in the social composition of neighbourhoods appear to lie in economic differentiation dating from roughly the 1880s to the 1930s.¹³ The first decades of the twentieth century in particular were a time of relative prosperity, enabled by the combination of migrant labour, cash cropping, and investment in livestock, and the absence of direct state intervention in agriculture. “Large increases in grain and livestock production took place in the Transkei right up to the 1930s” (McAllister 1992: 202), and cattle numbers reached their highest recorded levels in the 1920s and 30s (Beinart 1992: 179).¹⁴

In Hobeni, this prosperity was not evenly distributed, leading to long-term demographic consequences that shaped the differences between neighbourhoods. Polygyny was common among some local families, but not all, around the end of the 19th century. This practice was both a consequence and cause of differentiation:

¹¹ Hammond-Tooke uses the term “agnatic clusters” to describe co-resident groups of agnatically related kin in preference to “lineage,” in order “to get away entirely from the terms derived from descent group theory, with their structural implications” (1984: 84).

¹² Remembered genealogies in Hobeni ranged in depth from four to seven generations, about the typical range for Cape Nguni commoners (cf. Hammond-Tooke 1984: 79, 83).

¹³ Southern Hobeni was settled by the ancestors of contemporary residents in the mid-19th century. See Cook (1927, 1931, 1934), Davies (1927) and Soga (1930) for discussions of population movements in the region.

¹⁴ Fay, Palmer and Timmermans 2002: 70-75 discuss the local economy in the period in question in more detail.

polygyny required extensive cattle holdings for bridewealth payments, but it also brought in women's labour and a claim for additional arable land, enabling increased production.

Nearly all of the residents of the agnatically dense neighbourhoods (KwaDingata, MaBambeni and KuBhula) trace their descent to a few wealthy polygynists whose children were born in these years. These ancestors were able to accumulate enough cattle to marry as many as seven wives, while few of their sons were able to marry more than one. Their lives overlapped with the early years of labour migration, and the period when production of crops for the market was most widespread; with access to labour and land, they were able to accumulate sufficient cattle to marry additional wives. In each case, the wealth and social position of a few apical ancestors nearly a hundred years ago has led to the numerical dominance of a few extended families within the neighbourhood.¹⁵

In contrast, in the three neighbourhoods with diverse composition (Mhlanganisweni, Velelo and MaVundleni), polygyny was uncommon at this time. The genealogies of these families contrast with those of the early generations in the agnatically-dense neighbourhoods: none of the remembered ancestors here had

¹⁵ In MaBambeni, polygyny in the early 20th century led to the numerical dominance of a few families nearly a century later. A Bamba man by the name of Xamba (b. ca. 1885), had two wives, and five of his sons married a total of seventeen wives between them. His younger brother also had three wives and a son with five wives of his own. Their sons sought sites in the same neighbourhood as their parents, giving Xamba's descendants an overwhelming majority in the neighbourhood. As of 1998, 34 of the 55 homesteads in the neighbourhood were headed by Bamba men or their wives; another 11 were headed by Dingata men or their wives (prior to the arrival of the Bamba, there were several Dingata homesteads there, and the area is still also known as "Kunene bukaNoMama," referring to its settlement by a son from the right-hand house of one of the early Dingata settlers). In KwaDingata and KuBhula, the story is similar. In KwaDingata, an ancestor by the name of Ndoko (b. ca. 1880, d. after 1940) was able to marry four wives; as a consequence, he has the greatest number of descendants resident in KwaDingata at present. Of the 34 homesteads listed in the Hobeni Land Register, 24 are headed by members of the Dingata clan. Of these, 18 are descendants of Ndoko (or the wives of deceased descendants). KwaDingata became the only place where later generations of the family would settle, and came to be dominated by and associated with the clan. Likewise, in KuBhula, the descendants (and their wives) of the first man to settle there comprise the vast majority of the homesteads in KuBhula, 23 of 29 homesteads in the 1998 land register. Here, the first remembered settler married three wives, as did his oldest son and that son's son, while his second son also married two wives. In an area surrounded by established settlements, his descendants have effectively staked out a territory of their own where very few others have received land.

more than two wives, and only a handful had two. Other aspects of their histories suggest that people here were worse off than the polygynists in neighboring areas. The ancestors of many contemporary residents of these areas were members of Gcaleka Chief Sarhili's defeated army, and settled locally after the 1877-78 frontier war. Many of them settled in Cwebe Forest, and were subsequently forcibly removed between 1893 and 1936. It seems unlikely that these men chose to forego polygyny because of opposition to the practice, given their origins in culturally conservative Gcaleka communities; rather, it appears that they could not afford to marry many wives, for reasons probably related to the effects of military defeat, followed by forced removals a generation later.

The effects of polygyny and poverty in the late 19th century were amplified by changes in later years. While nineteenth-century and earlier accounts of the Cape Nguni suggest that men often moved far from their natal homesteads in the past (cf. Peires 1981), by the early twentieth century, changes in the political economy made people more likely to seek sites near their natal neighbourhoods.¹⁶ Annexation and the 1913 and 1936 Land Acts made it impossible for people to seek sites outside the Transkei, while population growth led to increasing perceptions of land scarcity.¹⁷ Homestead sizes declined as young men established their own homesteads at a younger age (cf. Beinart 1982, McAllister 1992). This trend, together with increasing poverty, made it less feasible for homesteads to rely exclusively on their own traction or labour resources; they grew more dependent on inter-household cooperation, particularly neighbourhood work parties and genealogically-organized ploughing companies (cf. Heron 1989). This need to collaborate in production undoubtedly also affected decisions about post-marital residence, encouraging people to seek sites in their natal areas in order to be able to work with familiar neighbours and kin.

As land became more scarce, and outmigration became less of an option, it appears that representation of close kin at meetings concerning land allocation became critical for access to sites and fields. Areas which were largely homogeneous in kin composition in the past have tended to become more so, because members of the founding families requested sites there successfully, while outsiders have been reluctant to do so. As one woman said of the agnatically dense areas in 1998, "a person from [another clan] will not try to live there—he will be like a goat who is among sheep."

¹⁶ The longer-distance moves of the past depended on several conditions that were waning by the early 20th century: widely available land, the relative economic self-sufficiency of homesteads, and the security of homestead heads in the knowledge that they could successfully build their homesteads in a new, distant site without needing to rely heavily on nearby kin and other neighbours.

¹⁷ Of course, absolute population densities cannot be taken as the sole indicator of the level of competition for land. Geographic and ecological variation, people's capacity to make use of land, the presence or absence of cash-cropping, and ideas about fairness and equity are among many factors that affect perceptions of scarcity. In Xhora District, as of 1998, the population density was estimated as 73 persons/km², well above the average in the Transkei region. Historical evidence suggests that this has been the case for decades. In 1936, the density in Xhora was 45/km², compared to 30/km² for the Transkei as a whole in 1934 (Fazan 1944 [1934]).

Outsiders did settle in southern Hobeni, however. Over the first half of the 20th century, people became more dependent on wage labour, necessitating temporary and occasionally permanent movement. While the overwhelming pattern in the region is one of oscillating migration to distant labour centres, Hobeni is unusual in the former Transkei in that for most of the 20th century, there have been employment opportunities available locally, at Cwebe Forest from the 1890s (later Cwebe Nature Reserve), the Haven Hotel from ca. 1922, and the white-owned holiday cottages located inside the forest from ca. 1900.

These jobs were rarely filled by people from the local area, however (cf. Fay and Palmer 2000). Instead, outsiders would take the jobs, and in some cases settle in the diverse neighbourhoods along the road leading into the forest (Velelo, MaVundleni, and Mhlanganisweni). These are diverse areas, where polygyny was rare in the 1900s, and which have often accommodated outsiders who were employed at the coast.

The presence of these tourism facilities shaped the spatial configuration of southern Hobeni in ways that reinforced the existing forms of social differentiation, making two of the agnatically dense areas potentially less appealing to applicants for land. The wagon-track leading to the Haven was upgraded, eventually making it the exclusive corridor for public transport (beginning with bus service to the railway junction at Bityi in the 1930s, and continuing with kombi and bakkie taxis to the present)¹⁸ and the site of a primary school and shop (in Mhlanganisweni, from the 1980s). As a result, two of the agnatically dense areas, KwaDingata and KuBhula have become relatively isolated: these areas are 30-45 minutes walk from the road, although their isolation is offset to a degree by fields that are often much larger than those of homesteads in the neighbourhoods adjacent to the road.

In short, spatial aspects that are likely to discourage or encourage outsiders seeking land have come to overlap with historically-rooted agnatic density and diversity in Hobeni. The result is a situation where agnatic kinship has become more important for access to land in some areas, and less important in others.

Access to Land in Southern Hobeni

¹⁸ Magistrate, Elliotdale letter of 26 Sept 1939 to Chief Magistrate of the Transkeian Territories, in Umtata Archive Depot, Chief Magistrate of the Transkeian Territories file 53/3/1 "Other Sites--Ferries--Elliotdale."

The two patterns of tenure practices that I have described are evident, to varying degrees, in four sets of practices which people in Hobeni use to secure access to land: inheritance, new allocation, subdivision, and relocation. Before describing these in detail, I should note that, like many areas in the former homelands, the southern Transkei coast was subjected to so-called betterment policies, involving forced villagization and the reorganization of land use.¹⁹ In much of Xhora District, including Hobeni, planning for betterment villagization began around 1981, and people were moving by 1983-84. Active enforcement was short-lived, however, and many people who had been ordered to move never moved into the new villages. Significantly, and in contrast to many other betterment areas, the state did not take control of the allocation of new land or the re-allocation of land from which people were removed. Land administration was a longstanding weakness of the district administration, and the state's involvement in land administration effectively collapsed in the late 1980s.²⁰ It had no role in local tenure practices in the late 1990s, while local residents were moving back to their pre-betterment sites.²¹

Inheritance

About one in five homesteads in Hobeni acquired their residential sites, and one in six their fields, through inheritance. While inheritance has contributed to the differentiation between agnatically dense and diverse neighbourhoods, it is clearly not the only cause. In each of the areas dominated by one or two agnatic groups (MaBambeni, KwaDingata and KuBhula), new applicants have continued to receive new sites. Only 29 per cent of the sites in these areas in my survey sample were inherited—a higher proportion than in the sample as a whole, but not sufficient to explain the existence of two types of neighbourhoods.

Under the old administrative regulations, inheritance was limited to the spouse (i.e. the widow, in this patrilineal, patrilocal context) or if she were deceased, the eldest son. Otherwise, land should theoretically revert to the control of the headman for reallocation. Likewise, in arguing that Cape Nguni agnatic clusters were not “economic units,” Hammond-Tooke characterized inheritance as a matter of “transfer...between

¹⁹ There is a considerable literature on betterment. De Wet's work (1995, 1985) is the most comprehensive study of betterment, and places South African betterment villagization in the context of the broader anthropological literature on resettlement. Other case studies include articles by McAllister (1989, 1992), Spiegel (1988), O'Connell (1980), short works by Yawitch (1981) and James (1983), and sections of Deliwe (1992), Hofmeyr (1993: 78-101), and Jacobs (2003). De Wet (1995: 39-67) recounts the history of betterment planning up to and including the report of the Tomlinson Commission, while Hendricks (1990) covers the history of the policies in the Transkei through the 1970s. Beinart (1984) gives a history of the international context and ideological background of the policies. Delius and Schirmer (2000) compare and contrast betterment and soil conservation policies aimed at white South Africans in the same period.

²⁰ The situation is summarized in Fay, Palmer and Timmermans 2002b. Chapters one to four of Fay 2003 provide copious archival evidence of the limits of the district administration's reach in local tenure practices.

²¹ As I show later in the paper, the patterns of resistance to betterment and post-betterment relocation appear related to the two sets of tenure practices.

father and son” (1984: 84), arguing that other kin were not involved.

Evidence from Hobeni, however, reveals that a wider variety of (primarily agnatic) kin are making claims to land based on inheritance, in both the agnatically dense and diverse neighbourhoods. When a couple dies without a son, for example, the husband’s brother’s son may have a viable claim to inherit. He might stake such a claim by simply occupying or ploughing the land, and/or by challenging requests and use by others in the subheadmen’s courts, arguing that the land belonged to a member of his family. Such claims are generally supported by subheadmen and the neighbourhood residents who attend meetings at the subheadman’s place; local residents generally consider it legitimate to claim land belonging to deceased kin other than their parents if there are no lineal heirs.

Allocation of New Land

The majority of homesteads in southern Hobeni acquired their land through new allocation and/or subdivision of existing parcels (discussed below). When asked how one can get land, people in Hobeni describe a set of rules governing allocation that fit the administrative/legal rules of the homeland era and before. They will often say that the headman administers (*ukulawula*)²² land, and that land is available upon request from the headman. Such statements summarize a more complicated process of allocation, which contains several aspects that can be analysed separately: first, the collection of fees or “gifts” in exchange for access to land; second, granting of permission to acquire land in a general area; and third, granting of permission to acquire a specific site.

Hobeni residents actively questioned the right of the headman either to collect fees or to grant outsiders permission to settle in the area; some refused the headman’s more lavish requests for “gifts,” or deferred their payment to an indefinite future. Likewise, they insisted that the headman and applicant would need to consult with neighbourhood residents before an outsider could receive permission to settle, and pointed out a recent case where they had successfully refused an applicant who had been offered a site by the headman.²³

The third aspect of land allocation, the selection of a particular site, was also essentially a matter to be decided by the potential neighbours. When Hobeni residents elaborate their accounts of how land allocation should work, they describe additional procedures to receive land through new allocation. An applicant should approach the neighbours in the area where he or she wants land, then approach the subheadman.

²² *Ukulawula* has connotations of regulation, but also management of distribution; it is often used (along with *ukujola*) to describe the allocation of beer and/or meat at ceremonies (cf. Peires 1981: 32).

²³ The incumbent headman in 1998 was young, and had lost much of his legitimacy for initially failing to support the land claim on the Dwesa-Cwebe Nature Reserves earlier in the decade.

Once an applicant has made a request for land to the subheadman, the subheadman will organize a meeting of all residents of the neighbourhood—in practice, fewer than half will typically attend—at which the residents need to reach consensus on the acceptability of the applicant. Such meetings allow public control over the boundaries of the local moral community, by enabling a discussion of the reputation of outsiders who might want to settle in the area, ensure that there will be potential witnesses in the events of future disputes, and establish a local consensus about borders and ownership.

By focussing on these meetings one can see that the most important aspect of “allocation” is primarily a local matter. To have any expectation of receiving a specific site, a prospective applicant for a site or field needs to consult with and canvass the support of support of his or her future neighbours prior to speaking to the subheadman. As one man explained, “the first thing you must do is to go to the people around the place and ask for their permission—then you need to think about how to get the sheep and the money for the headman.”

There are (at least) two dimensions of choice that enter into this process. First, an applicant must decide where he wants to request a site or field. Second, the residents of the neighbourhood and the subheadman must decide whether the applicant is acceptable. Although there is a commonly accepted set of procedures for how land allocation should take place, these do not specify the outcomes of decisions about requesting or granting access to land.²⁴

It is in these neighbourhood meetings that the social composition of neighbourhoods comes into play. Whether a neighbourhood consists of a network of closely related, co-resident agnates, or a group of diverse families, many of whom are relative newcomers, affects whether requests for land take place, and how they are received.

²⁴ The procedures that McAllister (1986: 61-62) describes in *Neighbourhoods* are similar to what I describe here, although his text does not go into detail on the practices and patterns of distribution that result.

In the agnatically dense areas, outsiders have seldom received land, while people from the majority families in these areas have done so routinely. The following is a typical account: a woman who had established a site in KwaDingata around 1978 explained the process they went through. Her husband identified a vacant piece of land, and spoke to the owners of nearby homesteads and the subheadman. As a direct lineal descendant of Ndoko, the Dingata polygynist who “filled up” (*zalisa*) the neighbourhood with his children, he was speaking with his classificatory brothers and fathers, and had no problem receiving the site with the confirmation of the headman. Others told similar stories; the descendants of local residents had readily received sites, but no immigrants from outside had received sites in these areas.²⁵

The diverse areas have been more accommodating to outside applicants. The absence of polygyny meant that no family made up a majority of the homesteads in any of these neighbourhoods, and the accommodation of outsiders has in turn increased the diversity of the areas. Many of the people who have settled here have had no familial connections to the area. Applicants have relied on friendships, appeals to the fact that they are employed locally, and affinal and/or cognatic ties, rather than agnatic kinship, in finding support for their requests for sites.

To provide some examples, while I was in the field, two sites were allocated in Mhlanganisweni to people from outside the area: one to a newly-initiated diviner from Ngqeleni (a district on the northern Transkei coast) who had been staying in a Mhlanganisweni homestead while studying with a local diviner, and another to a woman who had been living in Cape Town but whose sister was a widow formerly married to a man from Mhlanganisweni. These fit with a longer-term pattern of welcoming outsiders. Three homesteads in Velelo were occupied by descendants of a man from neighboring Gatyana District who had requested a site in the 1970s while working at the Haven Hotel. An unmarried woman with her own homestead in Velelo had inherited it from her mother, who had settled in the area around 1973 while working at the Haven. Another woman with a site in Mhlanganisweni was the widow of a man from Bityi (about 70 km to the northwest) whose mother was the sister to an employee of the Haven. In several other cases, men working at the coast

²⁵ The exceptional cases where there are homesteads from families other than the numerically dominant ones in these areas generally result from the return of women from their marriages, not from the immigration of unrelated outsiders. The only man with the Tshezi *isiduko* in the neighbourhood of KwaDingata explained how he came to have a homestead there. His mother was born there, and married a Tshezi man in another part of Elliotdale. While he was still a small child (around the mid-1950s), his mother returned to her natal home, and met with her classificatory older brother (her father's older half-brother's son) who was the subheadman at the time to request a site. They went together to the headman, who gave his approval to the allocation. Thus he came to grow up on his mother's site in KwaDingata, and inherited it on her death. For a similar situation in KwaZulu-Natal, see Preston-Whyte and Sibisi 1975: 305-306.

had married local women and established sites in their wives' natal neighbourhoods, closer to their workplaces.

Subdivision of Holdings

A third, related means of access to land is subdivision, involving the allocation of land by individual homestead heads or local extended families. Technically not allowed under the administrative regulations that governed tenure in the Transkei region, subdivision is nevertheless widespread. People who subdivide their land for family members typically say that it is not necessary to consult with the headman or subheadman prior to doing so. They subdivide land, and allow kin to build houses and gardens on land that has been subdivided for them, with the expectation that traditional authorities will not challenge their claims. Several subheadmen, on the other hand, were concerned about cases of recent subdivision that took place without their approval, but they were not intervening, refusing to challenge the landowners.

Like allocation, this practice is also shaped by the differences between agnatically-diverse and dense neighbourhoods. For members of the dominant agnatic groups, land that would not be available to outsiders is nonetheless available through subdivision. The situation can be illustrated succinctly by a conversation I had with a retired migrant of the Madiba clan in KuBhula, a neighbourhood was inhabited almost entirely by descendants of his great-grandfather. I asked him whether anyone had recently established a new homestead in the area, and he explained that his two younger brothers had recently received both residential sites and fields.

When I asked if people could still get new sites in KuBhula, at first he said it was not possible, that "there are no sites here without people in them." After a pause, he continued, qualifying his previous statement: "there are sites. It depends on the people of the area. If you go to them and show them a place, they will say there are no sites available." I asked about his brothers. He explained: "there are people who have got sites recently, but they aren't from outside; they've received them from their family's land."

Differential patterns of allocation and subdivision mean that members of the large agnatic groups, in the agnatically dense neighbourhoods, have a better chance of getting a better piece of land than outsiders or residents in the more diverse areas. While people in the diverse areas complain about a scarcity of sites, in the agnatically dense areas where people resisted forced villagization under betterment (KwaDingata and KuBhula), people feel relatively confident about their future prospects for access to land: they say that there is no land shortage, that they could get a field if they wanted it, and that their children could get new residential sites. My household survey confirmed this assessment: roughly one in three homesteads in these areas were recently established, in comparison to one in eight in the remainder of the sample.

Moreover, their plots are often larger; since outsiders have generally not settled in KwaDingata and KuBhula,

there is more land available per homestead in these areas. I did not measure absolute land areas, but in order to get a rough estimate I asked people to estimate the size of their plots: I asked whether their field was 1-smaller than, 2-equal to, or 3-greater than the size a soccer field. Nine of the 19 homesteads (47 per cent) in KwaDingata and KuBhula rated their field a 3, compared to only two of eleven (22 per cent) in Velelo and MaVundleni.²⁶

Women's Access to Land through Inheritance, Allocation and Subdivision

Particularly given the emphasis on agnation in some areas, one must ask how these practices affect women's access to land. According to the rules governing tenure, as one young woman put it, "they must get nothing because they're supposed to be married." Under these rules, no condition would be sufficient for a woman to either receive or inherit her own site. But, again, local practices diverge from stated rules. Local and immigrant women do request and receive their own sites. They also receive sites through subdivision by other family members, and through inheritance (primarily in cases in which there are no living brothers). When they subdivide land, people often provide for female relatives, including widows, unmarried women and divorcees. These can include affinal and cognatic kin.

Much of the literature on tenurial change in sub-Saharan Africa describes situations where women have lost land rights, ranging from ownership to seasonal usage or harvesting of selected resources, as competition over land has increased, but in simple statistical terms, Hobeni and neighbouring Cwebe appears to be exceptions to this trend. In both my survey of Hobeni and Palmer and Timmermans' survey of Cwebe,²⁷ there was no significant difference in the percentage of male-headed and female-headed households with a residential site, garden and field: in southern Hobeni, 68 per cent of male-headed households had access to all three land types, compared to 63 per cent of female-headed households; in neighbouring Cwebe, the figure was 88.5 per cent to 82 per cent.²⁸ In the subset of agnatically dense neighbourhoods in Hobeni, the proportions were more or less the same: 59 per cent of male-headed households had access to all three land types, compared to 58 per cent of female-headed households.²⁹

²⁶ I have excluded MaBambeni and Mhlanganisweni here because the forced subdivision of land during betterment villagization in these areas confounds the situation, as many people saw previously large holdings chopped into as many as eight separate sites.

²⁷ Palmer and Timmermans' survey was conducted roughly six months before my own; I used a modified version of their questionnaire. Chapter seven and appendix A of Palmer, Timmermans and Fay 2002 describe the survey design and methodological issues involved.

²⁸ Nor was there evidence in the Hobeni survey that women were likely to lose rights to uncultivated land; 27 per cent of male-headed households and 29 per cent of female-headed households claimed rights to disused land.

²⁹ The effects of betterment mean that people from the diverse neighbourhoods are more likely to have all three land types, because many Mhlanganisweni residents were removed and have not moved back to their pre-betterment sites, instead converting them to fields.

By necessity, this sample does not include any women who may have had land in the area and been driven out altogether. It does, though, include several women who had returned from their own marriages and successfully acquired residential sites with gardens, and in some cases fields, in their natal areas. The main limitation on women's land rights in practice is the expectation that women should be represented by male kin in requesting land and in disputes. There are a few cases in the diverse areas where women employed at the Haven Hotel with no local male kin have received land, but in general, women with their own sites are widows or sisters of local men.

Relocation, Voluntary and Involuntary

A fourth means by which people have gained access to particular pieces of residential or agricultural land is relocation. Relocation can be divided into three categories: 1) voluntary relocation independent of betterment resettlement; 2) forced resettlement under betterment; and 3) returning to pre-betterment sites.

Voluntary Relocation

When people move voluntarily, they are generally changing the content of existing land rights: they use the same pieces of land, but in different ways. Prior to betterment villagization, Hobeni residents would shift the location of their houses, kraals and gardens, to take advantage of localized pockets of soil fertility and to allow cultivated land to fallow. In some cases they would simply reconfigure their homestead sites, but in others they would shift the location of their homesteads. Such moves took place roughly every 15 years (roughly the lifespan of houses constructed of local materials). There is no evidence of substantive differences in this practice from one neighbourhood to another.

In areas where people resisted villagization (KwaDingata and KuBhula), they continued these practices, converting residential sites to fields and vice versa. In these areas, twenty of the twenty-six homesteads in my survey were in areas that were formerly fields. In many homesteads in these areas, people reported that they formerly lived in the areas which are now their fields, and ploughed at the sites which are now their homesteads. Such moves were largely up to homestead heads; people say that they might consult with neighbours, but there was no formal process or permission required prior to making such a move.

Forced Resettlement under Betterment Villagization

As I explained in the introduction to this section, Hobeni was subjected to forced villagization under betterment policy in the 1980s, although enforcement of betterment was short-lived and resisted. Under betterment, two of the six neighbourhoods (Velelo and MaVundleni) in southern Hobeni were forcibly moved into a "village," while people were also moved within a third neighbourhood (Mhlanganisweni). The newly created village was comprised of two pre-existing neighbourhoods (Mhlanganisweni and MaBambeni),

creating tensions between newcomers and firstcomers that overlapped with the social boundaries of neighbourhood membership. In two other neighbourhoods (KuBhula and KwaDingata), people were ordered to move but resisted successfully until the administration gave up on enforcement, and never moved.

Note that the distinction between agnatically diverse and dense neighbourhoods also corresponds with the pattern of removals and resistance during forced villagization in the 1980s. The three neighbourhoods from which people were removed (Mhlanganisweni, Velelo and MaVundleni) are diverse in their kin composition. In contrast, the two neighbourhoods where people successfully resisted betterment, KuBhula and KwaDingata, are of the “agnatically dense” type.

It is not clear that this is a causal relationship: people in KuBhula and KwaDingata did not mention kinship with their neighbours as a basis for their refusal to move. Most people state simply that they refused to move when told to relocate. A few began to build at their new sites, to give the appearance of compliance without actually moving, but most said they were waiting to see if any enforcement would follow if they did not move.

The kinship composition of the neighbourhoods appears to have influenced the decisions of the few people from KwaDingata and KuBhula who did move. In most (five of seven) cases of removals from these areas, the homestead heads who moved were not members of the dominant agnatic groups;³⁰ it appears that their claims to land were more fragile and easily abandoned.

In the newly-created village, the prior residents lost portions of their residential sites and gardens, which were subdivided to create sites for removed homesteads.³¹ They tolerated the presence of removed people in their midst out of necessity, but many saw the loss of land to newcomers as an injustice. The newcomers were never incorporated into a single moral community; rather, people continued to organize most aspects of their ritual and economic lives along the pre-villagization neighbourhood lines.

For their part, people removed under betterment lost their houses and residential rights in their former sites, which were converted to agricultural land. Nevertheless, in practice they retained some rights to their former

³⁰ In 1998, homesteads from outside the dominant families made up only about 1/4 of the residents of these areas; they are clearly overrepresented among those who moved.

³¹ Interviews in nearby areas suggest that this was typical of the process in the district—in contrast to the complete rearrangement of existing settlement patterns found in earlier betterment cases (e.g. de Wet 1995), local planners in Xhora typically moved outsiders into already-occupied areas.

residential sites; forced removal did not eliminate their claims to land. In contrast to official policy, these sites were not officially re-allocated; instead, their owners continued to use these sites as their fields.

The Reversal of Betterment

Since 1993, many removed people have been building at and returning to their former sites. They have generally acted on the assumption that their neighbours and local traditional authorities would treat their claims as legitimate. Nobody I interviewed had sought the approval of the headman prior to moving; while some said that they notified their subheadman that they were moving, they argued that this should be done out of respect, but that it was not necessary or obligatory.

The reversal of betterment began in 1993 with the voluntary return of a few relatively well-off homesteads. Over time, removed people have faced pressure from their neighbours. In 1999, a man who had recently returned to MaVundleni explained that the first people to move back “went on their own, they left on their own, they weren’t chased” – “*bazihambele, bazimkele, abagxothwanga.*” He continued, “we were staying together well up there. [But] it started getting bad when people said ‘the Trust is over’ (*iTrust iphelile*); they began to intimidate us. They said they wanted to plough.”

As this comment suggests, another option for access to land, among the prior residents of the betterment village, is to encourage removed people to return to their former sites. Like allocation and subdivision, the pattern here corresponds to the differences in the social composition of neighbourhoods. In the agnatically dense half of the resettlement area, outsiders have been unwelcome; in the diverse area, outsiders have been more accepted. The pre-betterment origin of the removed homesteads did not correspond closely with whether they had returned;³² however, a homestead’s destination under betterment is the best indicator of whether its residents had moved back or not. In MaBambeni, the agnatically dense portion of the resettlement village, 26 of the 35 removed homesteads which I was able to trace had returned.³³ In contrast, in the more diverse portion of the resettlement area (Mhlanganisweni), only two of the ten homesteads removed from other areas into the neighbourhood had returned (two more moved back while I was in the field). Of the eighteen homesteads removed within Mhlanganisweni, only two had returned to their original sites in 1998.

³² Among homesteads originating in Velelo, 22 of 33 had returned; in MaVundleni six of 12 had returned.

³³ These examples suggest that agnatic density in other areas of Hobeni may not only be a result of decisions about where to seek land—outsiders who settled there in the past may have left. This is difficult to confirm or disprove—it is easier to learn about residents of the area than those who might have been refused or chased out in the past.

Similarly, there are different patterns in the way people in MaBambeni and Mhlanganisweni have dealt with the land left behind by people who have returned to their pre-betterment sites. In MaBambeni, where a few lineages make up most of the population, long-term residents have generally successfully reclaimed land from people who have left; many people here lost land to removed households and agree that they should have it restored, and most have large networks of sympathetic kin. In the diverse neighbourhood of Mhlanganisweni, on the other hand, the subheadman and residents have disputed the rights of former owners to claim land rather than allow it to be reallocated. Although there are only four cases from which to generalize here, it appears that people have been more willing to allow land to be reallocated; they complain of a shortage of new residential sites, created in part by the fact that people here have not moved back, and have aimed to accommodate applicants for sites rather than let sites revert to their former owners. In two of the four cases the land was reallocated to a new owner rather than being reclaimed by the previous owner; the other two were too small, damp, and steeply sloped to be desirable as sites or gardens, and were disused.

Southern Hobeni: a Unique Case?

To recap, I have argued that there are two distinct patterns to the social composition of neighbourhoods in southern Hobeni, and that these are associated with different practices relating to land tenure, evident to varying degrees in new allocation of land, inheritance, subdivision, the effects of betterment, and the reversal of betterment. I noted above some local spatial factors that contributed to the situation along with the kin composition of neighbourhoods. In the sections that follow, I consider the degree to which this case may be generalizable to other parts of the Eastern Cape and beyond. I begin by returning to the ethnographic literature on the region, to consider additional evidence for the two neighbourhood types I have described here, and the conditions that might favour or inhibit agnatic influence over access to land.

Evidence for Agnatic Density in the Regional Literature

The existence in southern Hobeni of several cases where large agnatic groups reside in a single neighbourhood contradicts the conventional understanding of the relationship of social organization, descent, and territory in Cape Nguni societies. As I show here, however, the existing literature gives examples of agnatic concentration (and hence the potential for considerable informal influence over access to land), although it does not assess their significance.

In the 1980s, scholars took pains to demonstrate the insignificance of “lineages” for Cape Nguni. In *Wives for Cattle* (1982b), Adam Kuper critiqued the use of the lineage concept in southern Africa, arguing that the groups identified as “clans” and “lineages” were of little importance to social, political or economic life.³⁴

³⁴ In an article the same year in the *Annual Review of Anthropology*, Kuper critiqued Fortes and Evans-Pritchard’s models of segmentary lineage systems, concluding that the models, developed from fieldwork in West and East Africa respectively, “have no value for anthropological analysis” (Kuper 1982a: 92). Rather, Kuper argued, the

Hammond-Tooke responded with a series of articles (1984, 1985a and 1985b), that evaluated the ethnographic basis for the use of these concepts: he noted that most Cape Nguni neighbourhoods are made up of diverse agnatic groups, and drew attention to the roles of agnates in dispute resolution and the ancestor religion as the apparent basis for their prominence in the literature. He summarized the kinship composition of settlements: “80 per cent of such agnatic clusters are made up of six homesteads or less. A cluster of twenty agnatic relatives is decidedly exceptional” (Hammond-Tooke 1985a: 315). Here and elsewhere, Hammond-Tooke explained the diverse composition of neighbourhoods as a consequence of the general availability of land prior to the early 20th century, low population densities, relocation due to the warfare in the region throughout the 19th century, and post-marital relocation (Hammond-Tooke 1968, 1985a). His accounts suggested that it was relatively easy for people to relocate to another area: “although...wards tended in the past to be settled by clansmen, it soon happened that strangers, in groups and families, applied for permission to settle, and the authority of the [headman] was extended over them too” (Hammond-Tooke 1975: 51). He also explicitly argued that co-resident agnates did not own or hold authority over land; he draws attention instead to the relationship of service or allegiance (*khonza*) between homestead heads and headmen (e.g. 1984: 83).³⁵

Other ethnographic sources on the Transkei region generally confirm Hammond-Tooke’s account of neighbourhood composition, but they, along with data cited by Hammond-Tooke, also reveal scattered cases of coresidence of large groups of agnatic kin. In a 1984 article, Hammond-Tooke illustrated the diversity of neighbourhoods with examples from his own research in Tsolo and Kuckertz’s research in Port St. John’s. While these cases generally confirm his argument, his material also includes a few cases of large groups of

models represent a rehashing of the ideas of Henry Maine and Louis Henry Morgan, with no reference to actors’ own models of their societies or to the groups that actually organize political or economic activities. This article focussed on the classic “segmentary systems,” said by the models’ advocates to be “stateless societies” without territorial organization (Kuper 1982a: 79). In contrast to these societies, the Nguni societies of southern Africa had been ruled by chiefs and headmen for all of their known history, leading to somewhat different arguments in his southern African study, *Wives for Cattle* (Kuper 1982b).

³⁵ Hammond-Tooke’s normative focus explicitly excludes informal influence and local practice from his analysis. On the relationship of kinship and decision-making, he comments that “in the past there appears to have been greater descent-group concentration in specific areas so that wards and neighbourhoods contained a dominant core of kinsmen. In such cases it is fair to assume that there was a tendency for descent-group interests to influence policy—but if so, it remained political influence and not legitimated authority, in our terms” (Hammond-Tooke 1975: 221).

coresident agnates. Of the five neighbourhoods presented, one had 15 (of 51) homesteads from a single clan; another had 13 (of 60). He also examines Kuckertz's material on Pondoland (also presented in Kuckertz 1990: 48). Kuckertz presents data on four complete neighbourhoods in Ladume Ward, Port St. John's District. In one case, 20 of 39 homesteads were from a single clan; in another 11 of 18. Hammond-Tooke commented in his summary that these large groups "were decidedly exceptional" (Hammond-Tooke 1984: 82).

The earliest anthropological survey on settlement and kinship is Hunter's limited material on a ridge at Ntibane, in Western Pondoland, in which twenty-two homesteads were owned by members of three agnatic groups (Hunter 1936: 61-4, cited in Hammond-Tooke 1984: 80). Holt's 1968 dissertation on the area around Coffee Bay, also on the coast about 25 km to the north of Hobeni, does not go into settlement patterns in any detail, but he does observe that "the Nanga [clan] have the whole administrative area of Nzulwini... mainly, if not entirely, to themselves under a headman of their own clan, Zwelebango Natshiki" (Holt 1968: 182-183).

Based in Neighbourhoods, about 25km to the south of Hobeni, McAllister's work provides a more detailed local case. He worked in the neighbourhood of Folokwe, which was itself divided into three neighbourhood sections. In contrast to Hammond-Tooke's "80 per cent," only three of McAllister's eight groupings were of six homesteads or less, and none were comprised of only one or two homesteads. In one neighbourhood section, 11 members of the Cirha clan, comprising three agnatic groups, made up the greater part of a section of 19 homesteads. In another, 13 members of the Ntshilibe clan, comprising two or three agnatic groups (the presentation makes the number ambiguous) made up just under half of the 29 homesteads in the section. A third was more diverse. Taken together as a neighbourhood, the Ntshilibe accounted for 14 of the 64 homesteads, Cirha for 12, and Ntlane for 11, with five other clans rounding out the mix (de Wet and McAllister 1983: 44).³⁶

De Wet's research on Chatha, in Keiskammahoek District, provides another more detailed source, albeit from an inland area of the former Ciskei. De Wet presents information on the clan and kinship composition of four neighbourhoods prior to betterment removals in the 1960s. Overall, twenty-eight, or 2/3 of the 42 "clan remnants" were comprised of one or two homesteads (compared to 53 per cent in Hammond-Tooke's data) and 38, or 90 per cent, are comprised of six or fewer (compared to 80 per cent in Hammond-Tooke's data). Two neighbourhoods were relatively diverse: in Nyanga, a single clan accounted for 15 of the 52 homesteads, with 16 other clans represented; in Jili, 18 clans comprised the 35 homesteads, with no more than five homesteads sharing a clan. In the other two neighbourhoods, however, a very different pattern obtained: in Ndela, three lineages (de Wet's term) of the Tshezi clan accounted for 28 of the 34 homesteads; in Skafu, one

³⁶ In a discussion of neighbourhoods, McAllister observes that neighbourhoods were "often...dominated by a particular clan, though they invariably included members of a variety of clans" (McAllister 1992: 205).

lineage of the Bhele clan accounted for 20 of the 32 homesteads (de Wet 1985: 405-408).

If we include Holt's unquantified account, we have information on seventeen neighbourhoods. Of these, five have a single clan comprising more than half of their homesteads; nine have a single clan comprising more than 20 per cent of their homesteads.³⁷ In short, clanship, and in many cases, agnatic kinship, overlap more closely with place than Hammond-Tooke's presentation would suggest. This is a pattern that appears even more strongly in material from the area around Hobeni.

Clanship and Settlement in Hobeni and Cwebe

The history of southern Hobeni above focussed on three agnatically dense neighbourhoods (KwaDingata, MaBambeni and KuBhula). Similar neighbourhoods are found in the northern part of Hobeni and in neighboring Cwebe. The following tables summarize the composition of Cwebe and Hobeni, based on the land registers compiled by the Village Planner for the Department of Land Affairs in 1998.³⁸

³⁷ This treats McAllister's cases as three separate neighbourhoods. If his cases are treated as a single neighbourhood, then four of fifteen have more than 50 per cent of homesteads in a single clan, and seven of fifteen have more than 20 per cent.

³⁸ André Terblanche of the Village Planner kindly provided me with the Microsoft Access database in which the land register had been compiled, with the permission of the Hobeni and Cwebe CPA leadership. Using the land register raises several methodological issues. First, the land registers were collected by local youth, and contain many variant spellings which had to be reconciled (for example, "Makhwemteni," "Makhwemtseni," "Mkhwemnte," and "Mkhwemte" all appear representing the Khwemnta isiduko). Second, the data collection teams in many cases recorded the isiduko of the homestead head, often a widowed woman, so that the clans of inmarrying women are often recorded rather than the clan to which the agnates of the homestead would belong. This practice, however, would skew the data *against* showing the correlation between clanship and residence that they in fact reveal. I also cross-checked the Hobeni land register in interviews with subheadmen (most of whom had their own written lists of the members of their neighbourhoods) and other informants.

	Total # of HHs	Total # of clans	Largest clans	# of clans with six or fewer HHs	# of clans with two or fewer HHs
KuBhula	27	12	Cawe (4) Ngcitshane (4)	12	6
Dungashe	133	17	Tshawe (21) Nyawuza (21) Sukude (13)	12	7
KuloMbetshe	78	20	Tshawe (17) Ngcitshane (15) Rhasi (10) Nyawuza (9)	16	14
Mnqwaneni	53	20	Tshawe (19) Valela (6)	18	18
Nyandeni	48	15	Ngcitshane (14) Rhasi (8) Nyawuza (7)	12	10
Xeni	77	17	Rhasi (23) Sukude (14) Mkhwetshube (8)	14	10
TOTAL	416	101		84 (83% of clan groups)	65 (64% of clan groups)

Table 1 - Clans in the Neighbourhoods of Cwebe (May 1998)³⁹

³⁹ HH = household.

	Total # of HHs	Total # of clans	Largest clans	# of clans with six or fewer HHs	# of clans with two or fewer HHs
Be-Lungwini	27	11	AbeLungu (13)	10	10
KuloNqenka	44	15	Tshezi (23)	13	14
Kunene bukaMaBhenu	88	26	Tshezi (27) Mrhabi (19)	24	20
Mncwabe	28	20	Chunube (7) Jola (7)	8	7
Ngxabane	39	12	Mpinga (9)	11	4
Ngqunqumbe	77	23	Mgwevu (24) Mpinga (9)	20	14
Thunzini	98	26	Tshezi (22) Mkabani (13)	20	17
Subtotal	401	133		106 (80%)	86 (65%)

Table 2 - Clans in the Neighbourhoods of Northern Hobeni (May 1998)

	Total # of HHs	Total # of clans	Largest clans	# of clans with six or fewer HHs	# of clans with two or fewer HHs
Ku Bhula	29	6	Madiba (23)	5	5
Kwa Dingata	34	7	Dingata (24)	6	5
MaBambeni	55	9	Mbamba (34) Dingata (11)	7	6
Mhlangani-sweni	37	14	Nyawuza (11) Dingata (6)	13	11
MaVundleni	36	9	Ngqosini (14) Bhayi (9)	7	6
Velelo	32	13	Cirha (6) Tshawe (6)	13	8
Subtotal	223	58		51 (88%)	41 (71%)

Table 3 - Clans in the Neighbourhoods of Southern Hobeni (May 1998)

Boldface text indicates neighbourhoods where >50% of homesteads are headed by members of a single clan.

To summarize the material presented in the tables above, 85 per cent of local clan groups have six or fewer homesteads in these three sets (241 of 282) and 68 per cent have two or fewer homesteads (192 of 282), comparable to Hammond-Tooke's data (80 per cent and 53 per cent). However, in four of the nineteen cases (all from Hobeni) a single clan makes up the majority of homesteads in a neighbourhood (compared to five of

seventeen in the literature reviewed above). In fifteen of the nineteen cases, twelve of thirteen in Hobeni, a single clan makes up more than 20 per cent of the homesteads (compared to nine of seventeen above).

The review of the regional literature, together with the cases presented above, suggest that Hammond-Tooke's formulation of the social composition of Cape Nguni neighbourhoods is incomplete. Instead, one can identify instead two different types, representing endpoints on a continuum. The more common one is the agnatically diverse type in which no clan has a clear majority, represented by three neighbourhoods (Mhlanganisweni, Velelo and MaVundleni) in southern Hobeni. The less common, but clearly discernable, type is disproportionately represented in southern Hobeni (by KwaDingata, MaBambeni, and KuBhula), where the majority of homesteads are affiliated with only one or two clans, and in which large "agnatic clusters" are common.

The Potential for Agnatic Influence Elsewhere

The presence of neighbourhoods dominated by one or two agnatic clusters throughout the region implies at least the sociodemographic potential for patterns of *de facto* control of land allocation by kin similar to those found in southern Hobeni.

Several other conditions seem necessary for co-resident agnatic networks to be an important resource for access to land. First, agnatic influence could only come into play where administrative intervention and forced removals have not removed control over land from local people. In many betterment areas, for example, the state successfully took control of land administration and eliminated the role of neighbourhood meetings in the allocation of land (cf. Speigel 1988, De Wet 1985).⁴⁰ Where locally-based decision-making about land allocation no longer exists, the influence of kinship seems less likely.

Second, the significance of kinship depends on the weakness or absence of countervailing ideological and practical influences that might provide alternative justifications for granting access to land. In many areas,

⁴⁰ In the years before betterment in Keiskammahoek, *de facto* family control over land was evident despite considerable administrative involvement. See the tenure volume of the *Keiskammahoek Rural Survey* (Mills and Wilson 1952), particularly the sections on freehold and quitrent, which describe growing agnatic influence over land and practices which clearly vary from the legal model of these tenure types. The *KRS* case differs substantially from the other cases considered here, however, because of the high frequency of sharecropping, lending and hiring of land (cf. Wilson 1960: 383) which are almost non-existent in Hobeni. The administration was also more involved in land administration in Keiskammahoek than in Hobeni; for example, the administration gave priority to taxpayers in reallocation, tempering potential control by agnatic groups.

there is evidence that other ideological bases have taken the place of descent. Preston-Whyte and Sibisi, for example, describe a situation in what is now KwaZulu-Natal where Christians were chastised for allowing unrelated fellow believers to settle on communal land in favour of their own kin and the kin of local residents (1975: 306-307). More recently, in many areas, civic organizations and other structures linked to political struggles have taken over land administration, often connecting with local inter-generational conflicts (cf. Turner 1999). This could be posed as a research question in considering the relationship between the social composition of settlements and land tenure practices: to what degree do these ideological alternatives to agnatic kinship overlap with social variation? Are, for example, civics stronger in areas where people do not have long-standing, dense agnatic networks?

Finally, agnatic influence only seems likely where demand for land is moderate enough that it actually is feasible to exclude outsiders and/or to prevent them from subdividing land they have received. Preston-Whyte and Sibisi (1975) described a historically-rooted situation of *de facto* control of land by localized agnatic groups in KwaZulu-Natal's Valley of a Thousand Hills, in which agnatic control of land appeared to be waning in the face of increasing demand for residential land. They wrote that "descent group influence in land allocation...[results from] the pattern of the colonization of the Valley by early settlers who laid claim to wide stretches of land, and of the operation of their descendants as corporate local 'pressure groups'" (Preston-Whyte and Sibisi 1975: 304).⁴¹ However, the proximity of the area to major employment centres "[made] it virtually impossible to stem the flood of outsiders who wish to settle in the area" (Preston-Whyte and Sibisi 1975: 307). Moreover, outsiders were subdividing their allocations themselves. Under these conditions, "the established descent groups [might] be overwhelmed by non-agnates and their strength and cohesion ultimately affected" (Preston-Whyte and Sibisi 1975: 308).⁴² Indeed, this seems to be the case in the diverse areas of southern Hobeni, where the first settlers were soon outnumbered, and they never developed the kinship-based influence over land allocation evident in the agnatically dense areas.

⁴¹ Regrettably, I reread Preston-Whyte and Sibisi's article very late in the process of writing this paper—there are a number of parallels between the situation they describe and southern Hobeni that I have not been able to incorporate in the text.

⁴² The authors comment that this was a situation ripe for follow-up research; to my knowledge, this has not taken place.

Certainly, there are similar cases elsewhere in sub-Saharan Africa. Staying in KwaZulu-Natal, Hornby has described similar practices in Ekuthuleni, where families reallocate and subdivide land, bringing in traditional authorities to approve the allocation once the details have been agreed upon locally (2000: 314). In practice such allocations only go to relatives, although these include a range of female cognatic and affinal kin (2000: 315). In a review of the literature on tenurial change across sub-Saharan Africa, Shipton has argued that “lineage principles, particularly patriliney, often become more important, not less, in local land matters as densities rise or as governments attempt to transform tenure” (Shipton 1989: 10; cf. Platteau 1996).⁴³ In perhaps the most detailed study of this phenomenon, Glazier (1985) has demonstrated the emergence of elaborate claims to descent and lineage ownership of land among people with formerly shallow genealogical reckoning in the context of land rights adjudication in Kenya.

To return to the ethnographic literature on the Eastern Cape, these examples point to the importance of avoiding evolutionary assumptions about changes in land tenure and social organization more generally. As Kuper has shown, the expectation that lineages must be historically prior to chiefdoms dates back to the origins of anthropology in the mid-19th century (Kuper 1982a). This argument reappears at points in Hammond-Tooke’s analysis of Cape Nguni social organization, where he suggests that lineage structures existed in the past, but these yielded to a more political structure: “no longer was access to land dependent only on birth: rather did it stem from a specific contractual act of naturalization, expressed in the term *khonza*....the establishment of chiefdoms, then, is related to a fundamental change in ideology in which descent group autonomy gave way [my emphasis] to a relationship essentially between family heads and chief” (Hammond-Tooke 1985a: 311).⁴⁴

Rather than being a vestige of a “pre-political” or “kinship-based” society, the existence in Cape Nguni communities of *de facto* agnatic influence over access to land is a consequence of land scarcity and the historical conditions that have created scarcity. This influence is not recognized in jural or politically legitimated authority, and has therefore been underemphasized in more normative accounts. It exists in

⁴³ In another article, Shipton has demonstrated in agrarian regions of East Africa that lineage systems “were most commonly found in areas with relatively high population pressures,” while “territorially defined political and landholding groups were more commonly found in areas with relatively low population pressures...as reflected in the difficulty of obtaining new land for an expanding farm or a new homestead” (Shipton 1984: 614). As early as 1940, Evans-Pritchard and Fortes had suggested that politically-organized institutions were found at low population densities and lineage structures at higher densities (Evans-Pritchard and Fortes 1940: 3-6; cf. Shipton 1984: 625).

⁴⁴ This argument also appears in his 1975 work: “there is a stage when an evolving political structure undergoes, as it were, a mutation. There must have been a time when Nguni societies were acephalous, with ‘government’ possibly based on the segmentary lineage, and the crucial mutation point would appear to have been when control over local groups ceased to be confined to kinsmen alone and now extended over non-kin: when authority ceased to be merely lineage authority, based on genealogical seniority, and became governmental authority in the strict sense of the term” (Hammond-Tooke 1975: 27). Elsewhere, Hammond-Tooke has speculated that Cape Nguni society may never have been organized on the basis of lineages, and that chiefdoms developed instead from patron-client relationships of service (*ukubusa*) and cattle lending-borrowing (*ukunqoma*; 1984: 89).

practice through numerical advantage in a local political setting where consensus forms the basis for decision-making. At the same time, tenurial change has not been unilinear. In areas with diverse composition, and in which demand for new land has been especially high, other ties have become equally or more important than agnatic kinship.

Land Tenure Reform in Hobeni

As I noted in the introduction, the legal status of tenure in Hobeni is expected to change with the registration of the Hobeni Communal Property Association as part of the finalization of the Dwesa-Cwebe land claim. As a conclusion to this paper, I consider here the implications of the situation I have described for tenure reform at Dwesa-Cwebe, in the light of recent critical assessments of the CPA model. The presence of significant variations in local tenure practices and widespread movement due to the reversal of betterment, coupled with strong and legitimate local institutions at the level of the neighbourhood, has led me to concur with the largely “hands-off” approach that has been taken so far and that is anticipated to continue after the CPA registration.

The Hobeni CPA constitution might be criticized for its inaccessible legal language (cf. Cousins and Hornby 2000: 8), but the definitions and procedures contained in the document are an adequate description of general local understandings of key issues: definitions of a household and land types, membership in the local community (inhering as a birthright or available upon application and approval), and a prohibition on sale without the consent of the general membership of the CPA.

Most importantly, the document, like local understandings of the CPA, insists that the CPA committee may not act without a popular mandate.⁴⁵ While the text itself is probably only familiar to a handful of people in Hobeni, the principle that the CPA is in the service of the community is widely acknowledged and it explains the CPA committee’s unwillingness to intervene in local tenure practices. In terms of its personnel, the CPA is an organizational continuation of the Village Conservation Committees which were set up following the protest action at Cwebe Nature Reserve in 1994, and most local residents saw its role as negotiating over the land claim. This mandate meant that as of September 1999, the CPA had not attempted to intervene in local tenure practices. When I asked the CPA leadership about the roles they envisaged, they explained that, until the CPA and Trust were registered at the resolution of the land claim, they could take no role in managing the CPA land, and had no specific plans for changes (again, in June 2003, nearly two years after the resolution of the land claim, the CPAs remained unregistered). In several instances during my fieldwork where the CPA leaders had suggested that individuals make land available for development projects, they were initially told

⁴⁵ The Hobeni CPA constitution includes the following provision, in boldface in the original: **“9.3. The committee has no right to do anything without a mandate from its members.”** While this has not (to my knowledge) been put to the test in Hobeni, an attempt by the former Cwebe CPA chair to argue for an unpopular position in favour of grazing in Cwebe Forest ultimately led to his removal from office at a general meeting of the Cwebe CPA membership.

that “we elected the committee to get us access to the forest, not to use our land,” as one CPA member put it.⁴⁶ The CPA leaders’ intentions were to work through the subheadmen and neighbourhood structures, following existing tenure practices, and to include the headman as an *ex officio* member of the CPA committee.

Observers of CPAs have also suggested that there is a need for them to record specific spatial land rights. In the case of Ekuthuleni CPA, CPA members have supported a proposal by the Association for Rural Advancement (AFRA) to pioneer such a measure (see e.g. Hornby 2000b: 3). In the context of the reversal of betterment ongoing since 1993 in southern Hobeni and neighbouring areas, however, the creation of a record of the spatial location of plots would probably be ill-advised.

An effort to record rights in particular pieces of land while people are still moving back to their former sites would be likely to generate serious conflict: removed people might use the process to try to establish more permanent claims to their betterment sites, while the prior residents of the betterment village might use it to chase away removed people. Moreover, those responsible for such a “rights inquiry process” would need to confront a dilemma in the betterment village that local people have faced, and responded to in varying ways: whether to assign rights to the person who owned the land prior to betterment or the person who occupied it under betterment. An adjudicating body would either need to come up with a uniform set of principles for adjudication in a diverse institutional landscape, where local practices vary from one neighbourhood to another, or conversely, to attempt to capture in an administrative form the different *de facto* rights and practices that exist in different neighbourhoods.

Neither option would be easy, particularly if the tenure reformers relied upon group-oriented participatory research methods, which are likely only to reveal broadly shared views about land rights and procedural rules, rather than decisions made within the rules and patterns of exceptions that fall outside their scope. Nor are variations in local practice immediately evident from ethnographic fieldwork (after about five months of living and conducting in Hobeni, I wrote up a preliminary account of the reversal of betterment which failed to recognize the distinct spatial variation in tenure practices and the pattern of returns; Fay 1998). Moreover, an adjudicating body would likely be doing it from a position of dubious legitimacy, and it would be likely to undermine the standing of the CPA committee itself.

⁴⁶ In each case, the committee and local residents eventually negotiated alternative sites.

In this respect, the approach taken by the CPA committee, the Village Planner, and the provincial Department of Land Affairs, has been wise. The land register is effectively a census of the constituent households of the community; it does not attempt to record the spatial location or other details of a household's landholding. It relies on local knowledge to preserve these details, and allows for neighbourhoods, subheadmen and families to continue to work out the details of landholding amongst themselves.⁴⁷ In the event of local demand for spatial recording of rights, this approach might be revised, but as I have noted, there are many potential pitfalls to doing so.

There are a few areas where cautious intervention might be helpful. Two areas of local practice which are not discussed in the CPA constitution are inheritance by extended families and subdivision of land. The prevalence and the degree to which people seek public approval of these practices varies within Hobeni. Formalizing procedures for public recognition of these transactions might limit potential conflicts in these areas—as with any such process, however, the risk is that codifying practice will destroy its flexibility and adaptability (cf. Cousins and Hornby 2000: 9-11).

⁴⁷ For strictly legal purposes, it will probably need to be updated at some point. Like most other land registers in rural sub-Saharan Africa (Shipton 1989: 121-129 provides nearly twenty examples), the document began to be out of date within a few months of its recording, as new households formed, new land was allocated, and people died and/or left the area.

A potential area where tenure reform might contribute to a net improvement in land-based livelihoods is in facilitating borrowing and lending of land. Unlike many other areas of the Eastern Cape, borrowing and lending of land is very rare in Hobeni,⁴⁸ primarily limited to a few transactions between close kin, despite the presence of disused land.⁴⁹ The main reason people describe for the absence of borrowing is the concern that after investing in clearing, ploughing (with the risk of damaging their plough on land that has not been ploughed for several years), and/or fencing a disused piece of land, the owner will reclaim it and their work will be in vain.

Borrowing of land (like borrowing of cattle) in Hobeni is generally a private transaction. By creating a mechanism whereby such transactions could be witnessed or approved by a subheadman and members of the

⁴⁸ Only one of the 80 homesteads in my homestead survey reported using arable land belonging to another homestead, although follow-up interviews revealed a few more cases. Sharecropping arrangements were almost completely absent, in contrast to many other Xhosa-speaking communities. Sharecropping has been a feature of land tenure in the Ciskei since at least the 1950s and probably much longer. There, people use the Xhosa term *isahlulo* to refer to sharecropping arrangements, as in other parts of the former Border/Ciskei region and in parts of the Transkei (Chris de Wet, personal communication, Mills and Wilson 1952; cf. Moll 1985; Turner 1999). In contrast, people in Hobeni were unfamiliar with both the term *isahlulo*, and with the practices it described. One research assistant's first reaction was, "where did you get that word? I don't know it." When I explained that it was "*isiXhosa saseRhini*," "Xhosa from Grahamstown," she answered, "*hayi, iziXhosa azifani*," "no, Xhosa languages/cultures aren't [all] the same." When I explained what sharecropping entailed, she said that she had heard of such a system operating years before near Elliotdale Village, where producers would contribute five bags of mealies in exchange for having their fields ploughed by a government tractor. She—and nearly everyone I asked subsequently—was adamant that such arrangements did not exist in Hobeni, and that there was no word in local Xhosa that described the situation.

⁴⁹ Just over a quarter of homesteads in my survey (22 of 80) reported having rights to land that they were not cultivating. Most cited reasons related to various aspects of poverty (lacking labour, traction, or inputs), although some said that they were allowing their land to fallow and others said that they were saving the land for children who had established their own homesteads yet. This figure is comparable to those given by Moll's (1985) review of the literature on tenure and agricultural performance in the Ciskei and Transkei, in which he found that 1/5 or more of the area designated as agricultural land was disused. It is also comparable to the figure he provides for white-owned farms in 1976, where some 21% of cultivable land was fallow (Moll 1985: 15).

neighbourhood (and possibly recorded by one or more members of the CPA committee), it might be possible for the minority of homesteads who are able to produce a surplus to expand their production further. Similar measures have appeared effective in an experimental program in KwaZulu-Natal (Fenwick and Lyne 1999: 143). Demand for borrowed land is likely to be limited to perhaps one in ten homesteads, but bringing more land under cultivation will also redistribute wealth to worse-off residents through increased local demand for work parties and hired labour.

The low-key approach that I have praised here might require revision in the future light of a situation which falls outside the scope of this paper, simply because it was non-existent in 1998-99: outside investment in local land. The assessment I have offered might be revised when there is enough local experience to see if the CPAs provide an adequate framework for outside investment. Given the recent proposal for the creation of a “hatted camp” catering to backpackers in KuBhula, Hobeni,⁵⁰ and other projects associated with the European Union-funded tourism development program in the area, this will be an important question for future research and comparative reflection.

A final issue concerns the nature of the representation of the Hobeni headman on the CPA, an issue that in its general form has been at the centre of national debates over the proposed Land Rights Bill.⁵¹ Hobeni residents explicitly requested that the headman be included as an *ex officio* member at the time that the CPA constitution was being set up, but with equal standing to the other members, to ensure accountability and prevent the possibility of autocratic decision-making or abuses. Ultimately, the question of the role of traditional leaders in land administration in the former homelands may be determined by higher-level political negotiations. Whatever the outcome, it is imperative that it maintain a situation where primary decision-making remains with those who live and use the land—neighbourhood members and subheadmen—and that those who approve their decisions remain downwardly accountable.

⁵⁰ André Terblanche, The Village Planner, “Product Development Summary, Mbashe Node: May 2002.” Unpublished document.

⁵¹ For a partial bibliography see Rangan and Gilmartin 2002.

Bibliography

Andrew, Maura

- 1992 *A geographical study of agricultural change since the 1930s in Shixini Location, Gatyana district, Transkei*. Unpublished MA Thesis, Rhodes University Department of Geography.

Barth, Fredrik

- 1981 *Process and form in social life. Selected essays of Fredrik Barth: Volume I*. London: Routledge & Kegan Paul.

Beinart, William

- 1992 Transkeian Smallholders and Agrarian Reform. *Journal of Contemporary African Studies* 11:2: 178-199.
- 1984 Soil Erosion, Conservationism and Ideas about Development: A Southern African Exploration, 1900-1960. *Journal of Southern African Studies* 11:1:52-83.
- 1982 *The Political Economy of Pondoland 1860-1930*. Cambridge: Cambridge University Press.

Bourdieu, Pierre

- 1977 *Outline of a Theory of Practice*. Cambridge: Cambridge University Press.

Bruce, John

- 1988 A Perspective on Indigenous Land Tenure Systems and Land Concentration. In *Land and Society in Contemporary Africa*, ed. R.E. Downs and S.P. Reyna. Hanover: University Press of New England.

Cook, P. A. W.

- 1934 *The Education of a South African Tribe*. Cape Town: Juta.
- 1931 *Social Organisation and Ceremonial Institutions of the Bomvana*. Cape Town: Juta.
- 1927 Customs Related to Twins among the Bomvana of the Transkei. *South African Journal of Science* 24: 516-520.

Cousins, Tessa and Donna Hornby

- 2000 Leaping the Fissures: Bridging the gap between paper and real practice in setting up common property institutions in land reform in South Africa. Unpublished paper prepared for the CASS/PLAAS CBNRM Programme 2nd Annual Regional Meeting, "Legal aspects of governance of CBNRM."

Cross, Catherine and R.J. Haines

- 1988 *Towards Freehold?* Cape Town: Juta Press.

Davies, C.S.

- 1927 Customs Governing Beer-Drinking among the Bomvana. *South African Journal of Science* 24:521-4.

de Wet, Chris

- 1995 *Moving together, drifting apart : betterment planning and villagisation in a South African homeland*. Johannesburg: Witwatersrand University Press.
- 1985 *An analysis of the social and economic consequences of residential relocation arising out of the implementation of an agricultural development scheme in a rural Ciskei village*. Unpublished Ph.D. Dissertation, Rhodes University Department of Anthropology.
- de Wet, Chris and Pat McAllister
- 1983 *Rural Communities in Transition: A study of the socioeconomic and agricultural implications of agricultural betterment and development*. Grahamstown: Rhodes University ISER Working Paper No. 16.
- Delius, Peter and Stefan Schirmer
- 2000 Soil Conservation in a Racially Ordered Society: South Africa 1930-1970. *Journal of Southern African Studies* 26:4:719-742.
- Deliwe, Dumisani
- 1992 *Responses to Western Education among the Conservative People of Transkei*. Unpublished M.A. Thesis, Rhodes University Department of Anthropology.
- Evans-Pritchard, E.E. and Meyer Fortes, eds.
- 1940 *African Political Systems*. London: Oxford University Press.
- Fay, Derick
- 2003 *“The Trust Is Over! We Want to Plough!”: Land, Livelihoods and Reverse Resettlement in South Africa’s Transkei*. Unpublished Ph.D. Dissertation, Boston University Department of Anthropology.
- 1998 “Undoing Betterment: Residential Relocation in the Former Transkei Since 1995,” University Seminar, Rhodes University, October 1998.
- Fay, Derick and Robin Palmer
- 2000 Prospects for Redistribution of Wealth through Land Reform in Dwesa-Cwebe. In *At the Crossroads: Land and Agrarian Reform in South Africa into the 21st Century*, ed. Ben Cousins. Belville: University of the Western Cape.
- Fay, Derick, Herman Timmermans and Robin Palmer
- 2002a Competing for the Forests: Annexation, Demarcation and their Consequences from c.1878 to 1936, Chapter Four of R. Palmer, H. Timmermans and D. Fay, eds. *From Confrontation to Negotiation: Nature-Based Development on South Africa’s Wild Coast*. Pretoria: Human Sciences Research Council.
- 2002b Closing the Forests: Segregation, Exclusion and their Consequences from 1936 to 1994, Chapter Five of Palmer, *et al.*, eds.
- Fazan, S.H.
- 1944 [1934] Land Tenure in the Transkei. *African Studies* 3:2:45-65.

- Fenwick, Louise and Mike Lyne
- 1999 The relative importance of liquidity and other constraints inhibiting the growth of small-scale farming in KwaZulu-Natal. *Development Southern Africa* 16:1:141-155.
- Glazier, Jack
- 1985 *Land and the Uses of Tradition among the Mbeere of Kenya*. Lanham, MD: University Press of America.
- Haines, R.J.
- 1984 *The Silence of poverty: networks of control in rural Transkei*. Cape Town: UCT School of Economics. Carnegie Conference Paper no. 48.
- Hammond-Tooke, W.D.
- 1985a Descent-Groups, Chiefdoms and South African Historiography. *Journal of Southern African Studies* 11:2:305-319.
- 1985b Who worships whom: agnates and ancestors among Nguni. *African Studies* 44:1:47-64.
- 1984 In search of the lineage: the Cape Nguni case. *Man* 19:1:77-93.
- 1975 *Command or Consensus*. Cape Town: David Philip.
- 1968 Descent group scatter in a Mpondomise ward. *African Studies* 27:83-94.
- Hendricks, Fred
- 1990 *The pillars of apartheid : land tenure, rural planning and the chieftancy*. Uppsala: Almqvist & Wiksell International.
- Heron, G.
- 1989 *Household Production and the Organisation of Cooperative Labour in Shixini, Transkei*. Unpublished MA Thesis, Rhodes University.
- Hofmeyr, Isabel
- 1993 *We Spend Our Years as a Tale That is Told*. Johannesburg: David Philip.
- Hornby, Donna
- 2000a Tenure rights and practices on a state-owned farm: the community of Ekuthuleni. In *At the Crossroads: Land and Agrarian Reform in South Africa into the 21st Century*, ed. Ben Cousins. Belville: University of the Western Cape.
- 2000b Project to deliver records of land rights at Ekuthuleni. Unpublished document provided by author.
- Hunter, Monica
- 1936 *Reaction to Conquest*. London: Oxford University Press.
- Jacobs, Nancy
- 2003 *Environment, Power and Injustice: a South African History*. Cambridge: Cambridge University Press.
- James, Deborah
- 1983 *The Road from Doornkop: A Case Study of Removals and Resistance*. Johannesburg:

SAIRR.

Kuper, Adam

- 1982a Lineage Theory: a Critical Retrospect. *Annual Review of Anthropology* 11:71-95.
1982b *Wives for cattle: Bridewealth and marriage in Southern Africa*. London: Routledge and Kegan Paul.

McAllister, Patrick

- 2001 *Building the homestead: Agriculture, labour and beer in South Africa's Transkei*. Aldershot: Ashgate Publishing Limited for the African Studies Centre Leiden.
1992 Rural Production, Land Use and Development Planning in Transkei: a Critique of the Transkei Agricultural Development Study. *Journal of Contemporary African Studies* 11:2: 200-222.
1989 Resistance to 'betterment' in the Transkei: a case study from Willowvale district. *Journal of Southern African Studies* 15:2:346-368.
1986 *Xhosa Beer Drinks and their Oratory*. Rhodes University: Unpublished Ph.D. Dissertation.

Mills, M.E. and Monica Wilson

- 1952 *Land Tenure*. Keiskammahoek Rural Survey Volume IV. Pietermaritzburg: Shuter and Shooter.

Moll, Peter G.

- 1985 *Transition to Freehold in the Reserves*. Rondebosch: Second Carnegie Inquiry into Poverty and Development in Southern Africa Post Conference Paper Series No. 8.

North, Douglass

- 1990 *Institutions, Institutional Change and Economic Performance*. Cambridge: Cambridge University Press.

Ntsebeza, Lungisile

- 2001 Land allocation in South Africa's former Bantustan with specific reference to the role of traditional authorities. Research Paper prepared for the MWENGO Land Project, Harare.

O'Connell, M.C.

- 1980 Xesibe Reds, Rascals and Gentlemen at Home and at Work. In *Black Villagers in Industrial Society*, ed. Philip Mayer. Oxford: Oxford University Press.

Peires, J.B.

- 1981 *The House of Phalo*. Johannesburg: Ravan Press.

Peters, Pauline

- 2002 Grounding Governance: Power and Meaning in Natural Resource Management. In *Contested Resources: Challenges to the Governance of Natural Resources in Southern Africa*, ed. Tor Arve Benjaminsen, Ben Cousins and Lisa Thompson. Bellville:

University of the Western Cape.

Platteau, Jean-Philippe

- 1996 The Evolutionary Theory of Land Rights as Applied to Sub-Saharan Africa: a Critical Assessment. *Development and Change* 27: 29-86.

Reyna, S.P. and Downs, R.E.

- 1988 Introduction, in *Land and Society in Contemporary Africa*, ed. Downs, R.E. and S. Reyna. Hanover, NH: University Press of New England.

Sahlins, Marshall

- 1976 *Culture and Practical Reason*. Chicago: University of Chicago Press.

Sansom, Basil

- 1974 Traditional Economic Systems. In W.D. Hammond-Tooke, ed., *The Bantu-Speaking Tribes of South Africa*. London: Routledge and Kegan Paul.

Scott, James C.

- 1976 *The Moral Economy of the Peasant: Rebellion and Subsistence in Southeast Asia*. New Haven: Yale University Press.

Segar, Julia

- 1989 *The Fruits of Apartheid: Experiencing 'Independence' in a Transkeian Village*. Bellville, SA: Anthropos.

Shipton, Parker

- 1989 *How Private Property Emerges in Africa: Directed and Undirected Land Reforms in Densely Settled Areas South of the Sahara*. Cambridge: Harvard Inst. for Intl. Development.
- 1984 Strips and Patches: a Demographic Dimension in Some African Land-Holding and Political Systems. *Man* 19:613-34.

Soga, J.H.

- 1930 *The South-Eastern Bantu*. Johannesburg: Witwatersrand University Press.

Spiegel, Andrew

- 1988 The Ambiguities of Betterment: a Transkei Case Study. *African Studies* 47:2:145-154.

Turner, Stephen

- 1999 *Land rights and land administration in Herschel and Maluti Districts, Eastern Cape*. Bellville: University of the Western Cape.

Wilson, Monica

- 1960 Effects on the Xhosa and Nyakyusa of Scarcity of Land. In *Land in Agrarian Agrarian Systems*, ed. Daniel Biebuyck. Oxford: Oxford University Press.

Yawitch, Joanne

- 1981 *Betterment: the Myth of Homeland Agriculture*. Johannesburg: S.A. Inst. of Race Relations.

