

‘A chief is a chief by the people’

*Exploring the legitimacy of the
Mzinyathi chieftaincy in eThekweni,
KwaZulu-Natal*

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"A chief is a chief by the people, a people are a people by the chief. Together they have to carry the heavy load of life." (Sotho saying).

Abstract

In the 1990s, South African civic leaders predicted that the institution of chieftaincy would be swept away by the advent of democracy. However, the anticipations of the chieftaincy's demise proved to be wrong. In many parts of South Africa, the chieftaincy has remained a resilient and legitimate institution. Why is this the case?

This study examines the position of the chieftaincy in a specific locality, namely the Mzinyathi settlement in eThekweni Municipality, KwaZulu-Natal. The study sets out to explore how and why the Mzinyathi chieftaincy maintains its legitimacy in the present-day era. The study makes use of four existing theories that seek to explain the resilience of the chieftaincy. Keulder et al. (1998) argue that the chieftaincy continues to wield authority because the state lacks the necessary capacity to fulfill its everyday duties. Mamdani (1999) argues that the chieftaincy embodies no inherent local legitimacy, but only survives because the central state has recognized and institutionalized this institution. Ntsebeza (2005) and Ribot (2001) argue that the chieftaincy's role in land governance is the main reason for why the chieftaincy has maintained its legitimacy. Ray et al. (1996) argue that the chieftaincy has remained resilient because it is able to derive legitimacy from pre-colonial cultural, political and religious sources.

The primary data that this thesis is built on was produced during a two-month long fieldwork in Mzinyathi and Durban. A combination of qualitative methods was applied, including in-depth interviews, participant observation as well as field notes and field conversations. 26 interviews were conducted with Mzinyathi residents, the chief's headmen, representatives from eThekweni Municipality and representatives from the ward councillor's office.

The empirical findings indicate that the Mzinyathi chieftaincy maintains its legitimacy both because of what the institution *means to people* (moral legitimacy) and because of what the institution *does for people* (performance legitimacy). The findings show that the Mzinyathi chieftaincy is, indeed, able to derive legitimacy from pre-colonial cultural, political and religious sources. Moreover, findings also indicate that the Mzinyathi chieftaincy's role in land governance imbues the institution with legitimacy. Hence, both Ntsebeza and Ribot and Ray et al.'s theoretical explanations are strengthened as a result of this case study. On the other hand, the findings challenge Keulder et al.'s explanation for the resilience of the chieftaincy, since it was found that the state has, in this case, got the necessary capacity to engage in traditional authority areas. The findings furthermore challenge Mamdani's theory, where he contends that the chieftaincy lacks any real legitimacy on the ground. Contrary to Mamdani's conception, it was found that the Mzinyathi chieftaincy does embody local legitimacy, and is able to derive legitimacy from sources that are *not* linked to the central state's authority.

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Hannah Baust Markus

Oslo, October 30th 2017

Glossary

<i>Amakhosi</i>	Chieftaincy (the institution) / Chiefs (plural).
<i>Apartheid</i>	A system of institutionalized racial segregation and discrimination in South Africa between 1948 and 1994.
<i>Chief Ngcobo</i>	The reigning chief of Mzinyathi and Qadi.
<i>Dual governance</i>	Areas which fall under <i>dual governance</i> are areas that are governed both by a chieftaincy and by democratically elected political institutions.
<i>Homelands</i>	Territories that were designated for the black African population during apartheid. A device for excluding blacks from the rest of South Africa. Also known as <i>Bantustans</i> .
<i>Imbizo</i>	A gathering of the people in the chiefdom, usually called by the chief.
<i>Induna</i>	A chief's headman (singular).
<i>Inkosi</i>	Chief, head of the chiefdom/traditional authority area.
<i>Isigodi</i>	A traditional ward (a subdivision of the chiefdom).
<i>Izinduna</i>	The chief's headmen (plural).
<i>Khonza fee</i>	A fee that people have to pay the chieftaincy if they want to access land in the traditional authority areas.
<i>King Goodwill Zwelithini kaBhekuzulu</i>	The reigning king of the Zulu nation.
<i>Mzinyathi</i>	The case study area. A settlement of approximately 30 000 people located north in eThekweni Municipality.
<i>Qadi</i>	The chiefdom of which Mzinyathi is a part.
<i>Ubukhosi</i>	Chieftaincy (the institution).
<i>Ukukhonza</i>	The Zulu system of communal land tenure.

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1 Introduction

In the new South Africa, chiefs will melt away like ice in the sun.

(Civic leader, Gazankulu, quoted in Levin & Mkhabela, 1997, p. 153).

1.1 Background: The chieftaincy – resilience, not demise

In 1994, South Africa underwent a dramatic transition from minority rule to a non-racial democracy. The country's new regime reflected both changes from, and continuities with, the recent apartheid past (Williams, 2010, p. 1). 1994 was the year in which South Africa held its first democratic election open to all citizens, and two years later, in 1996, the country adopted one of the most progressive constitutions the world had ever seen. Promises were made by the new African National Congress (ANC) elite to “democratize” the lives of all the citizens who previously had been stripped of the right of electing their own representatives through the ballot box (Williams, 2010, p. 1). Yet at the same time, the ANC promised to protect the hereditary institution of chieftaincy, and to ensure this institution's place in the post-apartheid political order (Williams, 2010, p. 1). This was a hotly debated decision, which many of the civic leaders who participated in the struggle for democracy were opposed to.

As the opening citation of this chapter illustrates, the prevalent assumption among South African civic leaders in the 1990s was that the institution of chieftaincy would disappear with apartheid (Fokwang, 2009; Beall & Ngonyama, 2009). These leaders saw the chieftaincy, which is based on hereditary principles, as a gerontocratic, chauvinistic and authoritarian form of rule, and hence, they saw this institution as antithetical to South Africa's new democratic dispensation (Fokwang, 2009; Beall & Ngonyama, 2009). The civic leaders believed that when rural populations were given democratic rights to vote representatives into office, then people would start seeing these new elected representatives as their true representatives, and the chiefs

would lose their legitimacy as the leaders of the rural population. Now, 23 years after the democratic institutions were introduced, we see that these civic leaders were mistaken. South African chiefs have shown a remarkable resilience, and the chiefs have triumphantly asserted themselves into South Africa's new political order. Many chiefs still enjoy much popular legitimacy (Williams, 2010). Today, over 2400 traditional leaders exist in seven of the country's nine provinces, and estimations made by the South African state suggest that 14 million people, or almost 30 per cent of South Africa's population, live under the jurisdiction of chiefs (Williams, 2010, p. 5; p. 9). Thus, the institution of chieftaincy remains an influential political force in the country to this day, and the decisions it makes affect a large portion of the South African population (Williams, 2010; Ainslie & Kepe, 2016).

In conjunction with the view of South African civic leaders, the prevailing view in academic circles in the latter part of the 19th century was also that the institution of chieftaincy would be swept away by the advent of democracy. Modernization theorists argued that "chiefs and chieftaincy as agents and institutions of representation and accountability, would soon become outmoded, and be replaced by 'modern' bureaucratic offices and institutions" (Nyamnjoh, 2014, p. 18). In other words, modernization scholars expected that as African societies would move from traditional to modern states, the chieftaincy would diminish. Dependency and socialist theorists also predicted the chieftaincy's demise, as they did not see this institution's place in the new classless society that they envisioned for Africa (Nyamnjoh, 2014). Despite these scholars' predictions, the anticipations of the chieftaincy's demise proved to be wrong. The chieftaincy has proved itself to be a dynamic institution, and throughout the African continent, chiefs have shown that they are capable of reinventing themselves also in the democratic era (Nyamnjoh, 2014, p. 19). Thus, at present, a growing number of researchers have started to recognize the resilience of the chieftaincy (Fisiy & Goheen, 1998; Fokwang, 2009; Williams, 2004; 2010; Ubink, 2007; Cheka, 2008; Morapedi, 2010; Dean, 2013; Logan, 2009; 2013; Nyamnjoh, 2014; Cantwell, 2015).

1.2 Defining chief and chieftaincy

This study will make use of the term *chief* to describe a hereditary leader in South Africa. A chief is the head of a traditional authority area, and is someone who is recognized as such by his traditional community. Moreover, chiefs who are recognized by the South African state are entitled to a salary¹ (Oomen, 2005, p. 32). In this study, the term *chieftaincy* will be used to describe the office which the chief occupies and the entire institution (Hlabisa, 2013, p. x), while the terms *chiefdom* and *traditional authority area* will be used to refer to the territory over which a chief rules. The chief's headmen (men who provide assistance to the chief) will be referred to as *Induna* (singular) and *Izinduna* (plural), which are the Zulu terms for headmen.

1.3 Research question

The issue of legitimacy has been described as “the master question of politics” (Williams, 2010, p. 19-20). Legitimacy implies that the subjects accept and recognize that a particular institution has ‘the right to rule’, and that their compliance to this institution is more or less voluntary (Weber, 1978, p. 212; Oomen, 2005, p. 167). If many South African chiefs are still considered legitimate rulers even in the democratic era, then this begs the question of why. Why do people still recognize the chieftaincy's right to rule in an era where there exist democratic alternatives? What is the source of the chieftaincy's authority? (Williams, 2010, p. 12).

In order to enhance our understanding of the chieftaincy's legitimacy in present-day South Africa, this thesis will explore the position of the chieftaincy in a specific locality, namely the Mzinyathi village in eThekweni Municipality, KwaZulu-Natal. Williams writes that “It is at the local level where one can learn the most about [the chieftaincy's] legitimacy because it is at this level focus can be on what traditional leaders actually *do* and what they *mean* to those in the community.” (Williams, 2010, p. 18-19; emphasis in original). Since 1994, residents of Mzinyathi have had access to democratic channels of representation. They have had the right to participate in national elections since 1994, and in municipal elections since 1995. For the past 22 years, they have had a democratically elected ward councillor that represents the area on the municipal council. Despite the fact that people are now able to elect their own

¹ However, not all of South Africa's chiefs and headmen receive state salaries. The state's register is not up-to-date, and hence there are always more chiefs and headmen in the local communities than those who are registered by the state.

representatives in a democratic manner, the Mzinyathi chieftaincy has not lost its legitimacy as political and social leaders of this local community. There is a widespread notion, among Mzinyathi residents, that the chieftaincy, which is made up of hereditary rulers, should continue to have a central position in local governance. Why is this the case? Can the chiefs offer the people certain things that the democratic institutions cannot provide them with? (Fokwang, 2009). As this study sets out to explore how and why the Mzinyathi chieftaincy continues to be seen as a legitimate governing institution, the research question which guides this thesis is:

How and why does the chieftaincy maintain its legitimacy in present-day Mzinyathi?

1.4 Explaining the chieftaincy's resilience: Existing theories

Although a vast number of scholars now recognize that the chieftaincy continues to wield authority even in the democratic era, there is no consensus among the chieftaincy scholars when it comes to explaining why this is the case, and hence, differing theoretical explanations for this phenomenon have been proposed. One group of authors (van Rouveroy van Nieuwaal, 1996; Migdal, 1988; 1994; Keulder, 1998; Nyamnjoh, 2014) argues that the chieftaincy continues to wield authority because the central state lacks the necessary capacity to fulfill its everyday duties. Another group, represented by Mamdani (1996), argues that the chieftaincy embodies no inherent local legitimacy, but only survives because the central state has recognized and institutionalized this customary institution. Focusing on land as the main explanatory factor, a third group of scholars, such as Ntsebeza (2005) and Ribot (2005), argues that the chieftaincy's role in land governance is the main explanation for why the chieftaincy has maintained its legitimacy in the post-apartheid era. Lastly, a final group of authors (Ray, 1996; Ray & La Branche, 2001; Williams, 2010) contends that the chieftaincy has remained resilient because the institution is able to derive legitimacy from pre-colonial cultural, political and religious sources. These scholars draw different conclusions regarding the chieftaincy's popular support. While some of the authors contend that the chieftaincy continues to survive *because of* popular support, other authors argue that the institution survives *despite* the populace's wishes, and only at the behest of the state (Logan, 2011, p. 1). It is this theoretical debate, which we will revisit in chapter three, that will serve as a point of departure for the thesis as a whole. By taking these scholars' explanations and trying them out on a single, South African case, I will try to find

empirically informed answers, with the aim of contributing to theory development in this particular field.

1.5 Methods

In order to examine the resilience of the Mzinyathi chieftaincy, a combination of qualitative methods was applied, including in-depth interviews, participant observation as well as field notes and field conversations. The primary data that this thesis is built on was produced during a two-month fieldwork in Mzinyathi and Durban. As I wanted to understand the local dynamics of legitimacy, and the internal logic of the socio-political structure of Mzinyathi (Fokwang, 2009), it was necessary to undertake fieldwork in the study area. While in Mzinyathi, I conducted fifteen in-depth interviews with local residents, as well as five interviews with the Izinduna, the chief's headmen. Oomen writes that the scientific literature on the chieftaincy is predominantly concerned with the interactions between the chieftaincy and the state, and that little attention has been devoted to exploring ordinary people's opinions of their chiefs and their motivations for such views (Oomen, 2005, p. 28). This study aims at addressing this shortcoming, by exploring how the local population in Mzinyathi is active in evaluating and justifying the chieftaincy's exercise of power. Since the legitimacy of institutions is in a major way shaped by individuals' attitudes towards these institutions (Almond & Verba, 1989), it is necessary for us to explore chiefly subjects' attitudes towards the chieftaincy, if we want to find answers to why this institution has maintained its legitimacy. How can we understand popular perceptions of traditional leaders? And how do people's perceptions of their traditional leaders relate to their perceptions of their elected leaders?

Although the Mzinyathi case cannot be considered as representative for other South African chiefdoms, I hope that delving into the debate about the legitimacy of the Mzinyathi chieftaincy will allow for a greater understanding of this institution's place in modern-day South Africa. And as Fokwang contends, understanding the experiences of chiefs and chiefly subjects in South Africa provides us with a window through which we can also analyze the course of the country's democratic experience (Fokwang, 2009, p. 103). An investigation of the chieftaincy's

place in modern-day South Africa arguably enables us to better understand how the democratic experience is manifested in a non-Western context (Williams, 2010).

1.6 Thesis structure

This chapter, chapter 1, has presented the thematic background of this thesis and introduced the research question.

Chapter 2 gives an introduction to the study area. This is done in order to provide the reader with a contextual understanding of Mzinyathi and eThekweni Municipality. The history of the chieftaincy institution will be explained, as well as the current structure of the Mzinyathi chieftaincy. The chapter will also address how the institution of chieftaincy came to be recognized in the 1996 Constitution.

Chapter 3 is devoted to the theoretical framework that constitutes the basis for the later analysis. Existing theories that seek to explain the resilience of the chieftaincy will be presented, and various concepts including power, legitimacy and authority will be discussed. A theory of access will also be introduced in this chapter.

Chapter 4 considers the methods I have applied in order to produce primary data. Aspects of reliability and validity will be discussed, before relevant methodological and ethical challenges will be highlighted.

Chapter 5 opens the analysis, as this chapter examines the Mzinyathi chieftaincy's role in land governance. The first part of this chapter is concerned with the ukukhonza custom, before the chapter moves on to a discussion of the relevance of a land-centered explanation in explaining the resilience of the Mzinyathi chieftaincy.

Chapter 6, the second analysis chapter, is devoted to exploring Mzinyathi residents' perspectives on the legitimacy of the chieftaincy. The theoretical stance that the chieftaincy derives its legitimacy from pre-colonial cultural, political and religious sources will be discussed with reference to Mzinyathi.

Chapter 7, the third and final analysis chapter, will address the weak state explanation's validity in explaining the resilience of the Mzinyathi chieftaincy.

Chapter 8, the concluding chapter, summarizes the analysis and findings of this study. Possible topics for future research are also presented.

2 Background

This chapter provides background information on the institution of chieftaincy as well as on the case study area. The purpose of the chapter is to give the reader a greater understanding of the context that the study is set in. The chapter begins with introducing the spatial context of the study: South Africa, the KwaZulu-Natal province, eThekweni Municipality and finally Mzinyathi, the area in which I did field research. Then, the structure of the Qadi chieftaincy will be explained. Following this, I will provide a historic perspective on the institution of chieftaincy, before the institution's place in the post-apartheid order finally will be considered.

2.1 The spatial context of the study

2.1.1 South Africa

South Africa, officially the Republic of South Africa, is a country located at the southernmost region of Africa. It is a multiethnic and complex nation which is comprised of a number of cultures, languages and religions. Some political scientists describe South Africa as an exceptional case in Sub-Saharan Africa, due to its relative democratic and economic successes, and argue that its successes are not transferable to other African countries (Klug, 2000; Gibson, 2004; Villalon & VonDoepp, 2005). However, it can be argued that South Africa is not as exceptional as these scholars believe, since the country faces many of the same issues as its Sub-Saharan African neighbors. A central issue that South Africa has faced, is the challenge of having to accommodate traditional governance institutions into its new democratic dispensation (Williams, 2010, p. 11). South Africa encompasses a *mixed* or *dual polity*, which is a state in which one finds a coexistence of parallel structures of democratic and oligarchic institutions (Sklar, 1999, p. 175). Almost 30 per cent of South Africa's citizens are governed by both the state and a chieftaincy, hence, they live under dual governance. This feature provides a reminder of South Africa's similarity to its African neighbors, as more than 20 of Africa's 54 states can be considered mixed polities (Mamdani, 1996).

2.1.2 KwaZulu-Natal

South Africa is divided into nine provinces, of which KwaZulu-Natal is one. KwaZulu-Natal was created in 1994, when the former homeland of KwaZulu was merged with the Natal Province. The province is located in the southeast of South Africa and borders the Indian Ocean. KwaZulu-Natal has the most homogenous population of any single South African province, as 85 per cent of its population is African, and 80 per cent is of Zulu descent (Beall & Ngonyama, 2009, p. 11). During the transition period in the early 1990s, KwaZulu-Natal was mobilized along ethnic lines by the Inkatha Freedom Party (IFP), a party which has got strong links to the institution of chieftaincy (Beall & Ngonyama, 2009, p. 11). In the transition period, it was feared that KwaZulu-Natal would pursue a separatist agenda, against ANC's preference for a centralized South African state (Beall & Ngonyama, 2009, p. 11). Today, the province of KwaZulu-Natal has got more chieftaincies than any other South African province, and 44 per cent of KwaZulu-Natal's population lives under the jurisdiction of chiefs (Hlabisa, 2013, p. 6; Williams, 2010, p. 9).

2.1.3 eThekweni Municipality

My case study area is located within eThekweni Municipality. eThekweni Municipality is the largest of the eleven districts in KwaZulu-Natal, and has got a population of almost 3.6 million (Sutherland, Robbins, Scott & Sim, 2013, p. 3). eThekweni includes the city of Durban. While many use the name Durban when referring to this area, the local government that manages Durban is known as eThekweni Municipality (Sutherland et al., 2013, p. 3). eThekweni has got a predominantly African population (71 per cent), followed by Indian (19 per cent), white (8 per cent) and colored communities (2 per cent) (Sutherland et al., 2013, p. 3). The Municipality is governed by a democratically elected 219-member city council, which elects the mayor, the deputy mayor and the speaker. eThekweni Municipality is divided into 110 wards², and each ward elects a ward councillor that is to represent the area on council. Ward councillors make up half of the representatives elected to the city council, while the remaining half of the councillors are chosen from party lists (Local Government Action, n. d.)

² *Wards* are geopolitical subdivisions of municipalities.

2.1.4 The case study area: Mzinyathi



Picture 1: Part of the Mzinyathi settlement.

My fieldwork was carried out in Mzinyathi, which is a peri-urban³ settlement located north in eThekweni Municipality, outside of the urban core. The name Mzinyathi means “the home of the buffalo”. The settlement is a mountainous area with the Umngeni River running through it, and the area is also closely situated to the Inanda Dam. Mzinyathi is a site of dual governance, as the settlement is governed by both formal democratic institutions and a chieftaincy. Mzinyathi falls under Qadi Traditional Authority (or the Qadi chiefdom), which is headed by Chief Mqoqi Ngcobo. Moreover, Mzinyathi was amalgamated into eThekweni Municipality in year 2000, as a result of the national demarcation process (Sutherland et al., 2016, p. 8). The area has therefore, since 2000, been part of Ward 3 in eThekweni Municipality⁴. Every fifth year, the residents of Ward 3 elect a ward councillor. The ward councillor is elected by the first-past-the-post system, and represents the area on council. The current ward councillor for Ward

³ Mzinyathi was originally classified by eThekweni Municipality as a rural area, but because of the area’s growth over the past years, it is now more peri-urban in character.

⁴ The boundaries of the Qadi chiefdom and Ward 3 are not the same, as Ward 3 cuts across different chiefdoms.

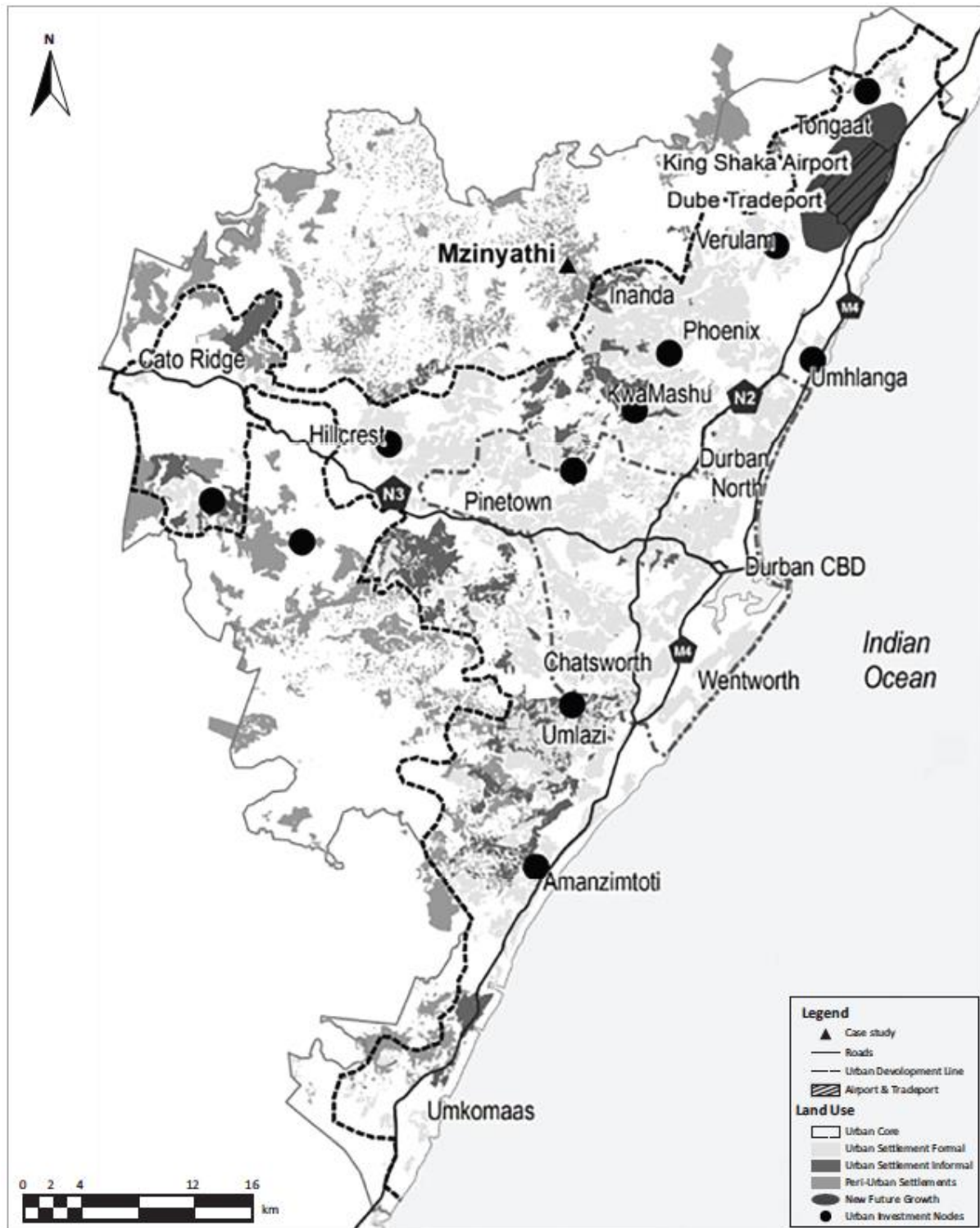
3 has been in power since 2011. Both Chief Ngcobo's offices and the ward councillor's offices are situated in Mzinyathi. While eThekweni Municipality is responsible for delivering services to Mzinyathi, the Qadi chieftaincy is supposed to preside over customary issues and ceremonies as well as land allocation.

Today, Mzinyathi is home to approximately 30 000 people, most of them of African descent and of Zulu ethnicity. Many of the inhabitants still practice old Zulu customs and traditions. Mzinyathi used to be a self-sufficient subsistence farming area, but today the land is predominantly used for housing instead of food production. Nowadays, Mzinyathi is a rapidly densifying area, as a result of people migrating both from the urban townships and also from deeper rural areas. A majority of Mzinyathi's residents work in central Durban, Phoenix, KwaMashu and Pinetown. Many of them work as domestic workers or in the construction business, others run small businesses, such as block making, poultry farming, spaza shops⁵ or shebeens⁶. Mzinyathi has got five schools, a local health clinic and a library. During apartheid, Mzinyathi was located within the KwaZulu homeland⁷, and hence, the area suffered from underdevelopment like all the homelands did (Sutherland et al., 2016, p. 8). Due to this legacy, a significant segment of Mzinyathi's population still lives in poverty. However, the recent influx of people to Mzinyathi has changed the social character of the area, and today, Mzinyathi is a community which is mixed between poor, middle-class and well-off people.

⁵ A *spaza shop* is an informal convenience shop, usually run from home.

⁶ A *shebeen* is an informal licensed drinking place.

⁷ *Homelands*, also known as Bantustans, were territories within South Africa that were designated for the black African population during apartheid. The policy of creating homelands was a device for excluding black Africans from the rest of South Africa (Eriksen, 2016).



Picture 2: The location of Mzinyathi in eThekweni Municipality (Sutherland et al., 2016, p. 9).

2.2 The structure of the Qadi chieftaincy

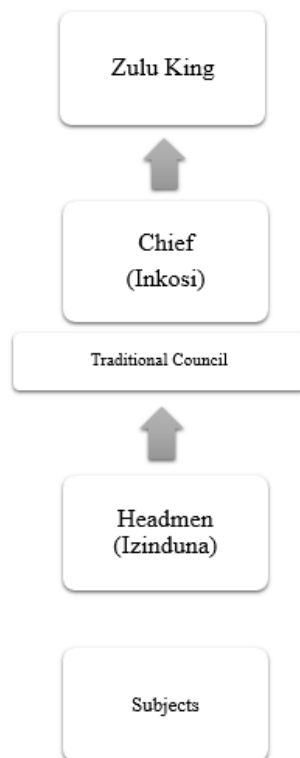


Figure 1: The structure of the Qadi chieftaincy.

Figure 1 presents the structure of the Qadi chieftaincy⁸. The Qadi chieftaincy consists of a *chief* (Inkosi) who is the head of Qadi Traditional Authority. The people who are closely related to the chief are identified as the royal family. The title *chief* is hereditary, and is transferred through the male line. The Qadi chieftaincy is today headed by Chief Mqoqi Ngcobo. Chief Mqoqi Ngcobo was officially inaugurated on October 29, 2015. Before him, it was his father, Chief Mzonjani Ngcobo, who was the head of Qadi Traditional Authority. Chief Mzonjani Ngcobo ruled Qadi for 45 years.

The *Izinduna* (plural of *Induna*) are the chief's assistants, or headmen. They exercise authority over subsections of the chief's area and assist the chief in the administration of his area (Williams, 2010, p. 45; 58). The *Izinduna* are granted discretion to resolve disputes and make decisions, and furthermore, they represent the people in the subsection that they administer (Williams, 2010, p. 58). It is the chief who appoints the *Izinduna*, and the *Izinduna* are

⁸ In this thesis, I frequently use the term *the Mzinyathi chieftaincy*. When I use this term, I am referring to the chieftaincy that rules over the whole traditional authority area of Qadi, of which Mzinyathi is a part.

accountable to the chief. The appointments of Izinduna are based on different factors, such as skills, loyalty and relation to the royal family. Today, Chief Ngcobo has got 18 Izinduna who assist him in administering the Qadi area. In Mzinyathi alone, there are nine Izinduna.

The *traditional council* is a council that assists the chief in governance (see section 2.4.). It consists of maximum 30 people. Before the promulgation of the Traditional Leadership and Governance Framework Act (TLGF Act), the chief used to appoint all the council's members. But now, the TLGF Act states that 40 per cent of the traditional council must be elected democratically at an *imbizo*⁹, and that one third of the traditional council members must be women. The remaining 60 per cent of the council continue to be appointed by the chief. According to the TLGF Act, the traditional council is supposed to be accountable to the subjects of the Qadi chieftaincy.

As can be seen in figure 1, one finds the Zulu King as the top layer in the chieftaincy structure. The Zulu King is the constitutional monarch of the Zulu nation. It is a position which is inherited from father to son. The current King, King Goodwill Zwelithini kaBhekuzulu, was inaugurated in 1971. The Zulu King is the leader of the chiefs, and the chiefs are accountable to the Zulu King, just like an Induna is accountable to the specific chief who appointed him.

2.3 The KwaZulu-Natal chieftaincy in a historic perspective

2.3.1 Governance of KwaZulu-Natal in the pre-colonial period

The current chiefdoms in KwaZulu-Natal date back to the seventeenth and eighteenth centuries, when smaller families united to form larger clan groups. These clan groups would be led by one dominant clan, which came to be the royal family that produced the chief (Williams, 2010). In the nineteenth century, more than hundred chiefdoms in the area were integrated into the larger Zulu kingdom, as King Shaka from the Zulu chiefdom successfully conquered the surrounding chieftaincies. At its zenith, Shaka's Zulu Empire dominated much of what is today KwaZulu-Natal. When the King conquered new areas, he left the existing chief in charge, and existing customs and traditions were kept intact, but the conquered chiefs had to pledge

⁹ An *imbizo* is a gathering of the people in the chiefdom, usually called by the chief.

allegiance to the King (Williams, 2010). The Zulu Empire ruled the area until it was defeated by British colonialists in the late nineteenth century.

Williams (2010, p. 40-43) emphasizes that in the pre-colonial period, a central governing principle in the Zulu culture was the principle of *unity*. This involved the promotion of unity within a local community, the promotion of unity among the whole population in the Zulu Empire, and also the promotion of unity between a local chief and his subjects. Williams further explains the pre-colonial political idea of unity can be understood as containing four main principles that the chiefs governed after: 1) the maintenance of order, 2) community consultation and participation in decision-making, 3) impartial and unbiased decision-making by rulers, and 4) promotion of community welfare before individual gain (Williams, 2010, p. 42). Chiefs had to govern with these principles in mind, as ordinary people would check the chiefs' abuse of power based on these principles.

2.3.2 Governance of KwaZulu-Natal in the colonial, segregationist and apartheid periods

The British expansion into the Zulu Empire led to a number of great changes in the region. The British annexed Natal in 1845, and as they were eager to take control over the areas that belonged to the Zulu Empire, they went to war with the Zulus in 1879. The British conquered the capital of the Zulu Empire the same year, and Zululand was integrated into the Natal Colony in 1887 (Eriksen, 2016). The British settlers feared the chieftaincies, and there was much confusion over what to do with these indigenous political structures (Williams, 2010, p. 59). In order to manage this problem, a British statesman called Theophilus Shepstone devised a system where the colonialists would rely on local chiefs to administer and control the indigenous population. In Shepstone's system, called *indirect rule*, the British would appoint chiefs, who were supposed to act as obedient intermediaries between the colonial government and the Africans (Eriksen, 2016). Central to Shepstone's system was also the demarcation of *reserves*. The reserves were areas, often with less fertile land, that were demarcated for the African population, while the British made claims to the more productive areas as well as the coastal areas.

When the Union of South Africa was formed in 1910, the system of indirect rule was extended and entrenched, as South Africa decided to implement the “Shepstonian” system in the whole Union (Beall & Ngonyama, 2009; Williams, 2010, p. 61). Chiefs in KwaZulu-Natal became more and more dependent on the Union government for power and resources, and the relation between chiefs and their subjects changed (Beall & Ngonyama, 2009, p. 8). The powers of the chiefs vis-à-vis the subjects were expanded by the British, and while the British still demanded that the chiefs would maintain order, the pre-colonial governing principles of consultation, impartiality and community welfare were undermined. As a result, the mechanisms that the population earlier had had to restrain the powers of the chiefs were weakened (Williams, 2010).

When the Nationalist government came to power in South Africa in 1948, this was the start of 46 years of apartheid rule (Beall & Ngonyama, 2009). The apartheid government further expanded and institutionalized the system of indirect rule. The Promotion of Bantu Self-Government Act from 1959 provided for the establishment of homelands, of which KwaZulu was one (Beall & Ngonyama, 2009, p. 8). In the homeland system, black South Africans were no longer considered citizens of South Africa, but were instead considered citizens of their respective homeland, like KwaZulu. The only place where black South Africans could claim rights were in the homelands, and many were forcibly removed from cities to homelands. Their freedom of movement was severely limited as they had to carry passports when travelling outside their homeland, and could only leave their designated area for the purpose of migrant work in South Africa. Appointed chiefs governed the KwaZulu homeland during this period, and the chiefs were the administrative agents of the apartheid government. The chiefs were supervised by white officials from the Department of Bantu Affairs, and were accountable to this Department rather than to their subjects.

As can be understood from this brief historic account, there is no question that colonialism and apartheid transformed the nature of the chieftaincy. However, in academic circles today, there exists an extensive debate around *how* exactly the experience of indirect rule transformed the chieftaincy. While some scholars argue that the chieftaincy’s involvement in the colonial and apartheid administrations has discredited the institution, and stripped it of any real legitimacy,

others disagree with this position. Within the present framework, I will not delve into this debate, as it is outside the scope of this thesis. To read more about this debate, see for instance Welsh, 1971; Marks, 1986; Hendricks, 1990; Mamdani, 1996; van Rouveroy van Nieuwaal, 1996; Ntsebeza, 2005 and Williams, 2010.

2.4 Accommodating traditional governance institutions: The chieftaincy in the post-apartheid era

As mentioned in the introductory chapter, there was, in the early 1990s, a public debate in South Africa concerning what should be the appropriate role of the chieftaincy in the post-apartheid order. Several civic society organizations lobbied for the abolishment of the chieftaincy, as they believed that giving the chieftaincy a role in post-apartheid governance would be incongruous with democratic values (Hlabisa, 2013, p. 4). Chiefs, on the other hand, lobbied extensively in order to assure a place for themselves in the new South African democracy. The chiefs organized themselves in an organization called Congress of Traditional Leaders of South Africa (CONTRALESA), which lobbied on their behalf. CONTRALESA was a party to CODESA, the negotiation forum that took place between 1990 and 1993 between the National Party, the ANC and a number of other opposition groups, where the principles of the new, democratic South Africa were outlined. Here, CONTRALESA managed to secure the protection and recognition of the chieftaincy through the inclusion of a constitutional principle concerning the institution. It also arguably helped the chiefs that the ANC were on their side, as the ANC was eager to recognize and protect the status of the chieftaincy. The end result was the formal recognition of the chieftaincy in chapter 12 of the 1996 Constitution. Chapter 12 states the following:

211. (1) The institution, status and role of traditional leadership, according to customary law, are recognised, subject to the Constitution. **(2)** A traditional authority that observes a system of customary law may function subject to any applicable legislation and customs, which includes amendments to, or repeal of, that legislation or those customs. **(3)** The courts must apply customary law when that law is applicable, subject to the Constitution and any legislation that specifically deals with customary law. (Republic of South Africa, 1996, chapter 12, section 211).

Chapter 12 of the new Constitution was a major victory for traditional leaders. It is this section of the constitution which confirms the establishment of a mixed polity in South Africa (Williams, 2010, p. 86). However, the Constitution does not specify the roles and functions of the chieftaincy within the new democratic order. In the beginning of the new millennium, therefore, the South African state drafted two new laws that dealt directly with the chieftaincy's role and functions. The first of these two laws was the Traditional Leadership and Governance Framework Act (TLGF Act). This Act from 2003 establishes the guidelines for the creation of traditional councils. Traditional councils are new traditional bodies that are "designed to meet the goals of broader representation, greater accountability, and coordination between local government institutions and the chieftaincy" (Williams, 2010, p. 98). While the previous traditional authorities were made up exclusively of individuals who had inherited their position or who had been appointed, the new traditional councils are now supposed to be comprised of 40 per cent elected members. Moreover, at least one third of the members must be women. By making these rules, the TLGF Act seeks to transform the chieftaincy so that it can coexist with modern, democratic institutions (Williams, 2010, p. 98). Nevertheless, this Act clearly states that the elected local government, and not the chieftaincy, is to be the primary body for local governance (Williams, 2010, p. 105).

Even after the promulgation of the TLGF Act, there were still unanswered questions regarding what authority the chieftaincy had to make decisions at the local level, especially within the field of land governance (Williams, 2010, p. 104). To address this issue, the government passed the Communal Land Rights Act (CLRA) in 2004. In the pre-colonial era, and also in the colonial and apartheid eras, chiefs have had the authority to decide who can and cannot inhabit their chiefdoms. They have allocated land to individuals through a system called *ukukhonza* (this system will be explained in greater detail in chapter five). Upon the new millennium, South Africa's traditional leaders were afraid that these powers would be retracted, and so they lobbied extensively in order to keep their authority to allocate land. These demands were answered, as the Communal Land Rights Act makes traditional councils (which are led by the chief) the supreme structures when it comes to land allocation in rural areas (Ntsebeza, 2005, p. 287). Hence, through the promulgation of the TLGF Act and the CLRA, the South African state has made significant concessions to the chieftaincy (Beall & Ngonyama, 2009, p. 10), and

these pieces of legislation arguably ensure that the chieftaincy will continue to be a powerful institution, also in the post-apartheid institutional landscape.

3 Theoretical approaches

This chapter considers the theoretical framework that has guided my data collection and data analysis. Theories are heuristic devices that help researchers understand, and make sense of, social phenomena. This study aims to explain how and why the chieftaincy maintains its legitimacy in present-day Mzinyathi. Before embarking on this task, it will be necessary to present central theories and concepts that help me explain this puzzle. The chapter will therefore start with an examination of four existing theories found in the chieftaincy literature that aims to explain how this institution has maintained its legitimacy in Africa. Following this, the concepts of power, legitimacy and authority will be defined, and Williams' (2010) two dimensions of legitimacy will be introduced. Towards the end of the chapter, Ribot and Peluso's theory of access (2003) will be presented.

3.1 Explaining the resilient chieftaincy: Existing theories

Within the academic literature that analyses the role of the chieftaincy in Sub-Saharan African societies, there exist competing explanations as to why the chieftaincy has remained a legitimate and resilient institution in the post-colonial and democratic eras. Scholars have proposed that the chieftaincy's continued presence is linked to 1) the existence of weak post-colonial states, 2) the legacy of indirect rule, 3) the chieftaincy's role in land governance, and 4) the institution's ability to derive authority from pre-colonial cultural, political and religious sources. Each of these theories will now be explained.

3.1.1 The existence of weak post-colonial states

One group of authors argue that in order to understand why the chieftaincy continues to wield authority, we need to understand the limitations of weak post-colonial states (Keulder, 1998; Migdal, 1988; 1994; van Rouveroy van Nieuwaal, 1996; Nyamnjoh, 2014). These authors argue that traditional institutions continue to wield authority because the central state lacks the necessary capacity to fulfill its everyday duties (Williams, 2010, p. 15). Writing specifically

about the South African context, Keulder argues that the decision to incorporate the chieftaincy in the 1990s was a pragmatic move done by the post-apartheid state, due to the fact that the state was particularly weak in rural parts of South Africa. Delegating responsibility to the chieftaincy enabled the post-apartheid state to exercise at least *some* authority in rural areas, *through* the chieftaincy (Keulder, 1998, p. 306). Nyamnjoh (2014) echoes Keulder's argument, emphasizing that "chief and chiefdoms, instead of being pushed 'into the position of impoverished relics of a glorious past' (Warnier, 1993, p. 318), have been functioning as auxiliaries or administrative extensions of many post-colonial governments" (Nyamnjoh, 2014, p. 20). Hence, to these authors, the main explanation for the chieftaincy's legitimacy lies outside of the chieftaincy itself. Instead we must study how the post-colonial (or post-apartheid) state lacks sufficient capacity to enforce its rule in traditional authority areas, since this is what renders the chieftaincy legitimate, even today. In my study, I wanted to test if this theoretical explanation could help me in answering the research question. Therefore, during the interviews with municipal officials, I asked them whether they believed that the state lacks the necessary capacity to engage in traditional authority areas within eThekweni Municipality.

3.1.2 The legacy of indirect rule

Mahmood Mamdani is a well-known scholar who links the resilience of the chieftaincy to the legacy of indirect rule. In his book, *Citizen and Subject: Contemporary Africa and the Legacy of Late Colonialism* (1996), Mamdani offers a renowned and influential critique of African traditional leaders. Mamdani argues that during colonialism, African chiefs were captured by the colonial state, as the chiefs became the colonial state's instruments in the system of indirect rule¹⁰. This system, made to facilitate the rule of the colonial state, made the chiefs the central link between the state and society, and hence, it made them upwardly accountable to the colonial state (Mamdani, 1996; Logan, 2011, p. 1-2). At the same time, the downward accountability (the accountability between chiefs and their subjects) was phased out. As the downward accountability and the chiefs' loyalty to their subjects disappeared, so did the local legitimacy that the chieftaincy had earlier enjoyed (Mamdani, 1996; Logan, 2011, p. 1-2). It is

¹⁰ For a description of the system of indirect rule, see chapter two.

based on this line of reasoning that Mamdani makes the claim that the chieftaincy institution has got no local legitimacy today.

Mamdani argues that the reason for why the chieftaincy has remained a resilient institution in the post-colonial era is that the post-colonial (and post-apartheid) state has replicated the patterns of the colonial state. The post-colonial state is unwilling to eliminate the chieftaincy, and the chieftaincy continues to be used by the state to control chiefly subjects, also today (Mamdani, 1996). Mamdani therefore contends that the chieftaincy today exercises power, but that it does not exercise legitimate power, since the subjects' compliance to this institution is not voluntary. In my study, I wanted to test whether Mamdani's claim, that the chieftaincy does not embody any local legitimacy, holds true for my case. Residents were therefore asked whether or not they support the institution, as well as on what grounds they justify their support (since I have operationalized *legitimacy* as *justified support* (see section 3.2.2)).

3.1.3 The chieftaincy's role in land governance

Two other chieftaincy scholars, Lungisile Ntsebeza (2005) and Jesse Ribot (2001), argue that the chieftaincy's role in land governance is the main explanatory factor that can help us understand why the chieftaincy has remained a resilient institution. According to them, it is the chieftaincy's *role as a land allocator* which enables the institution to still be powerful, and to still have authority in the present-day era. In his book, Ntsebeza argues that: "traditional authorities derive their authority from their control of the land allocation process, rather than their popularity amongst their subjects." (Ntsebeza, 2005, p. 22). In a similar manner, Ribot argues that it is the chiefs' control over land resources which allow them to maintain a leading role in rural local governance (Ribot 2001; Logan, 2011, p. 3). These two authors make no clear distinction between power and legitimacy. Instead, they argue that legitimacy follows from power: Chiefs maintain their legitimacy *because of* their continued control, or power, over land. As long as the chiefs control this resource, people will turn to them, and this dynamic legitimizes the chiefs as leaders in local governance (Ribot, 2001; Ntsebeza, 2005; Logan, 2011, p. 3-4). Both Ntsebeza and Ribot emphasize that the reason for why people still turn to the chieftaincy, is because they need land – it is *not* because the people are fond of this institution.

Ribot contends that traditional authorities are not liked by the local population (Ribot, 2001, p. 77), while Ntsebeza states that people actually tend to fear the chieftaincy – they rarely respect the institution (Ntsebeza, 2005, p. 294). In order to find out whether Ntsebeza and Ribot's theoretical explanation fits with the reality on the ground in Mzinyathi, the interviewed residents were asked whether they link the chieftaincy's authority to its control over the land allocation process. Moreover, they were asked, as mentioned in the subsection above, whether they consider their local chieftaincy to be a legitimate institution.

3.1.4 The chieftaincy's ability to derive authority from pre-colonial cultural, political and religious sources

The final theoretical explanation is provided by group of authors who argue that the reason for the chieftaincy's continued resilience is that this institution has the ability to derive legitimacy from pre-colonial cultural, political and religious sources (Ray, 1996; Ray & La Branche, 2001; Williams, 2010). Ray, for instance, stresses that:

“Chiefs’ legitimacy comes (mainly) from the sacred and political order that existed before the imposition of the colonial state. ‘Chiefs’ or traditional authorities may have been modified to greater or lesser extents by the colonial and postcolonial states, but traditional authority’s legitimacy pre-dates the two latter state forms. The colonial and post-colonial states depend on legitimization strategies that are rooted elsewhere than in the pre-colonial period.” (Ray, 1996, p. 184).

Contrary to the view of Mamdani, Ray, Ray and La Branche and Williams argue that the chieftaincy continues to be a legitimate institution because it is still supported by local populations. And the main reason for why the institution is still supported, is that it has the ability to derive legitimacy from a preexisting set of governance norms and structures. These norms and structures were present before the colonial and post-colonial state, and thus, these norms and structures are a source of legitimacy that the chieftaincy has the ability to tap into, unlike the latter African state forms (Ray, 1996). Moreover, in addition to deriving legitimacy from the pre-colonial governance structures, this group of authors further argues that the chieftaincy also derives legitimacy from pre-colonial religious, or sacred, sources. According

to Williams (2010), the chief has historically been viewed as an important link to the ancestors¹¹, hence, he has a form of supernatural connection (Williams, 2010, p. 44). Although not all Zulus still worship the ancestors today, the belief in the chieftaincy's link to the ancestors still remains, and this ancestral link gives the chief, and the chieftaincy, authority (Williams, 2010, p. 8).

When I arrived in Mzinyathi, the case study area, I wanted to explore Ray, Ray and La Branche and Williams' hypotheses. During in-depth interviews with Mzinyathi residents, the interviewees were asked whether or not they support the chieftaincy, as well as on what grounds they justify their (non-)support for the institution. This was done in order to find out whether the Mzinyathi chieftaincy actually enjoys popular legitimacy, and whether the residents point to pre-colonial structures in their justifications for why the chieftaincy should be part of the present governance landscape.

3.2 Theorizing power, legitimacy and authority

3.2.1 Power

Before turning to a discussion of the power, legitimacy and authority of the chieftaincy, it will be necessary to describe what is meant by these concepts. Power is a concept which has been subject to considerable contestation and disagreement; it is a concept which many scholars have sought to define (Beetham, 1991, p. 42). In the widest sense, the power an institution or a person has indicates its "ability to produce intended effects upon the world around them, to realise their purposes within it, whatever these purposes happen to be" (Beetham, 1991, p. 43). Beetham emphasizes that power in society is always *unequally distributed*, some have more power than others, hence we can speak of a relative distribution of power within a society (Beetham, 1991, p. 43). Furthermore, power is *relational*, as Dahl's well-known definition of the concept implies: "A has power over B when A has got the ability or capacity to make B do something that he would not otherwise do" (Dahl, 1957, p. 202-203). Power is relational because an actor's

¹¹ The Zulu traditional pre-Christian belief system is a system of ancestor worship. It is believed that ancestors live in the spirit world, and act as intermediaries between the spirit world and the physical world. Because of this, the ancestors' spirits are praised, and offerings are made to them.

ability to realize his or her purposes depends on his or her ability to influence or control the actions of others.

Beetham further adds that there is a *resource-centered element* to the concept of power. He emphasizes that one of the typical means of attaining power is through “the possession of superior capacities or resources, whether of strength, knowledge, material goods, or a combination of these” (Beetham, 1991, p. 44). An institution or a person has greater chance of influencing and controlling others if it promises to “grant or withhold some resource or service you desire or need” (Beetham, 1991, p. 44). It is not only Beetham who have argued for a resource-centered understanding of power. Hawley (1999) suggests that there is a circular process between power and resources, as she suggests that power is a result of resource acquisition, and power can be converted further into acquiring more resources. Acemoglu and Robinson echo this view. They argue that it tends to be those institutions and persons in control of the economic resources in a society who possess the *de facto* political power, rather than the institutions in that society who possess the *de jure* political power (Acemoglu & Robinson, 2012).

3.2.2 Legitimacy

Max Weber is famous for emphasizing that power relationships are influenced by legitimacy. But what exactly is legitimacy? In political science, legitimacy implies that the subjects accept and recognize that a particular institution has ‘the right to rule’, and that their compliance to this institution is more or less voluntary (Weber, 1978, p. 212; Oomen, 2005, p. 167). In other words, this means that a legitimate institution has got the right to exercise power – it has got power through consent and mutual understanding, instead of through coercion. As Weber explains it: The subjects must have an *interest in obeying* that particular ruler (Weber, 1978, p. 212). Seymour Martin Lipset provides a slightly different definition of legitimacy, however, his definition is still related to Weber’s understanding of the concept. Lipset argues that legitimacy is “the capacity of the system to engender and maintain the belief that the existing political institutions are the most appropriate ones for the society” (Lipset, 1984, p. 88).

In order to assess the legitimacy of the chieftaincy in Mzinyathi, the term legitimacy had to be operationalized. In line with Oomen's (2005) recommendation, legitimacy is, in this study, operationalized as *justified support*. *Justified* – because it is relevant to study “the way in which people think of, speak about and justify the way in which institutions (...) obtain their authority” (Oomen, 2005, p. 167), and *support* – because support forms “a reasonable and measurable indication of whether people will comply when told to do so” (Oomen, 2005, p. 167).

3.2.3 Authority

Authority and legitimacy are two concepts that are intimately linked to each other. In this thesis, legitimate power will be referred to as authority (Weber, 1978). Power is ‘converted’ into authority when the institution which holds power is considered legitimate, hence, a ruler that exercises authority is ruler that is considered legitimate and justified in the eyes of both its subjects as well as in the eyes of the ruler himself. Or as Heywood has formulated it: “Authority is power cloaked in legitimacy” (Heywood, 2015, p. 9). When an institution exercises authority, it makes it possible for that institution to implement decisions even though its subjects might be against these decisions. The subjects might disagree with the decisions, but they still recognize that institution's right to make these decisions, as well as their own duty to obey (Weber, 1978).

3.2.4 Legitimacy as an evaluative concept

Discussing the concept of legitimacy, Lund cautions against understanding legitimacy as “a fixed absolute quality against which actual conduct could be measured” (Lund, 2006, p. 693). Instead, a number of scholars have argued that legitimacy must be understood as an evaluative concept (Lipset, 1984; Moore, 1988; Alagappa, 1995; Lentz, 1998; Oomen, 2005; Lund, 2006; Williams, 2010). Lund emphasizes that what is considered legitimate “varies between and within cultures and over time, and is continuously (re-) established through conflict and negotiation” (Lund, 2006, p. 693). Hence, legitimacy should be understood as an *ongoing and open process*, that involves critical evaluations by audiences concerning the justifications for the exercise of power (Williams, 2010, p. 20; Lentz, 1998, p. 47). In other words, understanding

legitimacy as an evaluative concept means that one assumes that the public continuously assess if institutions governing them, like the chieftaincy, are legitimate or not. This study is based on such an assumption. During my fieldwork in Mzinyathi, I was interested in studying exactly these evaluative processes where ordinary people assess the legitimacy of the chieftaincy. Chapter six will be devoted to exploring the public's critical evaluations of the chieftaincy institution in greater detail.

3.3 The two dimensions of legitimacy

Having established in the previous section that legitimacy is evaluative, then this begs the question of how subjects evaluate, or *legitimize*, their rulers. According to Williams (2010), subjects evaluate whether their rulers are legitimate or not based to two dimensions. The first of these dimensions is the *moral dimension*. Williams captures the essence of the moral legitimacy dimension when writing that:

“The moral dimension of political legitimacy is the underlying norms, values, myths and symbols of the society that are used to define and evaluate “appropriate” political action. These norms, myths, and symbols constitute a worldview that helps to determine the structures of authority as well as a vision of how things ought to be and what is, according to Schatzberg (2001), politically “thinkable”. In this way, the moral dimension of legitimacy includes both explanatory and normative ideas.” (Williams, 2010, p. 21).

As Williams here explains, when subjects legitimize their rulers based on a moral basis, they evaluate their rulers based on underlying norms, myths and values of the society, what they believe is rights and wrong, and what the institution means to the community in a broader sense. In other words, a person can regard a ruler or an institution as legitimate or illegitimate according to the way in which it fits with his or her own values (Lipset, 1984).

The second legitimacy dimension is the *performance dimension*. This dimension refers to “the manner in which power is used and how those in society evaluate this process” (Williams, 2010,

p. 28). Hence, when subjects legitimize their rulers based on a performance basis, they evaluate that ruler based on what the ruler does, how the ruler uses his power. In South Africa, when people assess their rulers based on the performance dimension, then this often tends to be an evaluation of whether or not the ruler delivers development and social services to its people (Logan, 2011, p. 2-3). According to Williams, governing institutions are aware of this, and sometimes promise certain development projects in order to generate legitimacy for themselves (Williams, 2010, p. 28). While in the long run, the legitimacy of an institution must be based on something more than performance legitimacy, in the short run, performance, or expectations of performance, can arguably be a useful source of gaining legitimacy (Williams, 2010, p. 28). Williams' two dimensions of legitimacy will function as a starting point for my empirical investigation. Building on Williams' theory, I formed the assumption that respondents will legitimize their rulers based on either a moral or performance basis.

3.4 Theorizing access

In line with the resource-centered definition of power presented in subsection 3.2.1, Ribot and Peluso present a theory where they suggest that there is a circular process between power and natural resources. In an article from 2003, these authors propose a theoretical framework called *access theory*. The core argument in access theory is that powerful people or institutions are powerful *because* they control access to natural resources. It is the institutions or people with power who control natural resource access, whilst other people in society must maintain their access through those who have this control (Ribot & Peluso, 2003; Hlabisa, 2013, p. 30).

According to Ribot and Peluso, social action can be divided into access control and access maintenance, and people in society can, in a similar manner, be divided into access controllers and access maintainers (Ribot & Peluso, 2003, p. 158-159). Access controllers and access maintainers are social positions that “temporarily crystallize around means of access” (Ribot & Peluso, 2003, p. 159). According to the authors, there is a specific type of power relationship between *access controllers* and *access maintainers*, a power relationship which «parallel some aspects of Marx's notions of the relations between capital and labour» (Ribot & Peluso, 2003, p. 159). In the authors' terminology, *access controllers* are the superior actors. These actors

have the ability to mediate other people's access to a natural resource (Ribot & Peluso, 2003, p. 158). *Access maintainers* are the subordinate actors. Access maintainers are required to spend resources to "keep a particular sort of access open" (Ribot & Peluso, 2003, p. 159). The access maintainers often transfer some benefits to, or cultivate relations with, to those who control access. They do this in order to derive their own benefit, namely to gain access to a natural resource for themselves. But in the process, they transfer benefits to the access controllers, rendering the access controllers even more powerful (Ribot & Peluso, 2003).

Access theory can, according to the authors, be used in order to conduct an access analysis of a specific context or case. This would imply that the researcher makes an effort to understand, and map out, how power relationships are produced as a result of natural resource control in a specific society or context. Conducting an access analysis, and identifying access controllers and maintainers, can disclose the inherent power relationships in social action, and can help us understand why certain institutions and people are powerful (Ribot & Peluso, 2003). In this thesis, I will make use of Ribot and Peluso's theory as a heuristic device to increase our understanding of power relationships in the case study area (see chapter five).

3.5 Conclusion

This chapter has presented the theoretical framework that guides this thesis. Four theoretical explanations that seek to untangle the resilience of the chieftaincy were presented. Then, the central concepts of power, legitimacy and authority were defined, before it was demonstrated that legitimacy can be understood as an evaluative concept. Then, the two dimensions of legitimacy were discussed, followed by a brief presentation of a theory of access. In the following chapter, the methods I have used to produce primary data will be presented and discussed.

4 Methods

This chapter is concerned with the methods I used to produce primary data. Throughout the chapter, I will clarify the methodological choices I have made, and the trade-offs that are associated with these choices. I will start with explaining why I chose to do a fieldwork in KwaZulu-Natal, South Africa. Then, I will reflect upon the strengths and weaknesses of conducting a single case study. I will also reflect upon my choices of conducting semi-structured interviews as well as relying on a purposive sampling strategy. Following this, aspects of reliability and validity related to this study will be discussed, as well as the specific challenges related to the use of interpreters, and my own positionality in the field. Lastly, I will address ethical considerations and the methodological challenges I faced.

4.1 Micro-ethnography

This thesis is a result of a fieldwork in KwaZulu-Natal, South Africa, conducted between October 22nd and December 6th 2016. My fieldwork can arguably be described as a type of micro-ethnography (Bryman, 2012; Wolcott, 1990). A micro-ethnography is a form of ethnographic research where you, just like in full-scale ethnographies, immerse in the place and lives of the people you study, however the period spent in the field is shorter, and you concentrate your time on a particular theme or topic (Bryman, 2012, p. 433). While in the field, I used a variety of qualitative methods in order to gain a deeper understanding of the chieftaincy institution and of people's perceptions of the chieftaincy. I spent a substantive amount of time in Mzinyathi, conducting in-depth interviews with traditional leaders and ordinary residents, observing and participating in daily activities. I also kept a field journal, in which I wrote interesting situations as well as my own reflections on the connections between theories and the empirical data. In addition to the time I spent in Mzinyathi, I also spent time in Durban, conducting interviews with municipal officials from eThekweni Municipality.

Writing about the importance of fieldwork, Stevens argues that: "fieldwork takes us beyond current frontiers of knowledge and preconceptions, enabling first-hand discoveries that no

amount of theorizing or study of pre-existing accounts or maps could ever reveal” (Stevens, 2001, p. 66). By positioning myself in the case study area, I gained contextual understanding, uncovered important connections and interrelationships, and I gained access to informants I otherwise would not have had access to. My fieldwork made me able to better understand people’s lived experiences of the chieftaincy, and made me able to place their experiences in a conversation with academic theories and concepts (Wedeen, 2010).

4.2 Case study

4.2.1 The single case study as a research design

The objective of a research design should, according to de Vaus, be to ensure that the evidence collected enables us to answer the research question as unambiguously as possible (de Vaus, 2001, p. 16). The research design chosen for this thesis is a single case study. Robert Yin (2009) argues that the need for case studies emerges out of the desire to understand complex social phenomena. He argues that if your research question centers around explaining *how* or *why* some social phenomenon happens, and if that social phenomenon cannot easily be separated from its context, then choosing to do a case study can be an appropriate research design (Yin, 2009, p. 4). In my research project, I precisely wanted to understand, in depth, why and how the chieftaincy maintains its legitimacy in Mzinyathi. The chieftaincy is, indeed, a social phenomenon that cannot easily be separated from the local context. Due to this, the single case study seemed like the appropriate research design for this thesis.

Among the major criticisms of case study research is the proposition that statistical generalization based on case studies is not possible, since the data is not representative to the population or universe. The question of whether or not case studies can contribute to the development of general knowledge has therefore been subject to much debate in the methodology literature (Geddes, 2003; Lijphart, 1971). However, the criticism of case studies and generalization rests on a conservative approach to what a generalization is. Although not suitable for statistical generalization, case studies can be useful for theoretical generalization (also known as analytical generalization) (George & Bennett, 2005; Yin, 2009). In theoretical

generalization, the goal is to contribute to the development of theories and concepts, for example through the expansion of theories. It is this type of generalization that will be the aim of this study, not any form of statistical generalization or generalization based on empirical regularities.

The fact that I cannot statistically generalize the findings from my case to a larger universe is of course a limitation of this study. For researchers drawing on single case studies, it must sometimes seem tempting to generalize their findings to a universe that the case was drawn from. I cannot, and do not intend to generalize my findings to universes that my case is a part of. All research involves trade-offs, and as Yin (2009, p. 3) emphasizes, different research strategies fill different needs for investigating social science topics. So while my study of the chieftaincy in Mzinyathi hopefully can contribute to a better understanding of this social phenomenon, and to develop theory in this particular field, I leave it up to other researchers to explore the empirical regularities between different chiefdoms.

4.2.2 Choosing the Mzinyathi case

It is necessary to explain and justify my choice of case. The Mzinyathi case was chosen based on both theoretical and practical considerations. Yin argues that there are four different rationale for choosing to study a single case (2009, p. 47). The first of Yin's rationale is if your case represents *a critical case* in testing theory. I argue that my case is, indeed, a critical case. Most studies carried out on the legitimacy of the chieftaincy in South Africa have made use of rural cases, while Mzinyathi is not a rural, but a peri-urban case. Hence, there is a need for a greater understanding of the dynamics between the chieftaincy and the population in a peri-urban setting, and to explore whether theories that spring out of studies of rural chiefdoms also apply to a peri-urban case. Furthermore, there were also practical reasons for why I chose KwaZulu-Natal and Mzinyathi. My affiliation with CLIMWAYS¹² and the University of KwaZulu-Natal (UKZN) meant that I had existing contacts in KwaZulu-Natal whom I could draw on. Moreover, the University of KwaZulu-Natal had already built up a relationship with the local community

¹² CLIMWAYS (*Climate change and urban water governance: pathways to social transformation*) is a multidisciplinary research project led by Norwegian Institute for Urban and Regional Research (NIBR).

in Mzinyathi, and due to this, I could easily conduct a research project in this settlement without being met with suspicion by the locals.

4.3 Interviews

4.3.1 Semi-structured interviews

During the fieldwork in KwaZulu-Natal, I conducted 26 semi-structured interviews. This included 15 interviews with residents from Mzinyathi, five interviews with traditional leaders, five interviews with representatives from eThekweni Municipality and one interview with two representatives from the ward councillor's office in Mzinyathi. All the 27 informants have been anonymized in this thesis, and have been given pseudonyms.

I found semi-structured interviewing to be a suitable method, since this method strikes a middle ground between the standardized survey method and the unstructured, informant-led interview (Beckmann & Hall, 2013, p. 210). Before I left for South Africa, I had prepared three interview guides, one for interviews with residents, another for traditional leaders and lastly one for informants from the formal governance institutions. This meant that the informants within the same informant group were asked more or less the same questions, but they had a great deal of leeway in how to reply (Bryman, 2012, p. 471). The result was that I could capitalize on the benefits of open-ended interviews (allowing the informant to elaborate on his own responses, and being able to ask follow-up questions) while I also ended up with interview transcripts that could be coded for hypothesis testing (Beckmann & Hall, 2013, p. 210).

4.3.2 Purposive sampling

In order to select informants, I made use of a purposive sampling strategy, namely maximum variation sampling. Purposive sampling is a non-probability form of sampling. The goal of purposive sampling is to sample informants strategically, so that those sampled are relevant to the research questions in the study (Bryman, 2012, p. 418). Purposive sampling strategies are

vulnerable to bias, and the external validity is limited (Cammatt, 2013). However, in circumstances where probability sampling is unattainable, then purposive sampling can still be considered a “viable strategy for boosting the depth and vibrancy of the findings” (Cammatt, 2013, p. 142). Moreover, Cammatt argues that maximum variation sampling partially compensates for the limitations of non-probability sampling, because it makes sure that the researcher does not focus on a narrow range of perspectives (Cammatt, 2013, p. 142). When selecting informants among residents in Mzinyathi, I wanted to maximize variety in the resulting sample when it came to the variables of gender, age, income, clan membership and geographical location. Hence, as my interpreters and I travelled around in Mzinyathi, we sampled informants based on these criteria.

I also made use of purposive sampling when selecting informants within the two other informant groups, traditional leaders and representatives from the formal authorities. The traditional leadership in Mzinyathi consists of one chief and nine Izinduna. My initial sample goal within the traditional leadership group was to conduct interviews with the chief as well as five of the nine Izinduna. As securing an interview with the chief proved difficult (the reasons for this are described in subsection 4.9. below), my resulting sample consists of five Izinduna. Each of the five Izinduna looks after affairs in their own Isigodi (a traditional ward), which means that this sample has got a variety in terms of geographical location. With regards to the informant group from the formal governance institutions, researchers from University of KwaZulu-Natal assisted me in the task of identifying relevant informants from the municipal structure. The criteria we used for sampling informants from the Municipality was firstly, that the informants chosen should be knowledgeable on issues related to traditional leadership and the dual governance situation, and secondly, that the informants should work in different departments within the municipality structure. Lastly, in order to sample informants from the local councillor’s office in Mzinyathi, my interpreters and I showed up at the office and asked if anyone there was available for an interview, upon which two of the employees made themselves available for a group interview.

4.4 Validity and reliability

4.4.1 Validity

Validity is a central criterion in establishing and assessing the quality of research. Validity refers to the issue of whether an instrument, concept or measurement actually gauges what it is supposed to measure (Bryman, 2012, p. 170). In interview research, the interview is the researcher's measuring instrument. Discussing validity in interview research, Mosley argues that "concerns about validity revolve around whether the researcher is asking the right questions, or asking questions in the right way, as well as whether the interview participant is offering truthful answers" (Mosley, 2010, p. 21). The two first concerns Mosley highlights; asking the right questions and asking questions in the right way, are related to construct validity. As a researcher, you want to be making sound operationalizations of the theoretical concepts. You want to be sure that you and your informants are "speaking the same language", and that the central concepts you use are formulated in a measurable way (Gerring, 2007, p. 215).

Construct validity tends to be a strength of qualitative research based on fieldwork. The prolonged participation in life in Mzinyathi allowed me to ensure that there was congruence between concepts and observations (Bryman, 2012, p. 390). In my preparatory work, before I started doing interviews, I spent time with South African academics and my Zulu interpreters discussing the central academic and theoretical concepts in my study. We discussed our understandings of concepts like power, authority and legitimacy, and my interpreters provided useful explanations of how these concepts are understood in the local context. Doing this arguably increases construct validity, as it made me confident that we were operationalizing the underlying phenomena in a satisfying manner. (For the concrete operationalizations of concepts, see Appendix B). I also prepared myself by doing mock interviews with residents in Mzinyathi as well as with an elite informant. The mock interviews were useful for testing the questions in my interview guides. Here I could check if the informants understood the questions the way I intended, and it allowed me to discover how to best ask questions. The mock interviews helped me rethink and reformulate some of the questions in the interview guide.

As Mosley mentions, a third threat to the validity of the interview instrument is the possibility that informants do not speak the truth. Some informants might deliberately revise their answers, or they might inadvertently misremember information (Mosley, 2010, p. 21). In order to guard

against this happening, I tried to discuss with my interpreters, after each interview, if the information we were given seemed reliable and truthful. Furthermore, I made use of the interview metadata in order to assess the answers. Mosley argues that the researcher can make use of metadata, like the internal consistency of the informant's answers, hesitation and biases revealed by the informant, to assess the validity of the answers (Mosley, 2010, p. 22). I did make use of these methods to guard myself against this threat to validity, however, this exact threat is very difficult to eliminate completely.

4.4.2 External validity

External validity is the extent to which the results of a study can be generalized to broader populations. John Gerring writes that case study research is generally weaker with respect to external validity than cross-case studies (Gerring, 2007, p. 43). I have chosen to study a single case, and this limits the extent to which I can generalize the findings from this study. As this study is an in-depth and extensive description of a phenomenon, it is, as I have argued above, better qualified for developing theoretical generalizations than statistical ones.

4.4.3 Thinking validity when analyzing data

According to Mosley, "the validity of interview evidence also depends on the scholar's use, synthesis and interpretation of the interview material" (Mosley, 2010, p. 22). If the researcher only hears what she wants to hear, then this can threaten the validity of the evidence. I have tried to prevent this from happening by not leaving out any information in order to make my research seem more interesting. I have tried to be open about the ways the data have been interpreted. Furthermore, my analysis of the data from the fieldwork relies on a triangulation of methods; using more than one source of data in order to crosscheck the findings (Bryman, 2012, p. 717). I have made an extensive analysis of the chieftaincy literature, and crosschecked the data from my interviews against other studies on the chieftaincy in Africa. The use of triangulation arguably helps constructing validity.

4.4.4 Reliability

Reliability is another central criterion used to assess the quality of research. Reliability is a question of the consistency of a measure, in other words, how precise a researcher measures what she intended to measure (Bryman, 2012, p. 169). As a researcher, you want to see that the measurement does not vary from day to day, or that it varies depending on which researcher is responsible for measuring. You want the variance in your data to be a result of true variance, not a result of measurement error. A common way of testing a study's reliability is through replication, which means to replicate the study to assess if a new study produces the same results. Replication can be difficult in qualitative research for two reasons, firstly, that it is impossible to "freeze" a social setting completely for others to replicate, and secondly, that a new researcher with a different positionality is not likely to get the exact same data (Bryman, 2012, p. 390). Despite these known difficulties, it is necessary for all researchers to ask oneself if another researcher would come to similar conclusions if he or she were to conduct the same study.

Discussing reliability with regards to interview research, Mosley argues that we have to ask ourselves: "To what extent is the information collected in an interview accurate?" (Mosley, 2013, p. 24). Hence, the researcher has to accurately capture the information in order for the data to be reliable. With regards to my study, it can be argued that my use of interpreters represents a threat to the reliability of the data. I used interpreters in 15 of the 26 interviews, and the translation from Zulu to English does increase the potential for measurement error. As I cannot speak Zulu, I did not have control over my interpreters' translations from Zulu to English, and if they made modifications to the informants' responses, I would not be able to tell. I tried to mitigate this error by instructing my interpreters to translate word-for-word what the informant said, and also to translate things like jokes and metaphors. And although translation between languages increases the chance for measurement error, I would argue in accordance with Fujii (2013, p. 147) that the use of interpreters actually also can enhance reliability, because it allows the informant to speak his or her own language, something which expands the informant's possibilities for self-expression.

Recording the interviews is a strategy that both Leech et al. (2013) and Beckmann & Hall (2013) recommend in order to help construct reliable data. I was, however, advised not to record interviews with traditional leaders and Mzinyathi residents by the academics from the University of KwaZulu-Natal, since the themes of power, legitimacy and people's perspectives of authorities are considered sensitive. I therefore took notes during these interviews, and filled in the notes right after the interview concluded. When interviewing informants from the formal authorities, I used a recorder, as these informants said yes to be recorded, and they did not regard the topics as particularly sensitive. The recorded interviews were transcribed shortly after the interviews were held. The fact that I have not recorded all the interviews might be seen as a threat to the reliability of the data. But it was indeed necessary to weigh the question of sensitivity up against my own ambition of recording all the interviews.

4.4.5 Validity and reliability in the data analysis: Using NVivo

NVivo is a form of computer-assisted qualitative data analysis software (CAQDAS). In this study, I used NVivo as a tool to assist me in the process of analyzing data. In addition to making the coding and retrieval process more efficient, it is possible to argue that NVivo can help construct both validity and reliability (Bryman, 2012). Firstly, one may argue that software like NVivo enhances the transparency of the qualitative data analysis (Bryman, 2012, p. 593). According to Bryman & Burgess (1994), a common criticism against qualitative research is that the process of qualitative data analysis is unclear, in other words, that it is difficult to understand what the researcher was doing during the analysis and how she arrived at her conclusions. When using NVivo, this problem of lack of transparency is addressed, as NVivo forces you to be more explicit about the way you are analyzing your data. Secondly, NVivo prevents anecdotalism (quotations from interviews with little sense of the prevalence of the phenomenon (Silverman, 1985)), as it is easy to track the frequencies of an opinion or a phenomenon in NVivo. Thirdly, NVivo facilitates interrogation of the data. When you carry out searches in NVivo, this arguably yields more reliable results, as human error is ruled out (Welsh, 2002). By using NVivo, it becomes possible to give another researcher a recipe of how to replicate my study. It would, for instance, be possible for another researcher to use my raw data, code it in NVivo, and then check if he or she landed on similar results. This arguably helps construct reliability. It should be mentioned that NVivo does not help the researcher deciding how to code the data, or how

do interpret the findings. This part of the data analysis process is done manually. Nevertheless, I found the NVivo software very useful, as it increased my familiarity with the data, it made coding easier and it encouraged me to think analytically during the coding process.

4.5 Working with interpreters

While there are eleven official languages in South Africa, Zulu is the most frequently spoken language (Central Intelligence Agency, 2017). In the KwaZulu-Natal province, the Zulu language is particularly dominant. For this reason, I needed an interpreter in order to be able to carry out my fieldwork. Fujii writes that having an interpreter on board “can bring many advantages beyond translating words from one language to another” (Fujii, 2013, p. 144). I highly agree with the argument Fujii makes, as I experienced the collaboration with my two Zulu interpreters to be very advantageous. My interpreters facilitated access to the Mzinyathi community, they brought invaluable local knowledge to the table and even more important, they helped me build trust with my informants, something which made me able to yield rich data.

My two interpreters were both Zulu¹³ women, aged 46 and 56. Both of them were living in Mzinyathi, which meant that they had an insider status in the case study area; they understood local references and were knowledgeable about Mzinyathi’s history. But simultaneously as being locals, my interpreters were familiar with interpreting for academic purposes, which meant that they held an understanding for academic concepts like a theory or a hypothesis, they understood the nature and goals of my research project and they also knew the importance of informed consent. When doing fieldwork, it can take a long time to gain access to an area, and to build trust and establish rapport with informants. The fact that my two interpreters were from the Mzinyathi community meant that they had a preexisting social rapport with interviewees, something which was very useful (Cammett, 2013). Place of origin is an important source of social trust in South Africa, and my informants doubtlessly trusted me more when I was working together with my interpreters than what they would have if I had been working alone.

¹³ In this context, *being Zulu* means that you are a person of Zulu ethnicity, and that the Zulu language is your mother tongue.

In addition, a number of important cultural codices were explained to me by my interpreters. The chieftaincy institution is surrounded by a number of customs and practices that I needed to know about when doing a fieldwork on this topic (for instance, that it is disrespectful as a woman to wear trousers when you meet with a traditional leader), and these customs were carefully explained to me by my interpreters. Hence, my interpreters increased my cultural competence, and helped me not to offend anyone by doing something culturally wrong while in the field.

It can be argued that when you work with interpreters, you do give up some of the control of the interview to your interpreters, and you therefore risk that the interpreters shape the interview (Fujii, 2013). I agree with Fujii that this is a risk of using interpreters, and so like many other methodological choices, choosing to work with interpreters represents a trade-off. What I tried to do in order to retain control was that I tried to take leading role in the interview, especially in the instances where my informants spoke some English and not only Zulu. Ultimately, I found that the arguments for using interpreters outweighed the arguments against using them. During interviews, my interpreters often added crucial insights into nuances in meaning, and they added background knowledge that enriched the meanings of the informant's replies.

4.6 Positionality and interviewer effects

The term *positionality* refers to “the researcher’s awareness of her position in the world relative to her informants” (Mosley, 2013, p. 12). As a researcher, you should arguably reflect on your positionality, since your positionality can influence the data and the results that you get. The positivist scholars’ term for positionality is *interviewer effects* (Mosley, 2013). Irrespective of which of the terms one uses, it is important to consider that you, as a researcher, can have an effect on the informants’ replies. For instance, an informant might tell you what he thinks you want to hear, instead of telling you his “true” opinions, or he might want to portray himself in a specific way which seems more suitable in the current situation. Power dynamics between the interviewer and the informant are also important to consider, as they can shape the responses, and therefore, the interview data (Cammett 2013).

If I am to reflect on how my positionality might have influenced the research process, I can start with saying that in Mzinyathi, I was viewed by my informants as an outsider. Before arriving in Mzinyathi, I thought that maybe the fact that I have spent a substantial amount of time in South Africa earlier would make me less of an outsider. In Mzinyathi, however, I was constantly reminded of my outsider status, such as when the bus driver stopped the bus and asked me to pose for a photo next to the bus, because he wanted to document that he had a white passenger riding with him. As an outsider, you risk the chance of being viewed with suspicion by locals. To mitigate people's suspicion, I tried to be respectful and open towards everyone I met. It also helped that I lived in the house of one of my interpreters, as this signified that she had, in a way, vouched for me. Fortunately, I felt that my presence was welcomed and accepted by people in Mzinyathi.

I am a white person with a higher education, and there is a chance that this position affected the ways that my informants responded to my questions. In South Africa, because of the history of apartheid and racial inequality, an asymmetrical power relationship between a white person and a black person still exists to this day. Therefore, because of the gap in power and status between my informants and myself, there is a chance that my informants provided the answers and reflections that they thought I wanted to hear. In order to minimize such errors, I tried to ask additional questions, and make informants elaborate on their own replies. I also tried to ensure a safe interview environment where they would feel like they could talk freely. Furthermore, the fact that my interpreters and I were a team of both black and white interviewers hopefully had a positive effect, in the sense that we were both outsiders and insiders at the same time. Cammett writes that "In any research setting where ostensibly identity-based characteristics such as ethnicity, race, tribe or religion are politicized or sensitive, interviews conducted by a perceived in-group member are likely to yield more valid information" (Cammett, 2013, p. 133). Hence, this was another good reason for working with the two interpreters, as I was able to capitalize on my interpreters' insider status in the Mzinyathi community.

4.7 Ethical considerations

As a researcher, you have the responsibility for protecting the dignity, well-being and privacy of the participants in your research (Brooks, 2013, p. 46). My research project was reviewed by the Norwegian Centre for Research Data (NSD) during the autumn of 2016, and my project was approved by NSD upon arrival in South Africa. The first thing I did when I arrived in Mzinyathi was to seek consent from Chief Ngcobo in order to be allowed to conduct research in his area. I then focused on gaining voluntary and informed consent from each individual participant in my research. With each informant we approached, my interpreters explained the purposes and objectives of the study in Zulu. Each informant were then given a consent form in Zulu, where they could read their rights, such as the right to terminate the interview anytime during the interview session, and the right to refuse participation altogether (view the English version of this form in Appendix A). After having gone through this form together, oral consent to conduct the interview was obtained. I chose to obtain oral consent from my informants instead of written consent, because if a participant signs a form, he might feel like he has signed some form of a contract, which might make it harder for him to withdraw from the study. In addition to voluntary and informed consent, I also focused on ensuring the confidentiality of my informants. I took precautions to de-identify data as soon as the data was collected, and I stored my data in an encrypted database. I have concealed the identity of all informants, also those informants who said it was not necessary. In the presentation of the results, Mzinyathi residents are given pseudonyms in form of common Zulu names. The Izinduna are given pseudonyms in form of common Zulu surnames, while the interviewed representatives from the municipal authorities are each given a number (Municipal Official 1, Municipal Official 2, etcetera).

In social science, there is a growing awareness of the issue of reciprocity; what you give in return to your informants (Hagen & Skorpen, 2016). An issue I faced during my fieldwork was that on several occasions, I was asked the question: “how is this study going to help us?”. Hence, the informants expressed the view that a study of Mzinyathi should also benefit Mzinyathi in one way or another. I am very sympathetic to this view, Mzinyathi is after all a low-income community where funds are needed, and people there were giving me of their time and information. I did not, however, offer to give anything material in return to people in Mzinyathi, as paying your informants goes against principles of research ethics. What I have chosen to do instead is to make sure that my contacts in South Africa distribute this thesis to my informants,

as well as to others in Mzinyathi who might be interested in reading it. Maybe this does not seem like a sufficient compensation. But I think it is important, as a minimum, that my informants get the chance to view the results of the study they participated in. I have striven to represent my informants and the Mzinyathi community in a respectful manner throughout this thesis, in a way which I hope and believe that they themselves would be content with.

4.8 Methodological challenges

One of the methodological challenges I experienced when I was in the field was that I lacked access to a central informant. When I was still in Norway preparing my fieldwork and interview guides, there was one informant I really hoped I would get the chance to interview, namely Chief Ngcobo. Chief Ngcobo is, as mentioned in the background chapter, the head of Qadi Traditional Authority, which is the Traditional Authority that Mzinyathi falls under. As the main traditional leader in my case study area, he would be an obvious informant given my research question. Moreover, since I asked residents in Mzinyathi specific questions about Chief Ngcobo, it would have been logical to also interview Ngcobo himself, to hear his side of the story. Unfortunately, I learned that securing an interview with the chief was surprisingly difficult. During one of my first visits to Mzinyathi, I visited his office, but the purpose of this meeting was for me to seek permission from him to do research in his area, not to have an actual interview with him. He never made himself available for an interview during the time I was in the field. As a substitute for this, I tried to ask other traditional leaders the questions I wanted to ask Chief Ngcobo. Some of these questions were answered, and some were not.

Other methodological challenges I experienced were difficulties related to interviewing the Izinduna. These traditional leaders are all senior men in the Mzinyathi community, whom everyone recognizes and has great respect for. Some of the questions I intended to ask these traditional leaders were about their own legitimation of, and justification for, their power. However, the South Africans I collaborated with (both my interpreters and the academics at UKZN) were hesitant towards me asking them such questions, as this would be, according to them, a sign of disrespect. Because of this, questions about legitimation strategies were kept to a minimum. In addition, I experienced several times, during interviews with the Izinduna, that

the Induna started talking about topics that were not related to my questions. I hinted to my interpreters that we should try to steer the conversation back to the actual questions. But in the Zulu culture, to interrupt an Induna in this way is considered rude, especially considering the Induna's seniority and status. What this meant for my interviews was that parts of the data I gathered from these interviews were not valid, since the interviewees were discussing things that were not related to the questions I had asked. Due to these mentioned obstacles, I had to make a few changes to the focus of my study. Instead of exploring the chiefs' own legitimization strategies, I decided to devote more space in the thesis to exploring ordinary people's own perspectives of the chieftaincy's legitimacy, since data on this topic was more accessible.

4.9 Conclusion

In this chapter, I have argued that there were significant methodological benefits associated with conducting a two-month fieldwork in South Africa. Moreover, I have argued that using interpreters in a context such as the one in Mzinyathi can help build access, trust and yield rich data. In order to make this study as valid and reliable as possible, I have tried to be open and honest about the way my data was produced and analyzed. I have also addressed the study's limitations, like its external validity and known threats to its reliability. I may not have been able to overcome these limitations completely, but I have at least been attentive to them (Millstein, 2007, p. 118). Hopefully, I can still present a critical analysis of the chieftaincy in Mzinyathi.

5 “The power of the land” – The Mzinyathi chieftaincy’s control over land resources

Control over land is vitally linked to authority, and the institution governing land allocation also controls people, boundaries and meaning.
(Oomen, 2005, p. 157).

The purpose of this chapter, the first of three analysis chapters, is to discuss the connection between the chieftaincy’s role in land governance and the institution’s legitimacy in the present-day era. In recent decades, there has been increased attention to the topic of the chieftaincy’s role as a land allocator, and what this role means for the authority of the institution (Alcock & Hornby, 2004; Ntsebeza, 2005; Oomen, 2005; Cousins, 2007; Beall & Ngonyama, 2009; Hlabisa, 2013). As accounted for in the theory chapter, Ntsebeza and Ribot argue that the main reason for why the chieftaincy maintains its legitimacy is because the institution controls land allocation. They argue that as long as the chiefs control this resource, rural people will continue to turn to them, and this legitimizes the chieftaincy (Ribot, 2001; Ntsebeza, 2005). Both Ntsebeza and Ribot contend that rural people do not actually like or respect the chieftaincy, but that they have no choice but to nurture a relationship to the chiefs if they want to access land. It is this dynamic which reinforces the institution’s position as a powerful local actor (Ntsebeza, 2005; Ribot, 2001).

This chapter is split into two parts. In the first part of the chapter, the Zulu system of communal tenure (*ukukhonza*) is described. Ribot and Peluso’s *theory of access* will be utilized as a heuristic device, in order to increase our understanding of the power relationships that the *ukukhonza* system (re-)produces. In the second part of the chapter, I will put Ribot’s and

Ntsebeza's theoretical explanation under scrutiny. Are Ribot and Ntsebeza right in claiming that the chieftaincy's control over land is the main reason for why this institution maintains its legitimacy? And are they right in claiming that the chieftaincy is actually not popular, but instead a feared institution? In the latter part of this chapter, these theoretical arguments will be investigated with regards to the Mzinyathi case.

5.1 Understanding the ukukhonza custom

In accordance with the Communal Land Rights Act from 2004, traditional councils have the authority to allocate land in traditional authority areas to individuals (Sutherland, Sim, Buthelezi & Khumalo, 2016, p. 6). This is called the ukukhonza custom, and it is a practice that dates back to the pre-colonial era. Ukukhonza is a different way of administering land than what we are used to in Western-legal forms of private property (Cousins, 2007, p. 282). The practice stems from the traditional Zulu understanding of how to treat land as a natural resource. According to this understanding, land cannot be owned by individuals, as it is a collective resource. The chief acts as a guardian of this collective resource on behalf of the citizens (Hlabisa, 2013). If an individual is interested in acquiring land for residential purposes, he must approach the chief, or one of the Izinduna, with a request. The Induna will then determine what piece of land will be allocated to the applicant. Alternatively, the individual who is interested in acquiring land can also approach other individuals and ask them if they have got surplus land. But even in such cases, the Induna is still the one who determines the process, and makes the allocation. Once it has been decided which plot of land will be allocated to the newcomer, the newcomer will be interviewed by the chief. The newcomer must give a valid reason for why he is leaving his previous traditional authority area (Lindelani, 58). If the chief approves of the applicant, then the applicant must pay a khonza fee. This fee signifies membership and allegiance to that particular chieftaincy. The khonza fee also imposes duties on the applicant, most notably that he must obey the rules of the area (Alcock & Hornby, 2004, p. 20). In present-day Mzinyathi, the khonza fee is divided between the Inkosi, the Induna and the person who has given up a piece of land (Sutherland et al., 2016). The process is completed by a welcoming ceremony, where the newcomer hosts a meal for his new neighbors. During the meal, the new boundaries are demarcated, to avoid land disputes in the future.

It is apparent that the ukukhonza custom constitutes a central basis of the power of chiefs. The ukukhonza custom gives the chiefs the *de facto* control over land resources in their areas, even though this land is formally owned by the South African state. In order to better understand the link between control over natural resources and the chieftaincy's power in the Mzinyathi case, we can draw on Ribot and Peluso's theory of access. Ribot and Peluso argue that in social relationships, *access controllers* are the superior actors, as they have the ability to mediate other people's access to a natural resource. *Access maintainers*, on the other hand, are the subordinate actors. These actors must actively cultivate a relationship to the access controllers, or transfer resources to them, in order to gain access (Ribot & Peluso, 2003). In the Mzinyathi context, the chief and his Izinduna assume the roles as access controllers, as the ukukhonza custom provides them with the authority to control ordinary people's access to land in their areas. Ordinary people in Mzinyathi can be looked upon as access maintainers, as they must, both, cultivate a relationship to the chieftaincy, and also transfer resources to them (the khonza fee) in order to gain a plot of land for themselves. Hence, in line with Ribot and Peluso's predicaments, we see that the chieftaincy's control over land access is a factor which reproduces its power. The khonza fee presents a considerable income stream for the chief and the Izinduna, in fact, it constitutes the main material basis of their power¹⁴. Moreover, through this custom, the chief has the authority to decide who can be included into, and excluded from, the Mzinyathi community. This is important, especially since the people who want to acquire land in Mzinyathi usually do not have the economic means to enter the formal property market, and hence, Mzinyathi and other traditional authority areas are basically the only chance these people have of acquiring a plot of land for themselves. This makes them dependent on obtaining the chief's acceptance. Hence, it can be argued, in line with Ribot and Peluso, and in line with resource-centered understandings of power (Beetham, 1991; Hawley, 1999), that there is a circular process between power and control over land in Mzinyathi. The chieftaincy's power is a result of, *inter alia*, its control over land, and the chiefs can use their control over land in order to increase their power.

The chief's *de facto* control over the land is arguably increased by the fact that Mzinyathi residents consider chief Ngcobo to be the ultimate owner of the land in this area. This is despite

¹⁴ As acquiring a plot of land in Mzinyathi has become more sought-after during the past few years, the chieftaincy has raised the price of the khonza fee as a result. This has meant an increase in the chieftaincy's khonza profits.

the fact that this land is formally owned by the state. Mzinyathi is located in what used to be the KwaZulu homeland. In the apartheid era, all the land in the KwaZulu homeland was owned by the KwaZulu homeland government (Sutherland et al., 2016). During the transition period in the 1990s, there was much contention around what were to happen with the 2.8 million hectares of land in the new democratic dispensation. After a period of political negotiations, the KwaZulu Ingonyama Trust Act was passed. This Act guarantees that the former KwaZulu homeland land would be held in trust by the Zulu King, King Goodwill Zwelithini. The Ingonyama Trust Board was established to administer the affairs of the Ingonyama Trust. The Ingonyama Trust Board is considered an organ of state, and therefore, the Ingonyama Trust Board land is now considered state land (Sutherland et al., 2016, p. 7). Despite this, when I asked the local residents the question “Who owns the land in Mzinyathi?”, thirteen out of the fifteen interviewed residents answered that Chief Ngcobo is the owner of the land in Mzinyathi¹⁵. Similar views were observed by Oomen (2005) in her research on the chieftaincy in Sekhukhune, South Africa. Here, Oomen found that a majority of the population still perceived the local chief to be the *mong-wa-naga*, the owner of the land (2005, p. 157). The perceptions of Chief Ngcobo as the rightful owner of the land, and not only an administrator, arguably enhance the chief’s authority.

5.2 Ntsebeza and Ribot’s theoretical explanation and its relevance for Mzinyathi

Ntsebeza and Ribot argue that the main reason for why the chieftaincy has remained a resilient institution in the post-apartheid era, is because the institution controls the allocation of land in rural areas. Does this explanation suit the reality in Mzinyathi? During my interviews with local residents, I wanted to find out to what extent they linked the chieftaincy’s power and influence today, to its control over land. On this topic, the residents were therefore asked two questions. The first question they were asked, was “What powers has the chieftaincy got in Mzinyathi?” while the second question they were asked was “Why does the chieftaincy have a great influence in Mzinyathi today?”.

¹⁵ The two remaining interviewees answered a) that Chief Ngcobo owns the land fifty-fifty together with the politicians, and b) that Ingonyama Trust Board owns the land.

First, the informants were asked to explain what powers the chieftaincy has got in Mzinyathi. Five of the informants immediately replied that the chieftaincy has got “the power of the land”. When probed on what they meant with this response, Zama explained: *“Everyone, they always say the land belongs to Inkosi”* (Zama, 51). Furthermore, Mondli conveyed: *“The chief owns the land. There are certain things you cannot report to the councillor. Such as land matters. (...) Land is a domain that the chieftaincy has always controlled”* (Mondli, 22). Lastly, Lindelani elaborated by saying: *“The Inkosi has the power of the land. He has the knowledge over where you will find available land.”* (Lindelani, 58). Hence, from these responses, we see that some of the informants do make a connection between the chieftaincy’s power and the role the institution has in land governance. But not all of the informants linked the chieftaincy’s power directly to land. Some of the informants explained the chieftaincy’s power by saying that the chieftaincy has got absolute powers (*“They basically have got all the power.”* (Sizwe, 26)), while other informants emphasized that the chieftaincy has the power to drive community members into exile (*“If you are a person creating problems, the Inkosi has the power to throw you out.”* (Dingane, 57)).

After describing the power of the chieftaincy, the informants were asked to explain why they think the chieftaincy has got a great influence in Mzinyathi today. Here, the informants’ responses disseminated around three themes. The first theme was land-related, as some of the informants stated that the chieftaincy’s continued influence in Mzinyathi is due to the institution’s role in allocating land to newcomers. As expressed by Xolani: *“The ubukhosi have a great influence because they are the persons owning the land. They give new people a piece of land if they come here.”* (Xolani, 50). A second informant, Zanele, conveyed that *“Inkosi has a great influence because everyone, if they need land, they go to Inkosi. Even if you do the land deal in the way that you approach neighbors first, you still have to go through Inkosi.”* (Zanele, 59). Sizani explained that *“The ubukhosi have a great influence today because they were the first to come to this land. They own the land, and so they have more authority than other institutions.”* (Sizani, 25). Lastly, Busisiwe conveyed that: *“The power of the ubukhosi is increasing. I mean, look around! All these new houses that you see, all these people had to go through Inkosi. He is the only one providing land to newcomers.”* (Busisiwe, 35).

Although these four informants linked the chieftaincy's continued influence to its role in land allocation, this was not an opinion that was shared amongst all of the residents. Instead, another four of the informants argued that the reason for why the chieftaincy still has got influence is because of the historical roots of the institution, and because the institution of the chieftaincy *"has always been here"* (Mbalenhle, 70). Some of the other informants explained that the chieftaincy has still got influence in Mzinyathi today because the institution helps them with solving their day-to-day problems. These two ways of explaining the chieftaincy's continued influence, which can be termed moral and performance arguments, will be explored further in the following chapter. Nevertheless, from the residents' responses to these two questions, I did get the impression that the residents do partly link the chieftaincy's continued influence to its role in land governance. One of the interviewed representatives from the local ward councillor's office also echoed these sentiments. When I asked him why he thinks the chieftaincy in Mzinyathi is still powerful today, he stated:

"I think it is from the isilo¹⁶, the powers and instructions coming from Zwelithini¹⁷. Also, the chief still owns the land. So we still consider him [the chief], because the councillor is for the development, and the chief is for the land. Like when you come, you want to stay here, you pay some, I don't know how much, for the land. For the site."

(Ward Councillor Official 1).

Moreover, one of the municipal officials that I interviewed in Durban also voiced similar sentiments, as she drew a connection between the chieftaincy's ability to allocate land to people, and its present-day legitimacy:

¹⁶ "Isilo" is an epithet of the Zulu King.

¹⁷ King Goodwill Zwelithini kaBhekuzulu is the reigning king of the Zulu nation.

“The amakhosi is still seen as a legitimate authority by the population. Again, this is for different reasons. If you want land, and the amakhosi gave you land, then that’s sacred.” (Municipal Official 1).

Another municipal official, Municipal Official 2, also voiced that there is a link between the chieftaincy’s power and its control over resources:

“You know, they [the chieftaincy] don’t want to see any restriction on their ability to control land. That is where their powers come from, really. I don’t think they’ve got much power other than control over land.” (Municipal Official 2).

Hence, what the empirical findings reveal to us, is that there is, indeed, a prevailing understanding among several of the informants, that the chieftaincy’s power and influence today is linked to its control over land allocation. “The power of the land” is a weighty metaphor; it signals that Mzinyathi residents are aware of the connection between the chieftaincy’s power and the fact that this institution is controlling the land in their areas. Hence, the findings arguably support Ntsebeza and Ribot’s argument, when they argue that control over land must be viewed as important factor in explaining the chieftaincy’s continued power, and therefore also its continued legitimacy¹⁸. But my empirical evidence suggests that control over land is one among a number of factors which explain why the Mzinyathi chieftaincy maintains its legitimacy in the present-day era. While my informants confirm that there is a link between the chieftaincy’s continued influence and its role as a land allocator, they do not seem to think that this is the only reason for why the chieftaincy is still legitimate in their eyes. My informants also point to moral and performance related reasons for why the institution still is regarded as legitimate, these are factors that are not linked to the institution’s control over land.

¹⁸ However, it is worth mentioning that Weber would have disagreed with the premise in Ribot’s and Ntsebeza’s work, where they argue that legitimacy automatically follows from power. Weber, who distinguishes between *power* and *legitimate power* (authority), would have argued that the chieftaincy can be a *powerful* institution, while at the same time be an *illegitimate* institution.

Both Ntsebeza and Ribot emphasize that the traditional authorities are actually unpopular and dreaded, and that people only comply with the chiefs out of fear. Ntsebeza states that people would rather not have to deal with the chiefs, but do so because they have no choice but to relate to these leaders (Ntsebeza, 2005). It is true that Mzinyathi residents actually do not have a choice but to nurture a relationship to the traditional leaders of the area if they want to access land. But the image that Ntsebeza creates, of the chieftaincy as a feared and unpopular institution, does not correspond with the reality on the ground in Mzinyathi. As will be explored further in the following chapter, the interviewed Mzinyathi residents do not fear the chieftaincy. Instead, they see the institution as an important bearer of their own culture and traditions, and, even more importantly, they see the institution as a defender of the community, someone who lightens the burdens in their everyday lives. Hence, when Ntsebeza and Ribot argue that the chieftaincy is legitimate only because the institution allocates land, they arguably do not capture the deeper cultural significance that this institution has got (Williams, 2010). Consequently, we will also have to explore alternative explanations for why the chieftaincy has maintained its legitimacy, in addition to Ntsebeza and Ribot's land-centered explanation. This will be the focus of the next chapter.

6 People's perspectives on the legitimacy of the chieftaincy

I love my Inkosi! There is no need to have the councillor. There is only need to have the Inkosi and Izinduna. (Dingane, 57).

I wish the ubukhosi could be finished. There is no value of that system. Why should they have power in the first place? (...) I don't see the value of the chief in this area, especially in a modern democracy. (Wandile, 44).

The two sentiments which open this chapter reveal some of the differences in opinion that exist in the Mzinyathi community regarding the institution of the chieftaincy. This chapter aims to take up the popular perspective, by considering the ways in which people in Mzinyathi view the chieftaincy. How do Mzinyathi residents feel about the chieftaincy, and what does this mean for the legitimacy of the institution? In their renowned book *The Civic Culture: Political Attitudes and Democracy in Five Nations*, Almond and Verba argue that the legitimacy of institutions is shaped by individuals' attitudes towards these institutions (Almond & Verba, 1989, p. 366). As accounted for in the theory chapter, *legitimacy* must be understood as an evaluative concept, meaning that legitimacy is an ongoing and open process that involves critical evaluations by audiences concerning the justifications for the exercise of power (Williams, 2010, p. 20; Lentz, 1998, p. 47). Therefore, in this chapter, we will dig deeper into exactly such justifications for the exercise of power that we find among ordinary people who live under the jurisdiction of Chief Ngcobo. This is done because it can arguably help us answer the research question that guides this thesis: *How and why does the chieftaincy maintain its legitimacy in present-day Mzinyathi?*

While I was in the field, I conducted fifteen in-depth interviews with Mzinyathi residents. The intention with these interviews was to find out how people legitimized their (non-)support for the chieftaincy. How people legitimize their (non-)support can be understood by investigating the patterns in their answers to four questions, firstly, “In your opinion, do you think it is important that Mzinyathi has a chieftaincy? Why/why not?”, secondly “Do you support the chieftaincy? Why/why not?”, thirdly “What qualities should a good chief have?”, and fourthly “How do you see the position of traditional leadership in South Africa?”.

In Williams’ book from 2010, Williams presents a theory where he argues that subjects evaluate whether their rulers are legitimate or not based to two dimensions, a moral dimension and a performance dimension (Williams, 2010). Williams’ theory functioned as a starting point for my empirical investigation. When I set out to interview Mzinyathi residents, I started out with an assumption that people would legitimize their rulers based on either a moral or a performance basis. This assumption was confirmed by the empirical findings. The results will therefore now be presented in two parts, where the first section considers the moral legitimacy dimension, and the second section considers the performance legitimacy dimension.

6.1 The moral legitimacy dimension

A majority of the interviewed community members, ten out of fifteen interviewees, legitimized their support for the chieftaincy by referring to arguments which belong under Williams’ moral legitimacy dimension. This means justifications that are based on the underlying norms, myths and values of the society, what the institution means to the community in a broader sense, what is right and wrong, and what is politically thinkable (Williams, 2010). I have chosen to categorize the moral arguments offered by informants into four groups: 1) Protector of traditions and culture, 2) history and primordiality, 3) conflict resolution, and 4) link to ancestors.

6.1.1 Protector of traditions and culture

Three of the informants justified their support for the chieftaincy on the grounds that they view the chieftaincy as a protector the community's traditions and culture. As expressed by Zama (51):

“It is important that Mzinyathi still has a chieftaincy. Because we have traditional issues here, which need to be resolved. We still need an Inkosi. If the councillor comes in, we will lose our culture. (...) I support the Inkosi because he knows more about our tradition and customs. He is the one to make sure that our tradition and customs doesn't disappear.” (Zama, 51).

Another informant, Mandla (22), expressed similar views:

“When we want to slaughter a cow for ritual purposes, the politicians come to us and say ‘what are you doing, this is animal abuse’. But as black people, we say ‘we need to do this, as we are doing it for our ancestors’. And this is why we need a chief, we need him to protect such traditions.” (Mandla, 22).

A third informant, Lindelani (58), when asked the question of how he sees the position of traditional leadership in South Africa, replied that:

“We need to retain our traditional leadership. We want to be civilized, but we also want to keep our culture. We are losing our identity. Like for example, we prefer that if a child has been naughty, the parent can discipline¹⁹ that child. But then the councillor comes in and starts talking to our children about rights, that they have the right not to be disciplined. What is that? I don't think he should do that.”
(Lindelani, 58).

¹⁹ In this context, to *discipline* means to use physical punishment.

What these accounts have in common, is that the informants express a notion that their Zulu identity, traditions and customs are at risk. There is a sense that the councillor (the official who is elected democratically to represent the ward on council) and other elected politicians are potential threats to their own culture and identity. This is contrary to the chief, who is regarded as a protector, someone who gives meaning to their own identity (Williams, 2010).

6.1.2 History and primordiality

Six of the informants legitimized their support for the chieftaincy by referring to history: *"It is important that Mzinyathi has a chieftaincy. The chieftaincy was there before us. You can't change this."* (Zithembe, 36). *"I see the traditional leadership being there in the future. Because it has been there for such a long time, and therefore we need them, also in the future."* (Mbalenhle, 70). *"It is important that Mzinyathi has got an Inkosi. Before the municipality took over, he was the main authority here."* (Lindelani, 58). These informants justify why the chieftaincy should be part of the present institutional landscape, by referring to the institution's position in the past. Indeed, some of the informants even argue that the chieftaincy is a primordial governing institution: *"This is how our society has always been like. They [the chieftaincy] are supposed to be here."* (Zanele, 59). *"The reason for why I support the chieftaincy is that they have always been here. (...) We have always had amakhosi."* (Mbalenhle, 70). To these informants, the chieftaincy is a primordial, in other words, pre-colonial, governance structure. This imbues the institution with legitimacy. These findings support the assumptions in Ray (1996), Ray and La Branche's (2001) and Williams' (2010) works, where they argue that the chieftaincy's legitimacy comes from the political order that existed before the imposition of the colonial state.

6.1.3 Conflict resolution

Some community members justified their support for the chieftaincy by arguing that the traditional leaders are needed in order to resolve disputes in the community. As Busisiwe (35) explained: *"It is important that Mzinyathi has an Inkosi, because whenever there are conflicts*

in this community, we refer them to Inkosi. If there is no Inkosi, then people might fight with each other.” Another informant argued that *“It is important that Mzinyathi has an Inkosi. We need him to resolve conflicts between people. (...) There are no fights in this community because of him.”* (Ntokozo, 84). Expressing similar views, Xolani noted that *“The Inkosi can make us sit under a tree and discuss the problem.”* (Xolani, 50). The notion that the chieftaincy has a responsibility for resolving the community’s disputes, was also pointed out by one of the Indunas himself:

“The amakhosi are important for conflict resolution. Me, for example. My role is important, because I act as a witness. If two parts are fighting, I am present as a witness, and I can say to the parts ‘no, you didn’t say that’, or ‘yes, he said that’.”
(Induna Motlanthe).

The role of conflict mediator is a role that the chieftaincy institution has had historically. In newer times, this has been further entrenched, as the Traditional Leadership and Governance Framework Act from 2003 recognizes that dispute resolution is part of the institution’s responsibility. For some of the community members, the role as conflict mediator helps justifying the institution’s right to rule in the present.

6.1.4 Link to ancestors

Finally, two informants legitimized their support for the chieftaincy by pointing out the link that the institution has to their ancestors: *“The chieftaincy represents our ancestors. My great-great-great-grandparents. This is why people, they respect them.”* (Zama, 51). Furthermore, Ntokozo (84) conveyed: *“I support the Inkosi. I listen carefully what he says, as he takes something from above.”* Zulu oral tradition teaches us that the chief is the living link between the community and its ancestors²⁰ (Williams, 2010). In pre-colonial political ideology, little difference was made between “earthly” authority and “supernatural” authority (Williams, 2010, p. 48). The fact that two out of fifteen informants mentioned this link to the ancestors when

²⁰ The Zulu traditional belief system is a system of ancestor worship.

they were asked why they support the chieftaincy, suggests that this idea still has some resonance, even today.

6.2 The performance legitimacy dimension

Williams' second legitimacy dimension; performance legitimacy, proved also to be important in Mzinyathi residents' evaluation of the chieftaincy. Eleven out of the fifteen informants legitimized their (non-)support by pointing to chiefly performance. Hence, these informants legitimized the chieftaincy based on an assessment of what the chieftaincy *does*, how it *uses its power*, and not what the institution means. Oomen (2005, p. 195) argues that it is not only values that guide ordinary people in their assessment of traditional authority, but also self-interest. Interviews with Mzinyathi residents seemed to confirm that this is the case, as people stated that they also legitimized their (non-)support based on what the chieftaincy did for them personally. I have chosen to categorize the informants' performance related arguments into four groups: 1) The chieftaincy lightens ordinary people's burdens, 2) the chieftaincy is close while the state is distant, 3) the chieftaincy is a corrupt and partisan institution, and 4) comparing the chieftaincy to the municipality with regards to development.

6.2.1 The chieftaincy lightens ordinary people's burdens

Four of the informants legitimized their support for the chieftaincy based on an understanding that the chieftaincy is an institution which lightens the burdens in their everyday lives. For instance, one informant explained how the chief's family had helped her with a personal issue:

"I support him [the chief] because he is always willing to help the community. The chief and his wife are humble, and humanly. I can tell you a story about one of my grandchildren, she fell pregnant while she was still in school. So we brought my grandchild to the chief's wife, she is a principal. She let my grandchild continue her education, as if nothing had happened." (Thembeke, 66).

Furthermore, Ntokozo (84) explained that: *“The chieftaincy has got a big influence because we, the residents, can rely on them. They know how to do things, they know how to resolve disputes.”* Xolani (50) expressed similar views: *“The chiefs’ powers are rather increasing than decreasing. They are increasing because the Inkosi manages to fulfill his task. He is still sorting out all our problems.”* Lastly, Dingane (57) conveyed that: *“It’s not good to have a councillor. I want to have only Inkosi and Izinduna. I was born while there were no councillors. And the ones helping us with everything are the Inkosi and Izinduna.”* A fifth informant, on the other hand, justified his non-support for the chieftaincy based on a perception that the chieftaincy fails to lighten the community’s burdens: *“I don’t think it is important that Mzinyathi has got a chieftaincy. The chieftaincy is failing to solve the problems of the community.”* (Wandile, 44). Hence, for Wandile, it is the perception that chieftaincy does too little to solve the community’s problems, that he uses as a justification for why he does not support the institution.

A sixth informant, Mondli (22), reported that he supports the chieftaincy because the chieftaincy defends the community in their view on a specific issue, namely the issue of resisting to pay municipal rates. During my field conversations and discussions with people in Mzinyathi, the issue of resisting to paying rates was an issue which was frequently brought up by community members. The backdrop for this issue is that eThekweni Municipality wishes to extend the payment of municipal rates to traditional authority areas²¹. Per now, people living in traditional authority areas are not required to pay rates and taxes to the municipality. The reason for this is that eThekweni Municipality has got a spatially differentiated provision of municipal services (including water and sanitation services). eThekweni Municipality separates the municipality into an urban zone and a rural zone, these zones are demarcated by an Urban Development Line (UDL), which is a line drawn between the two zones. The UDL demarcates the limit of infrastructure availability. The citizens who live in the urban zone receive full urban service provision (in-house, full-pressure water supply and flushing toilets), while they are required to pay municipal rates. The citizens who live in the rural zone have another kind of service provision, namely a free basic supply of water²², and no waterborne sewerage

²¹ This issue is a part of a bigger development in eThekweni. eThekweni Municipality is interested in conducting town planning in traditional authority areas, and thereby extending their *eThekweni Municipality land use scheme*. As per today, the Municipality does not do any town planning in traditional authority areas. If the Municipality were to successfully extend the scheme to traditional authority areas, then they could start charging rates and taxes from the citizens living in these areas.

²² 300 liters per household per day.

(Sutherland, Hordjik, Lewis, Meyer & Buthelezi, 2014). People who live in this zone do not pay municipal rates or taxes. Mzinyathi is situated in this second zone.

Nowadays, it is the intention of the Municipality to abandon this current arrangement. The Municipality wants to start collecting rates also from areas currently marked as rural, because these areas have experienced a high population growth, and the citizens living there have higher incomes than what they used to have (Municipal Official 3). As Municipal Official 3 put it: *“We’ve got to put in infrastructure and look at how we raise charges”*. Hence, there is an intention to upgrade the service provision offered in the rural areas, while at the same time include all these citizens into eThekweni Municipality’s tax base. This is a development which is subject to much resistance in the Mzinyathi community. And, more importantly, some of the residents perceive that the chieftaincy is on their side in this conflict. As stated by Mondli: *“He [the chief] knows what is best for his people. For example, Municipality say people must start to pay rates. Inkosi will say ‘people are poor, how will they be able to pay?’”* (Mondli, 22). It seems like the fact that the chieftaincy has taken a stand against the municipality on the rates issue, is something which boosts the institution’s legitimacy in the eyes of Mzinyathi residents. This situation is not unique to Mzinyathi, as similar findings were observed by Jude Fokwang in his ethnographic study on the Tshivhase chieftaincy in the Limpopo province (Fokwang, 2009). In Tshivhase, the chief backed his subjects in the idea of refusing to pay for services, as he explicitly requested the people not to cooperate with, or pay any charges to, the municipality (Fokwang, 2009, p. 52; p. 88). By backing his subjects in the idea of refusing to pay for services, Chief Tshivhase provided himself to be more in tune with ordinary people than the elected councillor and the municipal officials. This had a positive effect on the chief’s legitimacy (Fokwang, 2009). Hence, in Tshivhase, the conflict over rates became a way for the chief to demarcate a political space for himself in the local political arena (Fokwang, 2009). There seems to be a similar development taking place in Mzinyathi. For some of Mzinyathi’s residents, the chieftaincy has become a channel where their dissatisfaction with the Municipality’s new policy of cost recovery can be heard.

6.2.2 The chieftaincy is close while the state is distant: Comparing the chieftaincy to the state institutions

Another argument that was mentioned by some of the informants, was the argument that the chieftaincy is closer to Mzinyathi residents, in terms of both physical and psychological space, than the state institutions (Hlabisa, 2013). As Zithembe expressed: *“I support the amakhosi because they are the ones living out here in our community.”* (Zithembe, 36). Furthermore, Thembeke conveyed that *“He [the chief] is always with us, he never lets the community down.”* (Thembeke, 66). One of the interviewed municipal officials from eThekweni Municipality also pointed to the nearness of the chieftaincy in her explanation for why many citizens prefer the chieftaincy over state institutions and elected officials:

“So there’s also an appreciation of who is more closer to the people. People are like ‘Yes, we’ve got ward councillors, but we never see them. We’ve got a city council, but we never hear from them. We have to ask for years and years for a road.’ So it’s about, also, how they experience authority. If this new form of authority we have, local government, was more decentralized and more accountable and transparent, then maybe there would have been a bit more competition. If your child is sick, you go to the Induna or the Inkosi, to say that ‘my child is sick’. It’s in the middle of the night. If you’re in KwaMashu²³ and your child is sick, you’re not going to phone your local councillor and say, ‘my child is sick, how are you going to help me? How do I get to the hospital? Can you come here?’ That just doesn’t work!” (Municipal Official 1).

Like Municipal Official 1 suggests, people in Mzinyathi do tend to compare the chieftaincy to the state institutions. And in such a comparison, the chieftaincy is often ranked first. If we want to try to understand why the residents tend to rank the chieftaincy first, then it can be relevant to draw attention to what critics have called a *democratic deficit* in South African local government institutions (Atkinson, 2007; Goldman & Reynolds, 2008).

Atkinson, for example, argues that decision-making in the local government sphere in South Africa is unresponsive and undemocratic (Atkinson, 2007, p. 58). She has got three reasons for making this claim. Firstly, she argues that it is very difficult, for ordinary people, to get in touch

²³ KwaMashu is a township 32 kilometers north of Durban.

with councillors and municipal mayors, and people also lack information on how to do this (Atkinson, 2007). Secondly, she states that open debate around important decisions does not occur in a meaningful way, as she argues that democratic practices are undermined by “the floor-crossing system, the practice of deployment, and the executive mayoral system”, and that “opposition parties are excluded entirely from the decision-making process in an aggressive winner-takes-all approach” (Atkinson, 2007, p. 65). Thirdly, Atkinson states that the ward committees, the government’s most important innovation to encourage public participation, are not effective, instead, they suffer a crisis of credibility in the eyes of the citizens (Atkinson, 2007). In addition to these issues, Atkinson contends that a culture of corruption and malpractice also threatens democracy at the local level in South Africa. Here she points specifically to a culture of self-enrichment on the part of municipal councillors, and lack of responsiveness of municipal councillors to community grievances (Atkinson, 2007, p. 53; p. 74). Goldman and Reynolds echo some of Atkinson’s statements. These authors argue that the accountability of local government in South Africa is, at present, very limited (Goldman & Reynolds, 2008, p. 145). They make a reference to the ISRDP²⁴ survey from 2006, where the results showed that 21 per cent of the respondents reported that they felt alienated from local politics, and 27 per cent reported that they had no way of influencing development (Goldman & Reynolds, 2008, p. 145).

In my interview data, I do not have evidence on whether or not my interviewees believe that democratic practices are undermined by factors like the floor-crossing system and the executive mayoral system. Nevertheless, I do have data on my interviewees’ perceptions of the local ward councillor. A resentment towards the local ward councillor, who has been in power since 2011, became evident through the informant interviews. Table 1 below illustrates some of the ways in which the informants expressed this discontentment.

²⁴ The Integrated Sustainable Rural Development Programme (ISRDP) survey was commissioned by the Department of Social Development as part of an effort to describe the living conditions of people living in rural areas.

Table 1: Informants' statements regarding their local ward councillor

Informant	Statement
Mandla (22)	<i>"I don't go to the councillor. If I vote in local elections I am wasting my time. I didn't vote in the last local election, and I never will."</i>
Zithembe (36)	<i>"Sometimes, it is useless to have a councillor. Things here stay the same whether or not the councillor is there. There is no progress!"</i>
Thembeke (66)	<i>"I don't take my issues to the councillor. Because councillor never called upon us to have a meeting. It is the councillor who is supposed to call us for a meeting, not the other way around! We heard that they were starting a new program, a program creating job opportunities for the youth. Since 2010, this has been going on. But here in Mzinyathi, we didn't hear anything about this program, because the councillor didn't care. He is useless, this councillor, he is not helping us with anything."</i>
Mondli (22)	<i>"Our councillor is not good. I believe that he is spending the money on himself. He is a greedy man. He is not helping the community. (...) I believe the government should give the chieftaincy the chance to do the councillor's work. The only reason why people go to municipal authorities is because they are holding the resources, like water."</i>
Ntokozo (84)	<i>"I am not sure why we need the councillor. I guess we need somebody to look at development. But the councillor does not always distribute development in a fair way. We ask him, why do you give to some people, and to someone else you don't give anything?"</i>

The statements above exemplify the disregard for the local ward councillor that exist among the interviewed Mzinyathi residents. The informants make allegations of both self-enrichment and of lack of accountability. It is, however, important to note that people can be discontented with the incumbent councillor (the individual), while not being discontented with the formal political system as such. My interview data does not reveal the informants' broader views on

the state institutions, the ward committee, or their views on eThekweni Municipality. Nevertheless, when knowing that people tend to compare the chieftaincy with the ward councillor, then these findings can arguably help us understand why the chieftaincy seems like a preferable alternative to the elected official.

The informants' experience of a distant councillor is in stark contrast to the experience of an accessible chieftaincy. Mzinyathi residents can go directly to the chief's offices to have their problems solved. During my fieldwork, I visited the Chief Ngcobo's offices several times, to observe how this process takes place. There are two long benches outside his offices, this is where residents sit and wait in line to speak to the chief. The chief attends to the people on a first come, first served basis. Hence, the earlier you arrive in the morning, the earlier you will get a chance to speak to the chief, to have your problem solved.



Picture 3: The benches outside the chief's offices, where people wait in line for the chief.

People take many different types of issues to the chief. It can be anything from land disputes, disputes between neighbors, matters related to customary law, marriage issues, or as in Thembeke's example, which was described in the previous sub-section, what to do when a young girl has fallen pregnant. Hence, there are few barriers for approaching the chieftaincy directly, it is an attainable form of authority, and people feel that they are involved directly in the process where the traditional authority solves their concrete, and often personal, problems. As Oomen (2005, p. 196) emphasizes, it is no wonder that this way of solving issues might feel more democratic to people on the ground, than casting a ballot once every five years, and then seldom, or never, see that candidate again.

6.2.3 The chieftaincy is a corrupt and partisan institution

Not all of the fifteen informants preferred the chieftaincy over the state institutions, however. Three informants contested the legitimacy of the chieftaincy, and they did this on the grounds that they believed that the chieftaincy is a corrupt and partisan institution. As a young woman, Sizani, conveyed: *"I do not think it is important that Mzinyathi has a chieftaincy. There is no need for them. Sometimes they take sides, they favor certain people and ignore others. And so it ain't fair."* (Sizani, 25). Wandile also contested the legitimacy of the chieftaincy based on arguments of corruption and partisan-ness:

"There was a land dispute in my area, and the people took the matter to the Inkosi. He was so biased! He takes sides. He doesn't respect people, it depends who you are. (...) If you give him something, he will favor you." (Wandile, 44).

Similar views were also expressed by Mbalenhle: *"I don't support them fully. Sometimes, there are bribes involved. You will find that if there was a case against one guy, and that guy pays a lot of money, the case will disappear."* (Mbalenhle, 70). To these three informants, the chieftaincy lacks legitimacy because of what they believe to be unrightful treatment by the institution, and lack of transparency in the institution.

6.2.4 Comparing the chieftaincy to the municipality with regards to development

There was one final way in which an informant legitimized his non-support. A young man, Sizwe, contested the legitimacy of the chieftaincy on the grounds that he believes the chieftaincy does not do enough to develop Mzinyathi:

“I don’t support the chieftaincy. I look at what you do to develop the community. If you don’t have that quality, well, I make a decision from there. Because it’s all about development. (...) The chieftaincy is slowly getting rid of. It is slowly fading away. Municipality is more concerned about development, and because of this, it is gaining ground.” (Sizwe, 26).

Development, or a betterment of one’s living conditions, is of critical importance to people living in peri-urban and rural areas in South Africa, because these areas are underdeveloped compared to the urban areas. To Sizwe, development performance was a yardstick against which the different institutions could be measured, and to him, the municipality ‘scores’ better than the chieftaincy. This is another example of the fact that people compare the performance of the chieftaincy with government institutions’ performance, and judge them accordingly (Oomen, 2005).

6.3 Discussion and conclusion

The purpose of this chapter was to take up the popular perspective, as the chapter aimed to explore how Mzinyathi residents view the chieftaincy. The empirical findings in this chapter reveal that the Mzinyathi chieftaincy enjoys much legitimacy among its people. Twelve out of the fifteen interviewed residents expressed that they recognize the chieftaincy’s right to rule in Mzinyathi. These informants were from different walks of life; they differed with regards to age, education, income, gender and clan membership. The informants made use of both moral and performance arguments to justify why they see the chieftaincy as legitimate. At the same time, three of the fifteen interviewees questioned the chieftaincy’s right to rule in Mzinyathi. These informants made use of performance arguments to justify their non-support for the

institution. Despite the few who questioned the chieftaincy's legitimacy, the overall impression that can be extracted from the in-depth interviews is that the interviewed Mzinyathi residents still consider the chieftaincy to be an appropriate governing institution for their local community.

If we revisit the competing theoretical explanations for the chieftaincy's resilience that were presented in the theory chapter, we see that the empirical findings presented in this chapter confirm Ray (1996), Ray and La Branche (2001) and Williams' (2010) theoretical arguments. Ray, Ray and La Branche and Williams argue that the chieftaincy has maintained its legitimacy in the post-colonial era because the institution is able to derive legitimacy from a) the pre-colonial political order, and b) from pre-colonial religious, or sacred, sources, particularly the belief in ancestral spirits. As we have seen, several of the informants made references to the pre-colonial past when they were asked to justify why they think the chieftaincy has the right to rule in the present, and two of the informants also made references to the link that the chieftaincy has to their ancestors. In other words, we see that the chieftaincy's legitimacy is rooted in a set of values and norms that predate the establishment of the colonial state (Williams, 2010, p. 25). Like Ray argues, this is a powerful source of legitimacy, a source which the chieftaincy is able to tap into, while the South African state is not (Ray, 1996).

It was not only the pre-colonial past and the link to ancestors (both of which belong to the moral dimension of legitimacy) that Mzinyathi residents used as arguments for why they consider the chieftaincy to be a legitimate institution. Performance legitimacy also proved to be important in Mzinyathi residents' evaluation of the chieftaincy. Many of the residents shared the notion that the chieftaincy lightens the burdens in their everyday lives. Moreover, a number of the informants also perceived the chieftaincy to be a close and accessible form of authority, more so than the democratically elected representative for their ward. Because of its accessibility, and because of the very direct manner in which the chieftaincy attends to people's problems, ordinary people might experience the chieftaincy as democratic, even though the institution is made up of hereditary and appointed rulers.

The empirical findings in this chapter challenge the work by Mamdani (1996), where he contends that the chieftaincy lacks any real legitimacy on the ground. While Mamdani offers insightful analyses of the relationship between the colonial/apartheid state and the chieftaincy, I disagree with him when he argues that the chieftaincy lacks autonomous sources of legitimacy outside of the authority that the state has granted it. What the findings from the in-depth interviews reveal, are exactly that the Mzinyathi chieftaincy is able to derive legitimacy from sources that are *not* linked to the central state's authority. Moreover, the institution is able to derive legitimacy based on its ability to respond to the needs of the Mzinyathi community. This latter source of legitimacy, performance legitimacy, has not been taken into account in Mamdani's analyses.

7 The weak state explanation and its relevance for the eThekwini context

If you really think about it, they [the chieftaincy] are currently governing. They are making decisions at the moment, in that area. And we are NOT making any decisions in that way, in a concerted, considered way. (Municipal Official 4).

The question of the resilience of the chieftaincy in the democratic era has been explained in several ways in the scholarly literature. One of the explanations found in the literature focuses on the existence of weak post-colonial states. This explanation is supported by various scholars, such as van Rouveroy van Nieuwaal, 1996; Migdal, 1988; 1994; Keulder, 1998; and Nyamnjoh, 2014. These scholars point to the weak capacity of African state institutions, in their effort to explain why the chieftaincy has maintained its legitimacy as a governing institution also in the democratic era. To these authors, the citizens under jurisdiction of chieftaincies remain beyond the reach of the formal administrative authorities. In such a situation, the chieftaincy becomes a *default local government*; the local governing institution that is present in absence of other governing institutions. This is what imbues the chieftaincy institution with legitimacy.

Does this theoretical explanation for the resilience of the chieftaincy hold for eThekwini? Is the chieftaincy in Mzinyathi a fortunate benefactor of an inefficient and incompetent local state (Williams, 2010), with its head office placed forty kilometers away, in the city of Durban? In this chapter, these questions will be explored, as I will discuss the weak state explanation's relevance for the Mzinyathi and eThekwini context.

In order to gather data that could shed light on the validity of the weak state explanation for my case study, I conducted five interviews with municipal officials from eThekweni Municipality. These five officials hold central positions within their respective branches of the municipal administration. These elite informants have been anonymized, just like the other groups of informants I interviewed during my time in the field, and have been given the aliases of “Municipal Official 1–5”.

During the interviews, the informants were asked this question:

I have noticed that eThekweni Municipality has got relatively limited engagement in traditional authority areas, like the Mzinyathi area. Do you think that this limited engagement has got anything to do with lack of capacity? In other words, do you think that the municipality lacks the necessary capacity to engage in some of the traditional authority areas?

The findings from the interviews will now be presented and discussed.

7.1 “There are cultural differences”

The hypothesis that the local state lacks capacity to enforce its rule in the traditional authority areas in eThekweni, was negated by Municipal Official 1. This was how she voiced her thoughts:

“I think it [the municipality] lacks foresight. Not so much capacity. It’s either a subconscious not understanding the... or sitting back and saying ‘oh my god, this is the kind of city-scape we’ve got’. Traditional, township, urban, peri-urban, all of these are part of the South African landscape. And how do we respond to this? (...) You need to understand the areas and create responses. So I don’t think it’s an issue of capacity, I think that people haven’t been thinking about it.” (Municipal Official 1).

As we see from the citation above, according to Municipal Official 1, the Municipality does not lack capacity to enforce its rule in the traditional authority areas. Instead, she emphasizes what she believes to be a lack of understanding for these areas, among civil servants working in the municipal administration. Municipal Official 1 was not the only informant who brought up this issue. Among three of the municipal officials interviewed, there seemed to be a notion that areas under traditional authority are something of a ‘*different species*’. For civil servants living and working in the city of Durban, the traditional authority areas, and its people, are difficult spaces to comprehend, and therefore also to work in. Municipal Official 5 expressed it this way:

“You know what, I think we are scared to engage in those areas. We’ve got the capacity. (...) Let’s be honest; I don’t really know what the communities want out there. (...) And I can see some very nervous planners being asked to go out there. (...) So I am saying, I don’t think it’s lack of capacity; people don’t know how to engage in those areas. And look, it’s quite a minefield, there’s cultural differences, you know, if I was going to meet the amakhosi or whatever I would never be wearing trousers, you must wear skirt, it’s very disrespectful. And I don’t know that! I need my colleagues to tell me that or someone who’s going to guide us through those engagements and protocol and whatever.” (Municipal Official 5).

In a similar manner, Municipal Official 4 stated that:

“We need quality of engagement. It’s very ad-hoc. And there are cultural practices, like not wearing shorts and pants to meetings. And when you are a woman, how do you engage with them [the chieftaincy]? And there are language issues. And perhaps it might be the fear of the unknown.” (Municipal Official 4).

What the informants here are expressing, is a sense of nervousness associated with working in the traditional authority areas, and cooperating with the chieftaincies. My informants perceived the cultural differences between bureaucrats in Durban and chiefs in the rural hinterland to be

substantial, calling attention to the differences regarding what is seen as appropriate clothing for women, and the difficulties that female bureaucrats could face if they tried to interact with the chiefs. Furthermore, the cultural differences in the ways that the formal system and the traditional system govern, were also seen as an obstacle for cooperation. As voiced by Municipal Official 4:

“In the traditional authority context, it is not uncommon for people to say ‘okay, I’ll exchange X for you to do this.’ It’s a currency, in a traditional authority context. And it’s different from our formal systems. In the formal system, if you give me a gift I have to write it down in the registry. So our systems are not flexible enough to deal with such complex issues.” (Municipal Official 4).

Similarly, Municipal Official 5 also voiced that the differences in the ways of governing is an obstacle:

“As planners, we like things to be ‘you do this, you do this, you do this, you get this outcome’. And then we are all happy with that. This whole traditional thing is uncomfortable and messy, and we’re not quite sure what to do with that.” (...) Also, they [the chiefs] want to meet the seniors, they don’t want to meet a little junior planner. They want to meet with people who can make decisions. So there’s also these levels of engagement. They say ‘why must I meet with someone who says, well I’ll talk to the so and so’. So a lot of it might be the head position or, not even me, I’m more around the recommendations and process. They want people who can say ‘okay, we’re going to budget for that’. (Municipal Official 5).

Consequently, these municipal officials rejected the idea that the local state lacks capacity to enforce its rule in the traditional authority areas. Instead, they suggested that cultural difference is a reason for why the bureaucrats in Durban hesitate to engage in the traditional authority

areas in a meaningful way. But why do the bureaucrats feel this way towards these areas that are, after all, within the administrative boundaries of the Municipality?

To find the answer to this, a clue might be to look at the institutional and geographical legacy of apartheid that eThekweni Municipality is faced with, as well as the Municipality's recent history of reorganization. The municipal history in Durban is the history of a white local authority, an authority created by the white community in Port-Natal to administer their own affairs (Buhlungu & Atkinson, 2007, p. 28). The Municipality has only had jurisdiction over the traditional authority areas since the year 2000, after Durban (and the rest of South Africa) went through two major reorganizations of its local government boundaries. In the 1996-2000 phase, new local government structures were introduced, and former white municipalities, such as Durban, experienced an amalgamation of many, but not all, black areas that surrounded the white areas (Cameron, 2005, p. 207). In this phase, the city of Durban became the Durban Metropolitan Region, and large areas to the north, south and west of Durban was included into the city. In 2000, Durban was enlarged once more, as the vast rural hinterland on the boundaries of Durban Metropolitan Region was incorporated into the administrative boundary (Sutherland et al., 2013, p. 4). This created a single metropolitan municipality with the name eThekweni Municipality. It was only in this second reorganization of boundaries, that Mzinyathi and a number of other surrounding traditional authority areas became part of the metropolitan municipality. Hence, the municipal administration in Durban has only had jurisdiction over the traditional authority areas since the year 2000, which makes the situation of dual governance something of a fairly recent development. What my informants expressed, was a sense that the formal administration in Durban still has not really come to terms with the fact that their municipality is now a site of dual governance:

“As much as we have a dual system, I don’t think we grappled with what this dual system is. And I don’t think we’re grappling still with what the dual system is. It’s business as usual, it’s like, that is business in that area, and this is business in this area. ‘Please go and just see what we can do in that area.’” (Municipal Official 1).

What Municipal Official 1 here states, is that the Municipality does not intervene in the traditional authority areas out of old habit. Business as usual, as Municipal Official 1 describes it, would mean to leave the traditional authority areas alone, as this was the way the Municipality acted towards these areas up until the year 2000. Municipal Official 4 also hinted that the city's bureaucrats have not really come to terms with dual governance situation:

When you kind of look into this [the dual governance situation], when you zoom in, you're like 'this is GOING ON, in YOUR city!' I don't think it's obvious for people that there are very formal systems and very traditional systems that are actually happening in the city. (...) And I don't think the general populace in the urban area understands the role and the enormity and the powers that traditional authority has." (Municipal Official 4).

Furthermore, Municipal Official 4 emphasized that eThekweni Municipality has not actually been aware of what legal powers it has in the traditional authority areas. She explained that the Municipality had, during the past year, commissioned a legal review in order to learn what jurisdictions it has:

"We as a municipality didn't have a full understanding of what our legal binding powers are in those areas. (...) There is a lack of understanding between the governance systems. We assumed, as a city, and as a planning function, that we had no jurisdictions. But the reality of a legal review that was commissioned is that we actually do have powers. Powers to go in there to actually say, we can roll out our land use management schemes, we can perhaps charge rates." (Municipal Official 4).

Hence, what the interviewed municipal officials here suggest, is that there are clear reasons for why eThekweni Municipality has got a limited engagement in Mzinyathi and other traditional authority areas. The reasons they suggest, cultural differences and the novelty of the dual governance situation, are not, however, linked to lack of local state capacity. These findings

therefore contradict van Rouveroy van Nieuwaal, Keulder and Migdal's theoretical explanation, when these authors argue that the post-colonial state lacks capacity to engage meaningfully in traditional authority areas.

7.2 “We are trying to avoid an influx of people into the urban”

In addition to the two explanations that were highlighted in the previous subsection, Municipal Official 1 suggested a third explanation for why the local state has got limited engagement in the traditional authority areas. She suggested that there is a connection between the Municipality's limited engagement in the traditional authority areas, and the Municipality's desire to curb population growth in the urban sphere:

“The other response has been ‘it’s rural, it’s never going to be like this, how do we just keep it ticking’. The reason we just keep it ticking is that we’re trying to avoid the influx of people to come into the urban. (...) If you read some of the older Cape Town stuff, because we kind of use similar tools, there it was the case of ‘people are coming in, they’re migrating from the more deeper areas and then they settle in rural areas that are fringes to the CBDs²⁵ and Metros²⁶, and we need to curb growth’. So it came from a position of control about where things happen.” (Municipal Official 1).

What Municipal Official 1 here points to, is that if we want to understand the eThekweni Municipality's behavior towards the traditional authority areas on the city's fringes, then we need to understand the premise of wanting to curb growth in the urban sphere. South Africa has been experiencing extensive rural to urban migration, fueled by rural poverty, people's search for employment and by the abolishment of apartheid, which simultaneously meant the abolishment of the policies of restriction of movement. This rural-urban migration is currently causing pressure on the cities and the city authorities, as it creates pressure on urban infrastructure, shortage of social services in the urban sphere, it increases the unemployment

²⁵ “CBD” is an abbreviation for Central Business District.

²⁶ “Metro” is an abbreviation for Metropolitan Municipality.

rate in the city, and it increases the number of people living in informal settlements in the city. As Municipal Official 1 hinted, the city authorities' response to these pressures has been to try to curb this development, rather than to plan for, and respond to, the extensive urban population growth. And this is where Municipal Official 1's perspective fits in; namely that to leave the rural areas with their traditional governance systems as they are, rather than to try to amalgamate them and draw them further into the metropolitan municipality's governance, could possibly be a strategy for hindering further urban population growth.

7.3 “We would never bypass the chief”

Municipal Official 3 had a slightly different response to the question of capacity than the other interviewed local government officials. Municipal Official 3 also dismissed the idea that the local state lacks capacity to engage in the traditional authority areas, but he proposed that the reason for why there is a low level of engagement, is that the Municipality actively chooses to stay out of governing affairs in these areas, because it respects the chiefs' authority:

“We will never bypass the traditional chief in those areas on any service. Even if it is community engagement, we will go via the chief. And a lot of the research that we do, we get permission from the chief, before any student or any research is conducted. We recognize their importance and we don't try to underplay their role in society. (...) We can't just go, you know, 'we're the authority, we're the main body'. You know? It is through cooperative governance. We've got to recognize them and how we work together. In putting these systems in place. But then, whatever could be right on our side, from a legitimate legal side, if they [the chiefs] don't see it in that way, they will never accept it. So it is how you recognize their side of it, and working towards a common understanding, reaching consensus.” (Municipal Official 3).

What Municipal Official 3 here expresses, is that the Municipality cannot just barge into the traditional authority areas and enforce its will; it must respect the authority of the chieftaincies, an authority structure which has been there for much longer than the local state. Hence,

according to Municipal Official 3, it is not the case that the citizens in the traditional authority areas remain beyond reach of the local state, but instead, that the local state chooses to go through the chiefs when/if they want to access these citizens. In other words, the chieftaincies retain a sort of gatekeeper function to the traditional communities. This is a prevailing understanding of the role of the chieftaincies, among South African policy makers and bureaucrats (Williams, 2010). This view, of seeing the chiefs as gatekeepers, arguably sends signals, from the Municipality to the population, that the chieftaincies still matter. In other words, it imbues the chiefs with legitimacy (Williams, 2010, p. 28).

7.4 Conclusion: Different explanations are needed for Mzinyathi and eThekwini

The weak state explanation implies that the chieftaincy gains legitimacy because the local state is an ineffectual institution that lacks capacity to enforce its rule. In such a situation, the chieftaincy becomes a benefactor; a default local government replacing the local state institutions. How well does this theory explain the real-life situation of my case?

The interviews with local government officials left me with the impression that the weak state explanation does not have much explanatory power in the case of Mzinyathi and eThekwini. The interviewed officials pointed out that eThekwini Municipality *has*, indeed, got the necessary capacity to enforce its rule in the traditional authority areas. Instead, the officials suggested that there are other factors which obstruct the Municipality from actively administering these areas. The factors the officials pointed out were the following: First, that the cultural differences which exist between the bureaucrats in Durban and the chiefs in the rural hinterland prevent meaningful engagement, second, that the novelty of the dual governance situation means that the Municipality stays out of the traditional authority areas out of old habit, third, that the local state is trying to avoid an influx of people into the urban sphere, and to leave the traditional authority areas and their governance systems as they are could be a strategy for curbing urban population growth, and lastly, that the Municipality has got limited engagement in the traditional authority areas because it respects the chieftaincies' authority. Hence, the empirical findings challenge van Rouveroy van Nieuwaal, Keulder and Migdal's theoretical explanation for the continued resilience and legitimacy of the chieftaincy. To suggest that eThekwini Municipality lacks capacity to enforce its rule in traditional authority

areas, and to suggest that this can explain why the chieftaincy continues to be a legitimate governing institution, would arguably be to be making the wrong diagnosis. Presumably, it might be possible that the weak state explanation can have greater explanatory power for the resilience of the chieftaincy in other African contexts, where the local state indeed lacks the necessary capacity to administer its territory. But to argue that the chieftaincy in Mzinyathi is legitimate because of the existence of a weak local state in Durban, is not an adequate explanation in this case. Arguably, different explanations for the resilience of the chieftaincy are needed in my particular case.

8 Conclusion

We must ground our political analysis of contemporary events in the deep history of Africa – that is, the history which reconnects the present with the colonial and precolonial past.

(Chabal, 1996, p. 51).

The objective of this study has been to explore how and why the Mzinyathi chieftaincy has maintained its legitimacy in the present-day era. In this chapter, I will summarize the main findings, in order to provide answers to the research question. Following this, I will discuss how the study's findings relate to the theoretical framework, and how the findings of this case can contribute to theory development in the field of scholarly literature on the chieftaincy. Lastly, I will present possible recommendations for future research.

8.1 Main findings

As stated in the introduction, there was a prevailing belief in South Africa in the 1990s, that when the country's rural population were given democratic rights to vote representatives into office, the chieftaincy would lose its legitimacy as leaders of the rural population. This did not occur, however, as the chieftaincy has remained a legitimate and resilient institution in many parts of South Africa. In this thesis, I wanted to come closer to an understanding of why this is the case. Focusing on a particular chieftaincy in Mzinyathi in eThekweni Municipality, I wanted to find out why people in Mzinyathi still continue to recognize this hereditary institution's right to rule in an era where there also exist democratic alternatives. With this in mind, the research question that this study has attempted to answer has been:

How and why does the chieftaincy maintain its legitimacy in present-day Mzinyathi?

The findings reveal that in Mzinyathi, the chieftaincy maintains its legitimacy both because of what it *means to people* (moral legitimacy), but also because of what it *does for people* (performance legitimacy). Firstly, the empirical findings show that the Mzinyathi chieftaincy maintains its legitimacy as a governing institution because of what the institution means to the community. The findings suggest that the Mzinyathi chieftaincy is viewed as a protector of the community's culture and traditions. While the ward councillor is viewed by some of the interviewed residents as a threat to their indigenous culture (*"If the councillor comes in, we will lose our culture"* (Zama, 51)), the chief is oppositely regarded as a protector and a representative of the community's identity. The locality of Mzinyathi has been subject to great changes over the past three decades. There is a concern, among interviewees, that the changes Mzinyathi is undergoing are threatening the community's culture and their traditional ways of life. Against this concern, the chieftaincy is regarded as an anchor in the storm of change. It is believed that the institution is a bearer of the community's traditional values, and therefore, by continuing to have a chieftaincy, these values will be preserved instead of being lost. For some community members, the chieftaincy also represents a link to their own ancestors, which means that the institution has also got religious significance. Moreover, community members value the longevity of the chieftaincy; the fact that the institution's history stretches back to the pre-colonial era. And finally, for some, having a chieftaincy means that they simultaneously have got an institution among them which is assigned to keep peace in the local community.

Secondly, findings from the fieldwork show that the Mzinyathi chieftaincy also maintains its legitimacy as a governing institution because of what the institution does for people. Among my informants, it is believed that the chieftaincy helps lighten the burdens that they have in their everyday lives. Whenever they face a small or a large issue, they can take this issue to the chieftaincy, and they will get help to solve their problem. In this sense, the Mzinyathi chieftaincy is regarded as an attainable form of authority. While the local ward councillor is perceived by some of the informants as distant and not interested in helping the community, the chief and his Izinduna are perceived as accessible to the local community, and it is believed that the traditional leaders take interest in solving people's concrete and often personal problems. Oomen (2005) argues that people who live under dual governance tend to compare the chieftaincy with formal governance institutions, and judge both sets of institutions based on their performance. My informants did indeed make such comparisons, as they tended to

compare the chief's performance to the local ward councillor's performance. And while one young informant believed that the formal governance institutions performed better than the chieftaincy, the majority of informants believed that the chieftaincy did more for Mzinyathi than what the democratically elected ward councillor did for them. Hence, in a comparison with the local ward councillor, the chieftaincy seemed, for many, like the preferable alternative. This comparison arguably boosts the chieftaincy's legitimacy in the eyes of Mzinyathi residents. Moreover, findings from the field research also indicate that some of the residents view their chieftaincy as a channel where their dissatisfaction with the Municipality's new policy of cost recovery can be heard. There was a conception that Chief Ngcobo sides with his subjects in the idea of resisting to pay municipal rates. It may here seem like Chief Ngcobo, by siding with his subjects in the rates conflict, has started to carve out new political space for himself. The rates conflict arguably presents a new opportunity for the Mzinyathi chieftaincy to portray itself as relevant for its subjects, also in the present-day era.

The findings from this study also reveal that the chieftaincy's role as a land allocator is a factor which imbues the chieftaincy with legitimacy in the present-day era. Findings indicate that the institution's control over land is a factor which reproduces its power, and there is a prevailing understanding among informants, that the chieftaincy's continued influence over local governance is linked to its control over land. Moreover, there is also a prevailing understanding that Chief Ngcobo is the rightful owner of the land in Mzinyathi, even though the land in Mzinyathi is formally owned by the state. The perception of the chief as the rightful owner of the land arguably boosts his authority.

Although the findings of this study show that the Mzinyathi chieftaincy enjoys much legitimacy among its people, there were three informants who contested the legitimacy of the chieftaincy in present-day Mzinyathi. These informants questioned the Mzinyathi chieftaincy's right to rule based on their perception that the chieftaincy is a corrupt and partisan institution which lacks transparency and accountability. What these observations might indicate, is that Mzinyathi residents are increasingly becoming more concerned about principles of good governance, in other words, that there is a growing concern that their leaders should govern according to the

principles of accountability and transparency. This arguably shows us that democratic ideas and practices has started to influence the institution of chieftaincy.

8.1.1 Findings related to the municipality's limited engagement in traditional authority areas

During the field research, I did not just investigate affairs within Mzinyathi, I also interviewed municipal officials from eThekweni Municipality, in order to learn more about why the Municipality has got a limited engagement in Mzinyathi and other traditional authority areas. Several interesting findings came out of these interviews. The interviewed officials pointed out that eThekweni Municipality *has*, indeed, got the necessary capacity to enforce its rule in the traditional authority areas, however, there are certain factors which obstruct the Municipality from actively administering these areas. The first factor which the officials referred to was that of cultural differences: There are cultural differences between the bureaucrats in Durban and the chiefs in the rural areas, and these cultural differences are seen as a hinder for cooperation across the two governance systems. The second factor which was pointed out, was that the novelty of the dual governance situation means that the Municipality actually stays out of the traditional authority areas out of old habit. The third factor mentioned by the municipal officials was that the Municipality is trying to avoid an influx of people into the urban sphere, and to leave the traditional authority areas and their governance systems as they are could be a strategy for curbing urban population growth. The final factor which was called into attention, was that eThekweni Municipality has got a low level of engagement in the traditional authority areas because it respects the authority of the chieftaincies. If the Municipality wants to reach the citizens in a particular traditional authority area, it usually does this by going through the chief in that area. This notion, of viewing the chiefs as gatekeepers of their local communities, arguably imbues the chieftaincies with legitimacy.

8.2 The wider relevance of the results

In the methodology chapter, it was argued, in line with George and Bennett (2005) and Yin (2009), that case studies can be useful for theoretical generalization. In other words, such studies may contribute to the generation and development of general theories. I will therefore now discuss what kind of feedback my case study can offer to the general theories which I have utilized in this thesis.

8.2.1 The weak state explanation

One of the theories that has formed a part of this thesis' theoretical framework is the weak state explanation. This explanation is supported by a group of authors: Van Rouveroy van Nieuwaal, 1996; Migdal, 1988; 1994; Keulder, 1998; and Nyamnjoh, 2014. These authors point to the weak capacity of African state institutions, in their effort to explain why the chieftaincy has maintained its legitimacy as a governing institution. It is argued that as the formal administrative authorities do not have the capacity to reach citizens in the traditional authority areas, the chieftaincy becomes a default local government in these areas. This is a dynamic which imbues the chieftaincy with legitimacy. The empirical findings in this study suggest that the formal administrative authorities, which in this case is eThekweni Municipality, *has* indeed got the necessary capacity to enforce its rule in Mzinyathi and other traditional authority areas. The interviewed officials *do not* see the citizens in these areas as beyond the reach of the state. Although the officials do state reasons for why there is limited engagement in traditional authority areas, the reasons they give are not linked to lack of capacity. Hence, to argue that the chieftaincy in Mzinyathi maintains its legitimacy because of a weak local state in Durban is not an adequate explanation in this case. The findings in this study do therefore not support the theoretical assumption that the chieftaincy's continued legitimacy must be attributed to the external factor of a weak state. I therefore argue that Van Rouveroy van Nieuwaal, Migdal, Keulder and Nyamnjoh's theoretical explanation for the resilience of the chieftaincy is weakened by my case study.

Although I argue that the weak state explanation does not help me explain how and why the Mzinyathi chieftaincy has maintained its legitimacy, I must admit that the foundation I have for rejecting this theoretical explanation is not very solid, since my data material is rather limited. If this were a study context where I had more amount of time, and more resources available, I

would have conducted a longer fieldwork in order to produce more extensive data. In such a situation, I would have had a more robust foundation for rejecting the weak state explanation.

8.2.2 The chieftaincy's ability to derive authority from pre-colonial cultural, political and religious sources

Another theory that formed part of this thesis' theoretical framework was that of Ray (1996), Ray and La Branche (2001) and Williams (2010). Ray, Ray and La Branche and Williams argue that the chieftaincy continues to thrive because the institution continues to embody local legitimacy, in other words, because local populations continue to show their support to this institution. This hypothesis was confirmed by the empirical findings from Mzinyathi, as the interviewed Mzinyathi residents expressed a strong support for the chieftaincy. Moreover, Ray, Ray and La Branche and Williams argue that the chieftaincy maintains its legitimacy in the present-day era because the institution is able to derive legitimacy from the pre-colonial political order, and from pre-colonial religious, or sacred, sources. Findings from the fieldwork support Ray, Ray and La Branche and Williams' hypothesis about the chieftaincy's ability to derive legitimacy from pre-colonial sources. Several of the interviewed Mzinyathi residents made references to both the pre-colonial political order and to pre-colonial religion when they were asked to justify why the chieftaincy should be part of the current governance landscape in Mzinyathi. Hence, the Mzinyathi chieftaincy's legitimacy is, indeed, rooted in a set of values and norms that predate the establishment of the colonial state (Williams, 2010, p. 25). I therefore argue that Ray, Ray and La Branche and Williams' theoretical explanation for the resilience of the chieftaincy is strengthened by my case study, and their theory is consequently strengthened as a general theory by this particular case. It is also worth calling into attention that Ray, Ray and La Branche and Williams' theory was originally meant to explain the resilience of the chieftaincy in rural areas, while Mzinyathi is, in fact, a peri-urban case. The fact that their theory is also valid for a peri-urban case arguably strengthens the general applicability of this theory.

8.2.3 The chieftaincy's role in land governance

A third theory that formed part of this thesis' theoretical framework was that of Ntsebeza (2005) and Ribot (2001). Ntsebeza and Ribot argue that the main reason for why the chieftaincy has maintained its legitimacy, is because the institution controls the allocation of land in traditional authority areas. In the eyes of Ntsebeza and Ribot, the chieftaincy is neither popular nor respected by subjects, but the chieftaincy still is considered a legitimate governing institution due to its control over land resources – *land* is the only reason for why people still turn to their chiefs. Ntsebeza and Ribot's theoretical explanation for the resilience of the chieftaincy is, to some extent, strengthened by the findings from the Mzinyathi case. Several of the interviewed residents link the chieftaincy's authority to its role as a land allocator in the area. Moreover, residents view Chief Ngcobo as the rightful owner of the land in Qadi, and this arguably boosts the chief's authority. Hence, Ntsebeza and Ribot are correct in claiming that we cannot overlook land as a factor when we want to explain the chieftaincy's continued legitimacy in the present-day era. However, the empirical findings from Mzinyathi suggest that land is only *one* among *a number of* reasons for why the chieftaincy maintains its legitimacy. As we have seen, Mzinyathi residents also point to the institution's moral significance (what the institution means for people), as well as its performance (what the institution does for people), in their efforts to explain why they continue to recognize this institution's right to rule. Therefore, when Ntsebeza and Ribot argue that the chieftaincy only maintains its legitimacy because it allocates land, they arguably do not capture the deeper cultural significance that this institution has got (Williams, 2010). What is more, the findings from the fieldwork contests the argument put forth by Ntsebeza and Ribot, where they argue that the chieftaincy is actually a feared and unpopular institution. The interviewed residents of Mzinyathi do not fear the chieftaincy. Instead, they see the institution as a protector of their culture and traditions, and, most notably, as an institution which is there to help them in times of need. Hence, the findings suggest that the chieftaincy means more to Mzinyathi residents than just having the functional role as a land allocator.

8.2.4 Mamdani's argument revisited

In this thesis, Mamdani's theoretical explanation for the continued resilience of the chieftaincy was also put under scrutiny. In his explanation, Mamdani links the continued resilience of the chieftaincy to the legacy of indirect rule. He argues that the chieftaincy's continued resilience must be seen connection with the fact that the central state has granted this institution authority.

To Mamdani, the chieftaincy today exercises power, but not legitimate power, since the chiefs lost their local legitimacy a long time ago. The empirical findings in this case study challenge Mamdani's theory. Contrary to Mamdani's conception, I have found that the chieftaincy in Mzinyathi has not lost its local legitimacy; arguably, the institution is still considered legitimate by the interviewed Mzinyathi residents. Where Mamdani argues that the chieftaincy lacks autonomous sources of legitimacy outside the authority it has been granted by the central state, the findings from Mzinyathi contests this argument too. Findings from the in-depth interviews suggest that the Mzinyathi chieftaincy is able to derive legitimacy exactly from sources that are *not* linked to the central state's authority.

Based on my case study, therefore, I argue that we must resist the generalization that all chieftaincies are illegitimate. As Fokwang (2009) has put it: "It is naive to treat all chieftaincies as embodiments of oppression" (Fokwang, 2009, p. vi). While there probably exist a number of South African chiefs who lack popular support today, there also exist chieftaincies which still exercise authority: They exercise a form of power which is founded in the consent of their people, and the subjects still have an interest in obeying them (Weber, 1978). The Mzinyathi chieftaincy is arguably one of such chieftaincies. So while Mamdani can offer us an insightful analysis that aids our understanding of the relationship between the chieftaincy and the state in the colonial and apartheid eras, his analysis is arguably less useful when it comes to explaining why certain chieftaincies maintain their legitimacy in the present-day era. In order to understand why these chieftaincies maintain their legitimacy, we arguably need in-depth studies that delves into the intricate relationships between each particular chieftaincy and its subjects. It is only by doing this, that we can achieve a more grounded and nuanced understanding of the significance that this institution continues to have for ordinary people – even in the present, democratic era.

8.3 Recommendations for future research

8.3.1 Implications for the South African nation building project

If the chieftaincy still continues to be viewed as a legitimate governing institution in the present-day era, what consequences does this have for South African nation building? Some authors,

such as Oomen (2005) and Logan (2011), contend that the people's continued support for the chieftaincy might have a negative effect on the South African nation building project. Writing about South Africa, Oomen argues that alternative polities, such as the chieftaincy, can "challenge the unitary nation-state that had once been the dream in the struggle against oppression" (Oomen, 2005, p. 12). But what exactly does the South African nation building project involve? The post-apartheid state and the ANC government has, since the end of the transition years, arguably promoted a type of nationalism that Comaroff (1996) has termed *euronationalism*. In the euronationalistic understanding, a nation should be based on universalist principles. People should view themselves as part of the same nation because they hold the same citizenship, and because they belong to the same political community inside the territorial borders of the same state (Oomen, 1999, p. 83). The euronationalist ideology emphasizes erasure of internal difference, and a "forgetting [of] the past" (Comaroff, 1996, p. 176). The aim of this ideology is national unity and territorial integrity (Oomen, 1999, p. 84). The ANC saw this type of nationalism as suitable for the new South Africa that they sought to build. It was a form of self-imagining that differed sharply from the apartheid ideology of races and separateness. During the struggle against apartheid, and later, when the ANC came to power, the organization emphasized the need for a de-ethnicization of the South African society (Oomen, 1999). The hope was that a commitment to the euronationalist ideology could help South Africa in pursuing the goal of de-ethnicization. Through the findings of this study, however, we have seen that the informants primarily pledge allegiance to their Zulu identity as well as to their local chieftaincy, an institution which they view as a symbol of their communal identity. The chieftaincy symbolizes and represents an identity that is ethnically based, and sub-national (Logan, 2011, p. 4). This is arguably a "competing nationalism" (Oomen, 1999) to that of the euronationalist ideology, since the focus in Zulu nationalism is on cultural distinctiveness and primordial roots – the opposite of universalist principles. Hence, if people continue to see themselves primarily as part of the Zulu community, instead of a part of the South African nation, then this is at arguably odds with the ANC's euronationalist ideology, and it might, as Oomen contends, challenge the government's post-ethnic nation building project. The question which is relevant to ask here, is whether identity in South Africa today is a zero-sum game (Logan, 2011). Is it so, that your allegiance to your identity as Zulu comes at the expense of your allegiance to your identity as a South African citizen? Arguably, further research is necessary in order to explore whether people's support for ethnically based and sub-national institutions can be mobilized into rejecting the authority of the South African state.

8.3.2 The relationship between demographic variables and perspectives on the chieftaincy's legitimacy

This thesis explored ordinary people's perspectives on the legitimacy of the chieftaincy using a sample of 15 purposively sampled informants. Due to this small and non-representative sample, it was not possible to detect any relationships between demographic variables like age, gender, education, and socio-economic status, and perspectives on the legitimacy of the chieftaincy. In a larger study, therefore, it would be interesting to explore the relationship between demographic variables and perspectives on the chieftaincy's legitimacy. Some studies, like Oomen (2005) and Hlabisa (2013), have suggested that high education, as well as young age, is associated with viewing the chieftaincy as less legitimate. In future research, it could be relevant to explore these and similar hypotheses using a representative sample from Mzinyathi's population.

8.3.3 Women's possibilities of participating in governance under a context of dual governance

This study has demonstrated that the chieftaincy, which is a deeply patriarchal institution, has got a leading role in local governance in Mzinyathi. The consequences that this has got for women's rights and possibilities to participate in local governance arguably needs to be explored further. Future research should therefore explore the possibilities of further democratizing the Mzinyathi chieftaincy, in order to better ensure the participation of women in local governance.

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Appendices

Appendix A: Consent Form

CONSENT TO PARTICIPATE IN RESEARCH

Study Title:

A chief is a chief by the people – Exploring the legitimacy of the Mzinyathi chieftaincy in eThekweni, KwaZulu-Natal. (A master's dissertation).

Researcher:

Hannah B. Markus (Master student in Political Science).

The academic institution responsible for this research is University of Oslo (Norway).

This is a consent form for research participation. It contains important information about this study and what to expect if you participate.

Your participation is voluntary.

Please consider the information carefully. Feel free to ask questions before making your decision whether or not to participate. If you decide to participate, you will be asked to sign this form and will receive a copy of the form.

Purpose: The purpose of this study is to find the reasons for why the chieftaincy continues to be regarded as a legitimate authority in Mzinyathi, even in the democratic era.

Duration: The work with this research study started on the 15th of August, 2016. The study will be finished on October 31st, 2017.

Confidentiality: Your study-related information will be kept confidential. Your personal information will be anonymized on the 31st of December 2016. In the final master's dissertation, which will be published, all personal information will be anonymized. When referring to participants in the publication, pseudonyms will be used.

Participant Rights:

You may refuse to participate in this study. You will not suffer any consequences if you refuse to participate.

If you choose to participate in the study, you may still leave the study at any time. You will not suffer any consequences if you decide to discontinue participation.

Contacts and Questions:

For questions, concerns or complaints about the study, you may contact Hannah B. Markus (phone no.: +47 95 80 08 42, e-mail: hannahmarkus@outlook.com).

For questions about your rights as a participant in this study or to discuss other study-related concerns or complaints, you may contact Karin Dokken, associate professor at University of Oslo (phone no.: +47 22 85 87 92, e-mail: karin.dokken@stv.uio.no).

Signing the Consent Form:

I have read (or someone has read to me) this form, and I am aware that I am being asked to participate in a research study. I have had the opportunity to ask questions and have had them answered to my satisfaction. I voluntarily agree to participate in this study.

I am not giving up any legal rights by signing this form. I will be given a copy of this form.

Printed name of subject

Signature of subject

Date and Time

Investigator / Research Staff

I have explained the research to the participant or his/her representative before requesting the signature(s) above. There are no blanks in this document. A copy of the form has been given to the participant or his/her representative.

Printed name of person obtaining consent

Signature of person obtaining consent

Date and Time

Appendix B: Interview Guides

B1: Interview guide for semi-structured interviews with Mzinyathi residents

Introduction

- Short description of this project
- Consent to participate in research

Basic personal and social information

- *How long have you lived in Mzinyathi?*
- *Were you born in this area?*
- *Are you a member of the Ngcobo lineage?*

Civic participation

- *Do you consider yourself a member of the community here? Explain*
- *Are you member of any kinds of civic, social, religious or clubs or organizations?*
 - *If yes, in what ways do you participate in this organization?*
- *Are you an active member of a political party?*

Tenure rights and security

- *Do you own the land you live on?*
- *Do you feel secure about your use/ownership of this land?*

Land governance in Mzinyathi

- *Who owns the land in Mzinyathi?*
- *Who makes the decisions about how land is allocated?*
- *Please tell me about the process you went through to get the land you live on in Mzinyathi.*

Transparency/accountability of the land allocation process

- *Is land allocation in this area managed in an open and clear manner? Does everybody know and use the same rules for allocation of land?*
- *Do you perceive the land allocation process as fair? Are you happy with the way land is allocated? Are there conflicts around land allocation?*

- *Do you feel that you have a say in the manner in which land is governed in this area?*

Formal governance institutions versus traditional governance institutions

- *To whom do you address your issues/complaints to, traditional authority or councillor?*
 - *If the answer is traditional authority, why do you go to the traditional authorities and not the councillor?*
 - *What kind of issues do you take to the traditional authority? (probe on examples)*
 - *What kind of issues do you take to the councillor? (probe on examples)*
- *Have you contacted the local government officials about an issue facing your family or community?*
 - *If so, whom did you contact and what did it concern?*
 - *What was the outcome of this engagement?*
- *Who do you go to if you need help to resolve a land dispute?*
- *What role does the chieftaincy play in development of the community?*
- *What role does the municipal authority play in the development of the community?*

People's support for the traditional authority

- *In your opinion, do you think it is important that Mzinyathi has a chieftaincy?*
 - *Why/why not?*
- *In your opinion, do you think Mzinyathi needs a ward councillor?*
 - *Why/why not?*
- *This area has got both a chieftaincy and a councillor. Compared to areas in the city, where there is only a councillor. Is it a good idea to have both a chieftaincy and a councillor?*
- *Do you support the chieftaincy?*
 - *If yes, why?*
 - *If no, why not?*
- *How do you support the chieftaincy?*
 - *Probe: Material/immaterial*
- *What power does the chieftaincy have in Mzinyathi?*
- *Why does the chieftaincy have a great influence in Mzinyathi today?*
- *In your opinion, is the power of the chieftaincy increasing or decreasing these days?*
- *What qualities should a good Inkosi have? What qualities should a good Induna have?*
- *Should the government pay the chiefs? Explain.*
- *Should the traditional authority be able to overrule decisions made by the municipal authority?*
- *How do you see the position of traditional leadership in South Africa?*

Service protests

- *How do you feel about the protests for services which are taking place in the city?*
- *Are there protests in this area? Explain why or why not. Do you think such protests could happen around here?*

Demographics

- Age?
- Gender?
- Highest level of education?
- Total household income per month?
- How do you make a living?

End of interview

- Before we wrap up, is there anything you would like to add? Anything that you have not had the chance to say?
- Thank you very much for your time and effort.
- Please feel free to ask any questions you may have about me or this research. If you would like to contact me at a later time, here is my contact information.

B2: Interview guide for semi-structured interviews with municipal officials

Introduction

- Short description of this project
- Consent to participate in research
- Consent – audio recording

Basic information

- *What is your position and function in the municipality?*
- *How many years have you been working in the municipal administration?*

Relationship between traditional authorities and formal authorities

- *Can you please give a description of your department, and of your department's relation to the traditional authorities?*
- *Have any coordinating bodies been established between the formal institutions and the traditional institutions?*
- *How do you perceive the relationship between the municipality and the chieftaincy?*

The formal authorities' presence and capacity in Mzinyathi

- *What is the role of the municipality (/the state) in Mzinyathi/Qadi?*
- *I have noticed that eThekweni Municipality has got relatively limited engagement in traditional authority areas, like the Mzinyathi area. Do you think that this limited engagement has got anything to do with lack of capacity? In other words, do you think that the municipality lacks the necessary capacity to engage in some of the traditional authority areas?*

Traditional authority's role in land allocation

- *What role does the chieftaincy have in land allocation?*
- *What mandate has the chieftaincy been given?*
- *What are your thoughts around how they are carrying out this mandate?*
- *In what ways does the municipality try to influence on the land allocation process?*
- *I have learned that you have an arrangement, where the chieftaincy is responsible for land allocation, while the municipality is responsible for the provision of services.*
 - *What are your experiences with this dual arrangement?*
 - *What, in your opinion, are the strengths and weaknesses of this arrangement?*
- *How do you feel about the land use schemes being rolled out in these areas?*

The chieftaincy's authority

- *Is the chieftaincy perceived as a legitimate authority by the population in Qadi and Mzinyathi?*
- *What about in your department; how do you perceive the authority of the chieftaincy?*
- *Do you have any thoughts on the ways that the chieftaincy is exercising its power?*

Addressing the dual governance system

- *Are there any initiatives in the municipality to address the dual governance system?*
 - *Who is leading these processes?*
 - *Is this considered important?*
 - *What do you think the outcomes of these processes should be?*

End of interview

- Before we wrap up, is there anything you would like to add? Anything that you have not had the chance to say?
- Thank you very much for your time and effort.
- Are there someone else in the municipality office which you think it would be wise of me to talk to? (Can I mention you as a reference?)
- Please feel free to ask any questions you may have about me or this research. If you would like to contact me at a later time, here is my contact information.

B3: Interview guide for semi-structured interviews with the Izinduna (the chief's headmen)

Introduction

- Short description of this project
- Consent to participate in research

Basic information

- *How long have you lived here in Mzinyathi?*
- *Were you born in this area?*
- *What three things do you like about living in this area?*
- *What three things would you like to change about this area?*
- *Has this area been changing?*

The land allocation process in Mzinyathi

- *What are the deciding criteria when you are considering to allocate land to someone?*
- *Does the chieftaincy have written guidelines for land allocation?*
- *The residents who already live in the area – are they involved in this process in any way?*
- *In which cases do you say 'no' to someone who approaches you in order to get a plot of land in Mzinyathi?*
- *What are your views on the densification that is taking place in Mzinyathi?*

Izinduna's role in society

- *How long have you been an Induna, and how were you selected as an Induna?*
- *I come from Norway, and so I am interested in learning more about the roots of the traditional authority system.*
How did the institution of traditional authority emerge in South Africa?
- *I have learnt that for a long time, the Izinduna have played a critical role for people. I have also been told that your role and position has been changing over the years.*
 - *First, during the apartheid era, how did that era shape your role as an Induna? How did things work back then?*
 - *Second, how did the transition in 1994 affect the role and position of the Izinduna?*
 - *Third, post-2000, when you became part of eThekweni Municipality, how did the role and position of the Izinduna change?*
- *Why, in your opinion, are the chiefs the right people to govern Mzinyathi/Qadi?*
- *Has the chieftaincy got a big influence in Mzinyathi/Qadi now? How and why?*
- *What is the future for the traditional authorities in South Africa?*

- *In what ways do you think that the traditional authorities' role and function may change in the future?*

Relationship between traditional authorities and formal authorities

- *Would you please describe the relationship between the traditional authorities and the municipality (the councillor)?*
- *I have learned that you have an arrangement, where the chieftaincy is responsible for land allocation, while the municipality is responsible for the provision of services.*
 - *What are your experiences with this dual arrangement?*
 - *What, in your opinion, are the strengths and weaknesses of this arrangement?*
- *Do you think that Inkosi should be able to overrule a decision made by the municipal authority?*
- *Do you work together with other local actors besides the municipality?*

Challenges in Mzinyathi

- *What are main challenges you are facing as an Induna here?*
- *What are the main issues in Mzinyathi that you are dealing with?*
- *How do you feel about these challenges, and what are the solutions for them?*

End of interview

- Before we wrap up, is there anything you would like to add? Anything that you have not had the chance to say?
- Thank you very much for your time and effort,
- Please feel free to ask any questions you may have about me or this research. If you would like to contact me at a later time, here is my contact information.

Appendix C: List of Informants

Mzinyathi residents

Xolani (Male, 50 years old). Interview with author on November 14, 2016.

Thembeke (Female, 66 years old). Interview with author on November 14, 2016.

Mbalenhle (Female, 70 years old). Interview with author on November 15, 2016.

Busisiwe (Female, 35 years old). Interview with author on November 15, 2016.

Mondli (Male, 22 years old). Interview with author on November 16, 2016.

Mandla (Male, 22 years old). Interview with author on November 16, 2016.

Sizani (Female, 25 years old). Interview with author on November 16, 2016.

Zama (Female, 51 years old). Interview with author on November 17, 2016.

Ntokozo (Female, 84 years old). Interview with author on November 17, 2016.

Wandile (Male, 44 years old). Interview with author on November 18, 2016.

Sizwe (Male, 26 years old). Interview with author on November 18, 2016.

Zithembe (Male, 36 year old). Interview with author on November 18, 2016.

Lindelani (Male, 58 years old). Interview with author on November 19, 2016.

Dingane (Male, 57 years old). Interview with author on November 19, 2016.

Zanele (Female, 59 years old). Interview with author on November 19, 2016.

Izinduna (The chief's headmen)

Induna Dhlamini (Male). Interview with author on November 14, 2016.

Induna Ndlovu (Male). Interview with author on November 14, 2016.

Induna Maseko (Male). Interview with author on November 15, 2016.

Induna Motlanthe (Male). Interview with author on November 16, 2016.

Induna Ntuli (Male). Interview with author on November 17, 2016.

Municipal officials – eThekweni Municipality

Municipal Official 1 (Female). Interview with author on November 22, 2016.

Municipal Official 2 (Male). Interview with author on November 23, 2016.

Municipal Official 3 (Male). Interview with author on November 24, 2016.

Municipal Official 4 (Female). Interview with author on November 28, 2016.

Municipal Official 5 (Female). Interview with author on December 1, 2016.

Ward councillor officials – Ward 3

Ward Councillor Official 1 and 2 (Male and Female). Group interview with author on December 5, 2016.