**Don't mess with my *ngquthu*:**
**Articulations of gender and generation in rural South Africa, 1928-48**

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## Introduction

In recent scholarship, conflict between genders and generations has proved key to understanding much of African social history, especially in the colonial era. This is nowhere more true than for the study of rural South Africa in the era bracketing the 1930s, the time of segregation.[1] While this emphasis has greatly enriched our understanding of the way in which the micropolitics of family affect and reflect wider social processes and tensions, the categories of gender and generation have to a great extent been taken for granted rather than subjected to rigorous analysis. This article argues that such an analysis is essential for a textured comprehension of rural social realities. It also argues that neither category can be understood in isolation: generation is gendered and gender is generated through ongoing attention to seniority.

In this article, I pursue this analysis in the context of tensions of gender and generation among African labor tenants on white-owned farms in rural Natal. The article examines court records arising in the context of the state's neo-traditionalist advocacy of customary law to look at how conflict between fathers and sons and husbands and wives refracted into intertwined conflicts and alliances across gender and generation. It examines the struggles of rebellious widows, at once juniors and seniors,

[1] Though South Africa was independent from 1910, its system of "native administration" was a model for very similar systems in colonial Africa. Mahmood Mamdani, *Citizen and Subject: Contemporary Africa and the Legacy of Late Colonialism* (Princeton: Princeton University Press, 1996).

as well as the way in which the generational struggles of men were infused with the presence—and actions—of women, especially mothers and brides. It argues that to understand the social history of labor tenancy, as well as to understand the significance of gender and generation, it is necessary to consider other elders besides the archetypal patriarchs, and other juniors besides the standard young men seeking wives. Examining the ways in which gender and generation overlap as social categories will illuminate their construction and meanings as well as sharpening our view of social struggle in rural South Africa.

The first section of the article provides a historical overview of significant transformations of the region's political economy during the preceding century and the effect of those changes on relations of gender and generation. The ideology of British colonialism in Natal sought to preserve African social structure, but that ideology failed to account for the process of change that was already in motion when the colonizers arrived, and which accelerated through the impact of new economic and ideological structures. This contradiction was central to the segregation era. In this period, the state, chiefs, fathers and white farmers sought refuge in neo-traditionalism as a bulwark against the independence asserted by African women and young men and the political ferment of tenants and workers that erupted in the late 1920s. These tensions helped lay the faulty foundation of apartheid and remain central to social and political debate in post-apartheid South Africa.

Having laid this groundwork, the article goes on to examine several cases brought in the Native Commissioner courts of segregation-era Natal in order to show the multi-layered ways in which gender and generation are entangled with one another.

**History, social change and segregation**

By the dawn of the segregation era in the early twentieth century, the province of Natal already had a long history of rigid traditionalism sanctioned and shaped by the colonial state.[2] The British colony of Natal, annexed in 1844, occupied the colonial space created by the brief occupation of the *trekkers* from the Eastern Cape. British colonial officials in Natal quickly abandoned any pretence to the type of liberal egalitarianism they had espoused in the Cape Colony during the first half of the 19th century.[3] The British had arrived at the Cape half a century earlier in the full flush of abolitionism and Smithian ideals of freedom—free trade, free labor, and the ideal of the formal equality of men (a term whose meaning was subject to considerable ambiguity but whose gendered nature was unambiguous).[4] They had inherited a colony—the

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[2] Historical changes in jurisdictional boundaries make the discussion of this area somewhat confusing. Natal was a British colony from 1843 to 1910, from 1895 it included Zululand; it was a province of South Africa from 1910 to 1994; in 1994 it entered the "new" South Africa as part of the province of Kwazulu-Natal, which rejoined the province with the Zulu "homeland" that the apartheid state had consolidated from far-flung reserve areas within the provincial boundaries.

[3] This section relies on the work of several scholars of nineteenth century Natal: John Lambert, *Betrayed Trust: Africans and the State in Colonial Natal* (Scottsville: University of Natal Press, 1995; John Wright and Carolyn Hamilton, "Traditions and transformations: The Phongolo-Mzimkhulu region in the late eighteenth and early nineteenth centuries," in Andrew Duminy and Bill Guest, eds., *Natal and Zululand From Earliest Times to 1910: A New History* (Pietermaritzburg: University of Natal Press, 1989) 49-82; David Welsh, *The Roots of Segregation: Native Policy in Colonial Natal, 1845-1910* (Cape Town: Oxford University Press, 1971), as well as on my own research into Natal Colony's relevant legislation and the administrative files of its Secretary for Native Affairs.

[4] Cf. Helen Bradford, "Women, Gender and Colonialism: Rethinking the history of the British Cape Colony and its frontier zones," *Journal of African History*, 37, no.3 (1996): 351-70.

Cape—within whose boundaries indigenous social formations had for the most part been thoroughly transformed and incorporated into colonial institutions of racialized labor, private property and a centralized state. In those circumstances, colonial authorities had a relatively free hand in the longest-colonized portions of their territory to continue reshape social and legal institutions. On the colony's eastern frontier, however, reshaping required a series of expensive wars as shifting alliances of Xhosa chiefdoms and other black colonial subjects and neighbors resisted the British attempt to monopolize land and authority. This bloody and drawn-out process therefore included several different phases of policy, including attempts to entirely recast colonized societies as well as more pragmatic attempts to accommodate their enduring structures of power. Through the first half of the nineteenth century, however, colonial government was avowedly interventionist, backed by state resources that supported relatively powerful magistrates determined to undermine the authority of indigenous chiefs and kings.[5]

The colony of Natal, beyond the Xhosa, Thembu, and Mpondo territories east of the Cape frontier, presented the British colonial effort with a new situation. The Dutch Emigrant farmers (later known as *Voortrekkers*) had carved out a space of colonial domination through a series of military contests and shifting alliances between themselves and forces from the Zulu kingdom in 1838-39. They eventually allied with the Zulu prince Mpande in order to defeat the Zulu king, Dingane; Mpande succeeded to the Zulu throne and ceded the southern portion of the kingdom's sphere of influence

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[5] Jeff Peires, *The Dead Will Arise: Nongqawuse and the great Xhosa Cattle-Killing Movement of 1856-7*, (Johannesburg: Ravan Press, 1989); cf. Mahmood Mamdani, *Citizen and Subject*.

(over which it had exercised only partial control) to the Dutch. Inside of five years, however, the British colonial authorities decided to annex this territory and reestablish control over their errant Dutch-speaking subjects.

The British took this step for a number of reasons. First, they believed that the Emigrants' threat to expel "surplus" Africans beyond their southern frontier (into Mpondo territory) might have a ripple effect that would destabilize the Cape's fragile eastern frontier. Second, they feared that the Emigrants might sever their dependence on the Cape and provide an opening to a rival power through dominance of the region's Port Natal (later Durban), the only suitable harbor between the Eastern Cape and Delagoa Bay. Finally, the British wished to expand the commerce established by English traders who had been based at Port Natal under Zulu protection since the mid-1820s.

Most of the Emigrants departed from Natal, despite British efforts to encourage them to stay, leaving the new colonizers to rule an area dominated by African homesteads with a thin sprinkling of white settlers and an imaginary overlay of colonial land claims. Officials quickly set about encouraging settlement from the home country, much as they had done (to mixed effect) in the Eastern Cape two decades previously. Their more immediate preoccupations, however, were to establish effective authority in the territory and to make the colony pay its way, ever an overriding concern of the Colonial Office in London.[6] The question of establishing authority was critical and complex for several reasons, as the state was faced with a host of competing interests

[6] Cf. Sara Berry, *No Condition is Permanent: The Social Dynamics of Agrarian Change in Sub-Saharan Africa*, (Madison: University of Wisconsin Press, 1993), 22-42.

and threats. While most of the Emigrants were once again loading their wagons and returning to the southern African interior, Africans were moving in the opposite direction, resulting in a rapidly increasing number of African homesteads and a diminishing proportion of settlers. Some of the African farmers belonged to large or small chiefdoms; others were independent of such ties.[7] Many of these immigrants were refugees from continued political instability in the neighboring Zulu kingdom in the wake of the civil war that had brought Mpande to the throne and ceded Natal to white settlement. The kingdom itself remained a colonial client state after the British succeeded the trekkers, but the Zulu state also represented a potential military threat to the colony and to the kingdom's other neighbors. Meanwhile, remaining Emigrant farmers and newly arrived (white) settlers were anxious to secure African labor, while settlers and speculators sought to lay claim to large expanses of Natal's land.[8] The colonial state itself, meanwhile, was faced with the task of balancing these competing claims while maintaining order within the colony and peace on its borders; the state also depended on securing revenue from its new African subjects.[9]

It fell mainly to Theophilus Sheptsone, Natal's "Diplomatic Agent to the Native tribes," to resolve these competing demands on the state. Shepstone was the son of an

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[7] Wright and Hamilton, "Traditions and Transformations." For a collection of the debates concerning the precolonial upheavals referred to as the Mfecane, see Carolyn Hamilton, ed., *The Mfecane Aftermath: Reconstructive Debates in Southern African History* (Johannesburg: Witwatersrand University Press, 1995).

[8] Henry Slater, "Land, Labour and Capitalism: The Natal Land and Colonisation Company, 1860-1948." *Journal of African History*, 16, no. 2 (1975): 257-83.

[9] Cf. Bruce Berman and John Lonsdale, Berman, Bruce and John Lonsdale, *Unhappy Valley: Conflict in Kenya and Africa, Book One: State and Class*, (London: James Currey, 1992).

English missionary and had grown up in the Eastern Cape, where as a young man he had joined the colonial administration. This experience, as well as his reputation for fluency in "native languages" secured his appointment by his 30th birthday as Diplomatic Agent, a title later changed to Secretary for Native Affairs (SNA).[10] Shepstone was therefore the highest colonial official in Natal concerned exclusively with administering the African population. In practice he carved out a protected fiefdom for himself, making the Governor and other officials as well as settlers dependent on his expertise and his relationships with *amakhosi* (chiefs or kings) within and beyond Natal.[11]

Because of his powerful position (maintained until he annexed the Boer republic in the Transvaal on behalf of Britain in 1877 and held thereafter by his son), Shepstone has been credited with rather superhuman abilities. It is said that he "herded" Africans into reserves without inciting even a murmur of protest, that he appointed chiefs and defined customary law, and that he was held in awe by transfixed African subjects, who called him *Somtsewu* (father of whiteness).[12] While his own role was of course critical, this account fails to recognize the ways in which Shepstone and other colonial officials were themselves acting in response to the actions of individual Africans—refugees,

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[10] *IsiXhosa*, presumably Shepstone's first African language, is closely related to *isiZulu*; both are classified as Nguni languages, a Bantu subgroup.

[11] Jeff Guy, "An Accommodation of the Patriarchs: Theophilus Shepstone and the Foundations of the System of Native Administration in Natal," paper presented at Conference on Masculinities in Southern Africa, University of Natal, Durban, July 1997; Welsh, *Roots of Segregation*.

[12] Guy, "Accommodation of the Patriarchs"; Lambert, *Betrayed Trust*; Welsh, *Roots of Segregation*.

squatters, runaway brides—as well as African chiefs and elders. Without denying his creativity or his skill, we should recognize that the system that came to be named for Shepstone was a product of negotiation and interaction rather than simple imposition. A recent paper by Jeff Guy noted that Shepstone's power lay in his ability to control and manipulate knowledge in his role as intermediary between African and colonial officials. Operating in the oral world of African diplomacy, involving displays of hierarchy and respect, Shepstone was able to create and control the written record of these encounters. That record, in addition to other sorts of distortions it projects, tends to magnify Shepstone's role and achievements and to minimize his failures and accommodations.[13]

The Shepstone system grew out of the sort of contingency identified by Sara Berry in reference to 20th century colonial Africa: the need to establish authority despite severe constraints of resources.[14] Shepstone's solution to the creation of "hegemony on a shoestring," as Berry phrased it, was therefore quite similar to the model of indirect rule elaborated by Lord Lugard in northern Nigeria and adopted throughout the British African colonies in the 1920s and 1930s after a brief period of more direct, interventionist rule.[15] The colonial government would rule Africans as a separate category of subjects through the agency of African chiefs (some with hereditary claims to chieftainship, but all subject to the continuing favor of the colonial government) and

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[13] Guy, "Accommodation of the Patriarchs."

[14] Berry, *No Condition is Permanent*, 22-42.

[15] Mamdani, *Citizen and Subject*; Martin Chanock, *Law, Custom, and Social Order: The Colonial Experience in Malawi and Zambia* (Portsmouth, N.H.: Heinemann, 1998).

via the medium of a curious mix of colonial law and ideology and "native" social structures, a mix later denominated "customary law."

The recognition of chiefs and the definition and legalization of custom ensured that the Shepstone system would be, as Guy has suggested, an "accommodation of the patriarchs."[16] Historians and anthropologists have portrayed precolonial southern African societies as sharply patriarchal. The gender division of labor put most of the burden of agricultural production on women while limiting their opportunities for independence; bridewealth-based marriage systems that ensured the dependence of junior males on their elders.[17] While the general picture of these societies as patriarchal and gerontocratic is no doubt correct, the picture as it is usually presented tends to negate opportunities that women and juniors saw and created to challenge and limit the power of senior males, denying any possibility of change in precolonial Africa. The picture also ignores the individual perspective, which involved movement within the hierarchical order over a lifetime. The individual passed through stages and levels of the ideal hierarchy as a result of attainment of adult status through initiation and marriage, becoming a parent, and becoming an elder, to say nothing of gradations of power and wealth that crosscut gender and generational lines.[18]

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[16] Guy, "Accommodation of the Patriarchs."

[17] Jeff Guy, "Gender oppression in southern Africa's precapitalist societies," in *Women and Gender in Southern Africa to 1945*, edited by Cherryl Walker (Cape Town: David Philip, 1990), 33-47.

[18] Elizabeth Schmidt, *Peasants, Traders, and Wives: Shona Women in the History of Zimbabwe, 1870-1939* (Portsmouth, NH: Heinemann, 1992); Iris Berger, "'Beasts of Burden' Revisited: Interpretations of Women and Gender in Southern African Societies," in *Paths Toward the Past: African Historical Essays in Honor of Jan*

Three very important sets of structural changes occurred in southeast Africa in the hundred years beginning in the late 18th century; all deeply affected, and were affected by, gender and generational dynamics. The first set of changes was the increasing centralization and militarization of southeast African polities in the last decades of the 18th and first decades of the 19th century, a process that resulted in the consolidation of the Zulu kingdom, with a sphere of influence that included at least part of what became Natal.[19] Centralization and warfare meant that while *imizi* (homesteads)—family-based loci of residence and production—remained the basic units of African society, the state made increasing demands on them for labor and tribute. (The state, however, also took increased responsibility for security and increased the webs of clientage and redistribution.) Homesteads in the Zulu kingdom sent young men to serve at royal capitals in age-set *amabutho*, which constituted a standing army and provided labor for royal production. Royals also demanded young women to serve at the capitals, collecting their bridewealth when they were married to veterans or other clients. Increasing demands on homesteads, now bereft of their young men for long stretches, placed new burdens on women and girls, who bore the primary responsibility for agricultural production. The increased power of the *kosi*-based state, along with the

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*Vansina*, edited by Robert Harms, et al. (Atlanta: African Studies Association Press, 1994).

[19] This section relies on Wright and Hamilton, "Traditions and Transformations;" and Guy, "Gender Oppression." It is not clear to what extent these changes affected areas like Natal that were outside the Zulu heartland but subject in varying degrees to its dominance and also to the dominance of chiefdoms that had relocated from the Zulu heartland, such as the Qwabe and the Chunu. For an analysis of the variable extent of Zulu power in the region, see John Wright, "The Dynamics of Power and Conflict in the Thukela-Mzimkhulu Region in the Late 18th and Early 19th Centuries: A Critical Reconstruction," Ph.D. diss., Univ. of the Witwatersrand, 1989.

ethos of military prowess, further tended to emphasize male power and dominance.[20] The Zulu state's regulation of marriage also emphasized senior control of juniors, who were not permitted to don the headring denoting majority until their *amabutho* were allowed to marry at a relatively advanced age.

The next large set of changes in the region was that surrounding colonization, a process that began in Natal in the 1830s and engulfed Zululand after 1879. Colonization brought with it a wide range of institutional and ideological intrusions that affected domestic and chiefly politics. These included land alienation, taxation, *isibalo* (forced labor) and wage labor, increased production for the market, and intense missionary activity, especially on land dedicated as "mission reserves." As always when discussing colonization, we must bear in mind that these processes affected different regions and categories of people unevenly, but nevertheless the impact was widely significant. As I have suggested, the historiography depicts an all-powerful Shepstone (not unlike the parallel image of Shaka) carrying out his operation of "herding" Africans into inadequate reserves.[21] In practice, land alienation meant that while some Africans retained access to land (albeit relatively poor land) through *khonza* (submission) to a chief (and through him to the colony), others *khonza*'d a farmer as rent or labor tenants, while yet others squatted on the land of speculators or the Crown. Taxation, *isibalo* (forced labor for the colonial state), and peasant production all

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[20] *Inkosi*, a Zulu word usually translated as chief, may also be translated as king or as lord. The 19th century Zulu kings were lord or king over chiefdoms that had been amalgamated under Zulu authority.

[21] On the ways in which Shepstone drew on Shaka's legacy, see Carolyn Hamilton, *Terrific Majesty: the power of Shaka Zulu and the limits of historical invention* (Cambridge, MA: Harvard 1998).

brought about shifts in the dynamics of gender and generation, paradoxically both threatening and strengthening the powers of chiefs and *numzane* (homestead heads).[22] These changes again put a greater burden on women's homestead production, while at the same time providing new openings to girls and young women to seek "alternative patriarchies" in the mission stations.[23] They also provided young men with new types of independence in the form of wage labor, while giving their fathers increased motivation to retain filial wages under the patriarchal thumb.[24]

The third wave of change came with the southern African mineral revolution (c.1870 to the end of the century). This was not a revolution in the sense of introducing entirely new processes; many southern Africans had engaged in migrant labor or peasant production since early in the century.[25] The mineral discoveries created such a vast market for labor, crops and consumer and productive goods, however, that the entire subcontinent began to feel these changes directly through imperial conquest, labor recruitment and increasing differentiation. In Natal, the acceleration of the market and strengthening of imperial interest coincided with a maturing of settler colonialism. White farmers gained increasing control over the colonial government and began to exploit the land more avidly and to produce more economically viable crops, a

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[22] Lambert, Betrayed Trust.

[23] Cf. Schmidt, *Peasants, Traders and Wives*; Benedict Carton, *Blood from Your Children: African Generational Conflict in South Africa* (Charlottesville, VA: University Press of Virginia, 2000).

[24] William Beinart, *The Political Economy of Pondoland 1860-1930* (Johannesburg: Ravan Press, 1982).

[25] See Patrick Harries, *Work, Culture and Identity: Migrant Laborers in Mozambique and South Africa, c. 1860-1910* (Portsmouth, N.H.: Heinemann, 1994).

process that culminated with settler assumption of "responsible government" in the early 1890s. Squatting on white-owned land remained an attractive option to men seeking to establish independent homesteads or to escape the demands of colonial chiefs for *isibalo*. Tenants of the better-capitalized and more "progressive" farmers in the Natal interior, however, felt the pinch of increased demands for labor at the same time that mines and towns increased opportunities for waged employment. These coinciding factors paradoxically provided cash for taxes, rents, and consumer goods while increasing opportunities for the independence of homestead juniors. Tenant patriarchs struggled to maintain the authority and command of labor on which their access to grazing and farmland depended.[26]

It was during this century of upheaval and change that the accommodating patriarchs constructed their vision of a traditional order that would protect the authority of chief and *numzane* against recalcitrant or rebellious juniors. That vision was articulated and systematized through the vehicle of customary law. In 19th century Natal, therefore, as in 20th century tropical Africa, customary law and indirect rule were "built on a foundation of conflict and change."[27] Even as young men pursued wage labor, homestead women produced grain for the market, fathers demanded inflated and sometimes monetized bridewealth, and young women sought refuge in mission enclaves from polygynous elderly husbands, Shepstone and his associates (black and white) constructed a system of law that cast the chiefdom and homestead as timeless, well-ordered bastions of respect, hierarchy, and contentment. But the

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[26] Lambert, *Betrayed Trust*.

[27] Berry, *No Condition is Permanent*, 29.

contradictions did not stop there. Necessity was the mother of the Shepstone system in the 1850s, but by the late 1860s new demands for revenue, colonial anxiety about polygyny, and the increased confidence of the colonial state led officials to intervene more actively to attempt to reshape homestead dynamics.

Shepstone sought to answer all these demands in one fell swoop by introducing the marriage ordinance of 1869. The law imposed a steep fee for each marriage, required the presence at marriage ceremonies of an "official witness" to ensure the consent of the bride, and established ceilings (variable according to the status of the father of the bride) on *lobola* (bridewealth) transfers.[28] Thus, the first foray into the codification of customary law in Natal was (not surprisingly) directly concerned with regulation of marriage, the principal site of gender and generational dynamics. It was the place where the state's concerns for revenue, order, and hierarchy intersected with the central concern of missionaries seeking to reform what they viewed as African licentiousness and that of settlers seeking to end what they called indolence. It is ironically fitting that codification of customary law should begin with such an abrupt and self-conscious attempt to alter African practice, though the law-givers constructed

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[28] Pietermaritzburg Archives Repository (PAR), SNA, Instructions Issued to Administrators of Native Law, "Regulations Issued Under Law No. 1, 1869, for the Registration of Native Marriages, Divorce, and Translation, in the Colony of Natal;" PMB, SNA 1/7/8; Lambert, *Betrayed Trust*; Welsh, *Roots of Segregation*, 103-05. The colonial state in Rhodesia made similar forays into regulating marriage and adultery. See Diana Jeater, *Marriage, Perversion and Power: The Construction of Moral Discourse in Southern_Rhodesia 1894-1930* (Oxford: Clarendon Press, 1993); Schmidt, *Peasants, Traders and Wives*.

the effort as a counter-balance to "untraditional" behavior on the part of corrupted colonized subjects.[29]

Settler concern over Shepstone's monopolization of knowledge and imperial concern over the maintenance of order and the appearance of justice led to a broader codification of "native law" in 1878, followed by a more thoroughgoing codification in 1891 as the Natal Code of Native Law.[30] While officials continued to insist that custom was subject to evolution and change, customary law was now etched, if not in stone, at least in the black and white of the government gazette. The Code took as its main point of departure "the subjection of the female sex to the male and of children to their father…."[31] Women were perpetual jural minors, and all "inmates" of a "kraal" (*muzi*; homestead) were obliged to render obedience, respect, and wages to the *numzane* (homestead head), and through him to the chief and ultimately to the colonial governor, cloaked as "Supreme Chief." The Code thus incorporated inflexible notions of homestead hierarchy while it sought strengthen rule over African subjects by portraying the colonial state as an enlightened heir to Shakan despotism.[32]

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[29] Cf. Chanock, *Law, Custom, and Social Order*.

[30] *Ordinances and Laws of Natal*, 2, Code of Native Law as at present (1876-8) administered; *Ordinances and Laws of Natal*, 5, Code of Natal Native Law, No. 19, 1891. See Welsh, *Roots of Segregation*, 1971. Mamdani, *Citizen and Subject*, mistakenly characterizes the 1878 codification as the issuance of mere guidelines.

[31] Thomas McClendon, "Tradition and Domestic Struggle in the Courtroom: Customary Law and the Control of Women in Segregation-Era Natal," *The International Journal of African Historical Studies*, 28, no. 3 (1995): 527, quoting Natal Code, 1878, preamble.

[32] Hamilton, *Terrible Majesty*; Worger, "Law at the Margins of Empire," paper presented at African Studies Association Annual Meeting, San Francisco, November, 1996.

Turn of the century traumas, including ecological disasters (drought, locusts, and two major cattle epizoitics) and the South African war, engulfed the region and exacerbated tensions within homesteads. Meanwhile a settler-dominated and revenue-hungry colonial state in Natal aggravated these tensions in 1906 by adding a poll tax on all African males over 18, signaling its intention to get blood from impoverished homestead stones and to separate the interests of senior and junior males.[33] The resulting rebellion, ruthlessly crushed by imperial and colonial troops, strengthened the cause of those who argued that the need for a strong state and unified approach to native affairs required the unification of the British colonies and former Boer republics. The 1905 South African Native Affairs Commission placed uniform and thorough control of Africans and their labor at the center of the drive for political unification, a goal that was achieved in 1910. The SANAC placed the emergent state on track toward the unification of principles of labor, social and political control of African subjects under the banner of segregation, based partly Shepstonian structures of rule.[34] For state officials and many South African intellectuals, segregation was a paternalistic ideology that promised succor in return for loyalty; liberals as well as some African chiefs and politicians gave varying degrees of support to the new policy.[35]

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[33] Carton, *Blood from Your Children*; Shula Marks, *Reluctant Rebellion: The 1906-08 disturbances in Natal* (Oxford: Clarendon Press, 1970).

[34] Welsh, *Roots of Segregation*. Saul Dubow tends to dismiss the Shepstonian heritage of segregation, emphasizing instead the Cape bureaucratic tradition. Saul Dubow, *Racial Segregation and the Origins of Apartheid in South Africa, 1919-36* (Houndmills, U.K.: Macmillan, 1989).

[35] Shula Marks, *The Ambiguities of Dependence in South Africa: Class, Nationalism, and the State in Twentieth Century Natal* (Baltimore: Johns Hopkins University Press, 1986); Saul Dubow, *Scientific Racism in Modern South Africa* (Cambridge: Cambridge

In the 1920s, wide-ranging social and political movements gave added impetus to the state's drive to consolidate and strengthen native policy in an industrializing political economy. Natal's Shepstone system, initially created in a resource-starved colony, formed a principal model of the drive for retribalization that gathered force in the latter part of that decade. Politicians and administrators sought to strengthen the political resources of the state as it attempted to achieve the delicate balance of reinforcing social control while ensuring the continued flow of labor from African homesteads to white-owned farms, homes and industries. Segregationists argued that they must make traditional "communalism" a bulwark against the dangers of "communism" (a term that in settler South Africa could be used to connote everything from the Communist party to tenant-worker unions and African independent churches). To this end, the 1927 Native Administration Act (NAA) gave the central state's Native Affairs Department (NAD) dictatorial powers over Africans. The act authorized the NAD to delegate executive and judicial powers to white Native Commissioners (NCs) (anticipated in 19th century Natal by magistrates acting as "Administrators of Native Law") and appointed chiefs, interpreting and applying customary law. Although the NAA did not mandate its use, the endorsement of customary law reinforced a long

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University Press, 1995). The Natives Land Act of 1913 was one of the earliest and most important foundations of segregation. Although it formed a rallying cry for black opposition to the state up to its repeal in 1991, the act's protection of some land from market pressures provided some appeal to poor rural Africans and therefore to leaders seeking their support. For an analysis of the complicated politics of communal tenure and African reserves, see Martin Chanock, "A Peculiar Sharpness: An Essay on Property in the History of Customary Law in Colonial Africa," *Journal of African History*, 32, no. 1 (1991): 65-88. Beinart, *Political Economy of Pondoland*, provided a similar analysis.

tradition in Natal and resulted in increasingly conservative interpretation.[36] Customary law in Natal, though revamped in 1932 to bring it in line with the NAA, remained based in the 1891 Code. While small nods were made in the direction of "emancipation" of African women, such as adding accusations of witchcraft to grounds for divorce, the Code retained its ordered vision of the obedience of women and juniors to the authority of senior males.[37] Oblivious to the homestead tensions that were being exacerbated by declining conditions for African tenants and reserve-dwellers and increased rates of rural to urban migrancy, the Code and its interpreters sought a return to traditional family values as an antidote to anomie.

It was not merely organized political and social movements that re-ignited official faith in gerontocracy. The late 1920s were also a time of renewed pressure on farm labor tenants as commercial farmers expanded production to take advantage of rising commodity prices (especially for wattle bark and wool) in the Natal Midlands. As farmers brought increased acreage into commercial use, they pushed their rent tenants to become labor tenants (now with the backing of the Land Act) and began to impose restrictions on the acreage available to tenants for their own cultivation and grazing.[38] Meanwhile, the reintroduction of poll tax on a national basis in 1926 and the ongoing need of young men to accumulate cattle or cash for *lobola* drew the sons of farm *abanumzane* to work in the cities more frequently, and for longer periods of time.

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[36] Thomas McClendon, "'A Dangerous Doctrine': Twins, Ethnography, and Inheritance in Colonial Africa," *Journal of Legal Pluralism*, 39 (1997): 121-40.

[37] McClendon, "Tradition and Domestic Struggle."

[38] Helen Bradford, *A Taste of Freedom: the ICU in Rural South Africa 1924-30* (New Haven: Yale University Press, 1987).

Industrial jobs grew at a rapid pace after South Africa's departure from the gold standard in 1932, while the gap between urban and rural wages made urban work increasingly attractive. Tension between fathers and sons over control of the urban wage and the provenance of bridewealth led to anxiety on the part of officials, white farmers and African fathers in the mid-1930s over an alleged shortage of farm labor.[39] The decade also saw increasingly vocal concern on the part of the *amakhosi* (chiefs), *kholwa* (African Christians), and migrants about the control of the mobility and sexuality of African women, some of whom were seeking new forms of independence. The NAD's strategy of retribalization and its stridently conservative interpretation of customary law were significantly motivated by these concerns.[40]

Ethnography and analysis of administrative records, commission testimony and oral testimony have revealed the faultlines of gender and generation in southern African societies, and have demonstrated the ways in which conflict was exacerbated by colonization and the growth of market relations. The argument that customary law was invented rather than found has also portrayed these tensions as fundamental to the arguments about custom that were put forward by those to whom colonial authorities were willing to listen: chiefs and other male elders.[41] Much of the analysis, however,

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[39] Thomas McClendon, *Genders and Generations Apart in South Africa: Labor Tenants and Customary Law in Segregation-Era Natal* (forthcoming).

[40] Shula Marks, "Patriotism, Patriarchy and Purity: Natal and the Politics of Zulu Ethnic Consciousness," in Leroy Vail, ed., *The Creation of Tribalism in Southern Africa*, edited by Leroy Vail (Berkeley: University of California, 1989), 215-40; Thomas McClendon, "'Dangerous Doctrine'"; idem, "Tradition and Domestic Struggle"; cf. Schmidt, *Peasants, Traders, and Wives*.

[41] Chanock in *Law, Custom, and Social Order* is the best-known text to advocate this view, but many others have made similar arguments. See e.g. Terence Ranger, "The

has tended to have a pre-fabricated Meillassouxian air about it, while scholars have often simplified and re-iterated unquestioningly the intriguing though opaque pronouncements in Chanock's foundational text. According to these flattened pictures of African social realities, sons vie with fathers over the control of women; colonization sharpens these tensions, and places colonial officials and colonized chiefs in alliance with fathers to control women and young men.[42] This is not a distorted picture, as it does contain important truths, but it is a two-dimensional cartoon that fails to comprehend social and historical complexity.[43] While gender and generation are indeed important tools for analyzing African social conflict, we will be misled if we imagine that generational conflicts were innocent of gender, or that gender conflict lay outside the purview of generational difference. Runaway females were not only jural minors as the result of constructions of customary law; often they were also unmarried adolescents or junior wives. Brothers disputing inheritance claimed the support (or suffered the opposition) of their mothers, while widows depended on or sought to escape the control of their brothers-in-law and sons. Everyone sought control over productive resources and social goods, notably bridewealth cattle and cash. While the contemporary Transvaal sharecropper Kas Maine proclaimed, "the seed is mine,"

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Invention of Tradition in Africa," in Eric Hobsbawm and Terence Ranger, eds., *The Invention of Tradition* (Cambridge: Cambridge University Press), 1983.

[42] E.g., Schmidt, *Peasants, Traders, and Wives*. The sons-fathers-women model is presented in Claude Meillassoux, "From Production to Reproduction: A Marxist approach to economic anthropology," *Economy and Society*, 1, no. 1 (1972).

[43] Individuals, of course, act from a variety of motives and identities, such as class, race, religion, and sexuality. In this article, I am limiting myself to sharpening analysis of gender and generation.

neither landlords nor relations and neighbors never left such a contention unchallenged.[44] It is to these challenges that we now turn in order to examine articulations of gender and generation.

**The seed is contested**

A close examination of court records of customary law civil litigation among Africans shows that conflicts across faultlines of gender and generation (and the role of customary law) are more complex and intertwined than some accounts would suggest. The cases I discuss arose in the Native Commissioner (NC) courts of several districts in central Natal from the late 1920s through the 1940s.[45] In the late 1920s, African tenants on white-owned farms in the Midlands were under pressure as a result of their

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[44] Charles Van Onselen, *The Seed is Mine: The Life of Kas Maine, a South African Sharecropper, 1894-1985* (New York: Hill and Wang, 1996).

[45] The NC courts were established by the NAA to hear civil cases among Africans, applying customary law, represented in Natal by the Natal Code of Native Law. A litigant could bring his claim (women could sue only with the assistance of a male "guardian") to the chief's court and then appeal to the NC; it was also possible to initiate the claim directly in the NC court. Apartheid's efficient administrators destroyed most of the records of NC cases, but those that survive offer a glimpse into the social worlds of rural southeast Africa. The cases are no doubt somewhat anomalous, however. Only particularly sharp disputes generate litigation, and the frequent use of attorneys at the NC level, as well as the imposition of court costs on the loser meant that only those with access to cattle, cash, or credit were likely to initiate such cases. (Defendants, of course, had less choice in the matter.) In addition, interpretation of court cases is fraught with difficulties over layers of translation that witnesses' words passed through on the way to the page. See Richard Roberts "Text and testimony in the *tribunal de premiere instance*, Dakar, during the early twentieth century," *Journal of African History*, 31, no. 3 (1990): 447-463; McClendon, "Tradition and Domestic Struggle." However, court records do preserve something of the words and consciousness of Africans who are otherwise absent from the official record. Cf. Van Onselen, *The Seed is Mine*; David William Cohen and E.S. Atieno Odhiambo, *Burying SM: The Politics of Knowledge and the Sociology of Power in Africa* (Portsmouth, N.H.: Heinemann, 1992).

landlords' commercial expansion. White farmer-landlords hoped to transform rent tenants into labor tenants. This would enable white farmers to reduce the amount of land devoted to tenants' stock and cultivation while increasing the labor force at their disposal, without requiring them to pay competitive wages. Financial pressures on rural Africans also increased as the government reinstated poll tax in 1926, requiring £1 from every African male over 18 years of age. These pressures did not exist in historical isolation; the layers of history outlined above bore upon tenant homesteads and familial conflicts. Most claims in the NC courts were connected in some fashion to *lobola*, and such claims could stretch back generations, especially under circumstances where it was difficult to accumulate and transfer the standard ten head of cattle plus one head *ngquthu* for the mother-in-law.[46] In the 1920s and 1930s, many claims were connected to chains of *lobola* debt stretching back to the loss of herds in the Rinderpest and East Coast Fever epizoitics straddling the turn of the century.[47] One such case occurred among labor tenants in Estcourt district of central Natal in 1928.

Nyoka Vilikazi claimed from his nephew Nkulwana Vilikazi 10 head of cattle representing the *lobolo* of Nyoka's niece Mamame. At issue was the allocation of the *lobolo* of various sisters and nieces among Nyoka and his brothers. The first issue,

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[46] The 1869 Marriage Ordinance, in order to control bridewealth inflation, made 10 head of cattle the maximum; this amount soon became standard. Lambert, *Betrayed Trust*. The word *ngquthu* is still used in rural areas to refer to the mother-in-law's portion of the bridewealth. In urban areas, however, it has become an offensive term with the connotation of "your mother's genitals" (Sifiso Ndlovu, personal communication, 1992). I am using the word here as it appears in 1920s-40s court records, and as used by informants in rural Kwazulu-Natal in 1992.

[47] Thomas McClendon, "'Hiding Cattle on the White Man's Farm': Cattle Loans and Commercial Farms in Natal, 1930-1950," *African Economic History*, 25 (1997): 43-58.

however, was one of generation. Nyoka claimed that he was the legal guardian of his unmarried nephew and that the latter could not defend the case on his own; the NC therefore postponed the case for three weeks in order to find an "assistant" for the defendant. On resumption, the Nkulwana argued that: (1) he was in fact the head of his own *umuzi* (kraal); (2) that Nyoka had not lived in or exercised control over the *umuzi* of his deceased father; and (3) crowning his argument, that "about 2 weeks ago" he had married, although the "official witness" had not yet registered the marriage. The NC held that Nkulwana was therefore a "major in law," placing him on an equal legal footing with his uncle though in the social arena his equality was much less assured.[48]

There was little agreement on the facts of the case, which stretched back to the time of Rinderpest and ECF in the decade straddling the turn of the century. Nomatila Butelezi, the plaintiff's mother, testified that when she had six children, her husband left for the diamond fields and never returned. Her eldest daughter, Nomapeki, married a man named Mqumbi, whose *lobola* offer of 10 head of cattle Nomatila declined, "as cattle were then dying of *Quniquni*" (Rinderpest). Instead, Mqumbi promised the *lobolo* of his daughter Mamame for his wife Nomapeki. Accordingly, when Mamame married, the seven head delivered toward her *lobolo* were passed on to Nomatila, by then living in the kraal of her grandson Nkulwana, the general heir of her presumptively dead husband. She argued that plaintiff Nyoka had no claim to the *lobolo* as he was the youngest son and had been allocated £5, representing two head of the *lobolo* of another sister, Kiti, for his own marriage.

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[48] Pietermaritzburg Archives Repository (PAR), 1 EST 2/1/2/1, Case 23/1928, *Vilikazi v. Vilikazi*.

Nyoka, on the other hand, claimed that his elder brother Nzuzu (the deceased father of the defendant) had re-pledged Mamame's *lobolo* to Nyoka's father-in-law (for Nzuzu's wife). Nzuzu had allegedly done this to replace the previously allocated *lobolo* of Kiti, which he had appropriated to buy cattle. Nor was the cash portion of Kiti's lobolo a mere £5, but rather £34, all in cash rather than in stock. A fellow tenant, Mtshali, tied the allocation of *lobolo* to the distribution of labor tenant obligations by the (now deceased) eldest brother on his juniors. "Sobantu [the eldest brother] gave Kiki to Nyungu (Nyoka) … because he could not work for his landlord and Nyungu would therefore have to go work for this landlord."

The plaintiff's sister Nomapeki, mother of Mamame, sealed the case for the defendant Nkulwana. She said that Mamame's *lobolo* belonged to Nzuzu, and therefore to his heir Nkulwana, insisting on her own interest in the matter. "I was not aware that Nzuzu had given these cattle to plaintiff [and if he had] he ought to have told me about it as I was his sister and the mother of Mamame." On the issue of Kiti's *lobolo*, furthermore, Nomapeki testified that it was £30, representing six head of cattle, with three head still owing. Nzuzu had used the £30 to buy five head, which he allocated to the *lobolo* of Nyoka's wife, and to pay railway fare for himself and Nyoka to Johannesburg. The testimony of the two women, therefore, turned the tide in favor of the young "kraal head" Nkulwana, and the NC gave judgment in his favor, with costs of £7-14/7.

Weenen district, lying between the high sloping mixed-farming plains of Estcourt and the aloes, thorns, and stones of the Thukela valley, occupied a transitional

space between the "white" farms of Natal's Midlands and the reserves of kwaZulu beyond the river. Apart from an irrigated area near surrounding the district seat, white-owned farms in Weenen were used as private labor reserves, known as labor farms, while they had the added attraction of providing winter grazing for cattle that spent summers on the Drakensberg slopes. The mid-1930s were a time of considerable hardship in the Natal countryside, and Weenen was especially hard-hit. Malaria, locusts and especially drought had all taken a severe toll. In these circumstances, claims to the ownership of stock took on added material significance in addition to the symbolic importance of control of a medium of bridewealth and sacrifice.

In 1935, Mabande Mazibuko (of Klip River district) claimed from Mafunda Mtetwa (a Weenen labor tenant) 40 goats which plaintiff Mabande claimed were progeny of goats purchased by his aunt Nondaba. After the death of Mabande's uncle, the widow Nondaba had married Mrabula. When Nondaba's daughter (Cabekile) married (around 1918), Nondaba received £4 representing the *ngquthu* due to the mother of the bride. According to Mabande, his aunt spent £3 of this amount to buy six goats. Though he could not account for her transactions, he believed the 40 goats he found at defendant's kraal were the progeny of these original six. In order to stake his claim, he first had to prove that the goats were the property of his aunt. Accordingly, he argued, "They were kraaled separately. ... The *ngquthu* belongs to the woman. She can slaughter, sell and give away her *ngquthu*." Caught in the contradiction between assertion of his right to this property and his right as his uncle's heir to control his aunt's actions, however, Mabande made conflicting statements about control of the *ngquthu*. He claimed that "she had to get my permission if she wanted to

slaughter any," but agreed that she could sell stock to procure food and clothing without seeking his permission.[49]

The defendant Mafunda, Mrabula's heir, claimed that the *ngquthu* was in fact a cow that Mabande had never delivered to his aunt. He did not deny his stepmother's ownership of goats, but claimed that she had acquired one through the sale of maize and another as a gift from her father. Mafunda, positioned differently with respect to the *ngquthu*, said that he would not let his mother take the cow with her if she remarried, but also admitted, "A woman can do as she likes with her *ngquthu*."

Nzofayo Mdlule, the man who had married Nondaba's daughter, substantiated plaintiff's claim about the source and ownership of the goats. He noted that she had at first *sisa*'d (stock loan placement) them with another man, and later sought a herdboy from her son-in-law.[50] The NC, however, gave judgement (with costs) for the defendant. He apparently believed the testimony of the *induna* (headman) who had investigated the case on behalf of the chief that there was only one goat kraal, contrary to the recent testimony of the plaintiff.[51]

Adjoining the mixed farming area of Estcourt and the labor-farm thornveld of Weenen, the Umvoti district (home of Bambatha's rebellion) lies astride Natal's mistbelt. The suitability of its climate for wattle and wool production made it a site of

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[49] PAR, 1 WEN 2/1/2/1, Case 22/1935, *Mazibuko v. Mtetwa*.

[50] For a discussion of the *sisa* practice in the context of labor tenancy, see Thomas McClendon, "'Hiding Cattle on the White Man's Farm': Cattle Loans and Commercial Farms in Natal, 1930-1950," *African Economic History*, 25 (1997): 43-58.

[51] There is no other indication that this case arose as an appeal.

bitter contest between tenants and white farmers in the late 1920s as tenants invested in the ICU's red ticket to redemption.[52] Evictions and stock limitations in the 1930s and 1940s added fuel to arguments over stock transferred via *lobola* or *sisa*.[53] In 1941, Qwaga Luswazi brought a claim in the Weenen NC court, as the general heir of Sikweleti for stock in the possession of the latter's widow, Nonkumbi. (The dispute arose after Qwaga was evicted, leaving Nonkumbi on the original farm; later Nonkumbi also moved to another farm.) The legal argument centered on the source of the stock: was it the progeny of an *ngquthu* beast or was it stock that had belonged to the woman's late husband, together with the *lobolo* cattle given for her daughter? A further wrinkle was that Nonkumbi was not an ordinary widow in law or in status; she had applied for and been granted appointment as a "kraalhead" under the Code.[54]

The parties did not even agree on the identity of the *ngquthu*. Qwaga claimed it was a "young red bull with white testicles," which he had slaughtered as part of the wedding festivities (a claim supported by the *umkongi* (marriage negotiator). He said he had replaced with a "red cow with short horns" that the widow Nonkumbi had later slaughtered. Nonkumbi, on the other hand, maintained that she had received as *ngquthu* a "red cow with white udder and normal horns pointing down" and that the cow had been alive until the previous week when it died, according to her son "from starvation." (Two men claimed to have provided the *lobolo*; one claimed it was the red

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52 Helen Bradford, *A Taste of Freedom: the ICU in Rural South Africa 1924-30* (New Haven: Yale University Press, 1987).

53 McClendon, "'Hiding Cattle on the White Man's Farm.'"

54 PAR, 1 GTN 2/1/3/1, Case 63/1941, *Luswazi v. Luswazi*.

bull, the other claimed it was the red cow.) She further noted that she had acquired other stock through the sale of mats, a claim substantiated by her son, who also supported the red cow theory. Her sexual independence was placed in issue along with her claim to stock ownership. On cross-examination she denied that the farm *induna* (foreman) was her lover or that she had slaughtered a beast for him.[55] The NC, apparently on the basis of his finding of credibility, gave judgment for the plaintiff Qwaga for the cattle and horses, together with costs of £5-3/, while denying the claim for the goats, which he apparently believed to be the product of Nonkumbi's mat-weaving labors.

In the increasingly monetized rural economy of the late 1940s, Mbango Zungu claimed 20 head of cattle or £100 in the Weenen NC court for maintenance of his sister Nobafokazi and her daughters. Mbango claimed defendant Mbangambi had driven then out of his kraal after the death of Nobafokazi's husband. The widow Nobafokazi attributed her dispute with defendant Mbangambi to his beating one of her daughters for failure to appear for cattle-herding duties. They moved to the farm where her brother Mbango lived, and he undertook their support without assistance from Mbangambi.[56]

Mbango claimed that he purchased six bags of "mealies" (maize meal) every year for Nobafokazi and her daughters. On the other hand, he admitted that the elder

[55] A widow's sexuality, independence, and control of cattle were also central issues in a long and complicated 1944 case in neighboring Lions River district. I have previously discussed at length as a "gender" case, though it too presents crosscutting issues of generational hierarchy. McClendon, "Tradition and Domestic Struggle."

[56] PAR, 1 WEN 2/1/2/2, Case 50/1948, *Zungu v. Mbata*.

daughter worked for the farmer-landlord one season until a new proprietor insisted the he did not want "female labour." The younger daughter was put to work for the third owner until he evicted them about two years prior to the 1948 court action. The case arose because defendant had refused to take Nobafokazi back, but "when he sees the *lobolo* cattle [of the daughters] he wants them." Mbangambi agreed that he was liable for maintenance, but argued, in the words of a supporting witness, "According to Zulu custom, *isondhlo* is one beast for one person." He admitted that he wanted the *lobolo*, which he said, "belongs to me."

The NC awarded plaintiff six head of cattle or its statutory equivalent of £30, with costs. He reasoned, "Defendant, like so many of his kind, was quite willing to allow plaintiff to support his wards until the elder girl was about to be married. ... As plaintiff had maintained the widow of Mgegi and her two daughters for a considerable period I considered the award of two head of cattle in respect of each of the three [despite the *isondhlo* "rule"] not excessive." The Native Appeals Court (NAC), however, disapproved of this attempt to adjust "custom" via principles of equity. It reduced the judgement to 3 head or £15, noting, "In pure Native law and custom the amount of "*isondhlo*" payable is one beast in respect of each person irrespective of the period of maintenance...."[57]

**Cases, categories and complexities**

The cases are not easy to disentangle. It is the nature of adversary litigation to produce opposing points of view, and we have only the "cold record" to evaluate,

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[57] Cf. McClendon, "Tradition and Domestic Struggle."

leaving us ignorant of the tones of voice, turns of phrase in the original language, the silences and bursts of emotion, or the reactions of spectators, lawyers and the NC.[58] But my purpose is not to determine who is telling the truth or what an accurate narrative of the case may be, though in the interest of promoting comprehension I have tried to offer a simplified version of the testimony that inevitably tilts in one direction or another. More importantly, I see these cases as archaeological openings into the types of tension and conflict that underlay the picture of traditional harmony presented by the NAD, the Code and would-be patriarchs.

The state was attempting to restore traditional family values to rural South Africa, coming to the aid of three types of anxious patriarchs: chiefs, fathers, and farmers. But the state, like many in our own era, was not seeking such a restoration for mere reasons of sentimentality. The drive to restore traditional authorities and hierarchies came in response to the way in which those hierarchies were increasingly unsettled by rural and urban subalterns. The claim that juniors must (and do) obey seniors was a response to juniors' demonstration of an unwillingness to obey, while the state also worried about the rising tide of Africanism and class-consciousness that threatened to undermine the social order on a larger scale.

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[58] James Clifford, *The Predicament of Culture: Twentieth Century Ethnography, Literature and Art* (Cambridge, MA: Harvard University Press, 1988), 290-91. The record in Natal NC cases consists of handwritten accounts that read like transcripts. They do not, however, contain a record of questions put to witnesses. In addition, the records are in English, whereas most of the original proceedings would have been in isiZulu. So the words presented have been filtered through the process of translation and simultaneous transcription before reaching the page. While this means that there are problems in relying too closely on the words, they do, I believe, give us insight into the consciousness and conflicts of rural Africans of the past that we otherwise have no access to.

In other cases and other types of evidence, there are strong indications of gendered and generational strains at the seams of patriarchal authority. Young men challenged the demands of their "fathers" (including uncles, or even older brothers by senior wives) to perform labor tenant obligations or to remit urban wages if their fathers did not reciprocate through the provision of *lobolo*.[59] Women, including widows, wives and girls found a variety of means to oppose restrictions on their sexuality and mobility.[60] But it is misleading to consider the first type of conflict as purely based in generational concerns and the second solely a question of gender, as the cases here demonstrate the ways in which these conflicts intersect and complicate one another.

It may be possible to look at all these cases as conflicts over seniority. In each case, the parties were disputing ownership and control of material and social goods (usually cattle). The assertion of rights depended on the establishment of priority; priority depended on seniority or on the confirmation of a right by a senior. Thus, while widows were senior in terms of age, they were junior in status, though their resistance to that rejuvenation was the source of conflict. In a sense then, all the cases are about seniority, and thus could be subsumed under the category of generational conflict, since generation is concerned with rank as well as age. But such an analysis is overly legalistic and fails to pay attention to the contradictions and subtleties that it is the value of the cases to reveal. Furthermore, it neglects the dimension of gender, with

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[59] McClendon, *Genders and Generations Apart* (forthcoming).

[60] McClendon, "Tradition and Domestic Struggle."

which neo-traditionalism was centrally concerned, and without which we cannot adequately understand the social history of rural Natal (or any social history).[61]

Gender and generation are both at work here, sometimes simultaneously. Just as gender is not merely a question of biological difference, generation is not merely a question of difference in age. In cases of disputes among men over the right to collect *lobola*, both dimensions play a central role. *Lobola* is of course an inherently gendered institution. But the cases do not replay a simple Meillassouxian/Freudian drama of sons vying with fathers for access to women. In fact, women are revealed to be centrally concerned with and involved in *lobola* negotiations and transfers, and their testimony to be crucial to male claimants. The locus of maternal residence after the demise of the patriarch or the breakup of his homestead was often an important factor in shaping the alliances that influence the outcome of cases. Nor were widows simply willing to be relegated to the role of passive, silent, propertyless victims assigned them by missionaries, customary law ideologues, and senior sons. While matriarchy would be an overstated misleading way to understand this, it is clear that some widows and wives exercised considerable power and authority within rural homesteads, whether or not they had official sanction for that status through appointment by NCs as *abanumzane* (kraalheads) under the Code. Sometimes, despite their legal designation as minors, women were also seniors, though that does not mean that their seniority can be understood to be the same as the seniority of men. Finally, the cases also show that gender and generation overlapped in the arena of labor, both in the household and in

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[61] Cf. Helen Bradford, "Women, Gender and Colonialism"; Belinda Bozzoli, "Marxism, Feminism and Southern African Studies." *Journal of Southern African Studies*, 9, no. 2 (1983): 139-71.

the performance of labor tenant obligations. Girls, the source of future *lobola* that could be further exchanged to procure wives for sons or patriarchs, were also the performers of crucial labor, though the gendered understandings of white farmers could either limit or expand their opportunities and obligations to work, but their own actions shaped unexpected outcomes.

## Conclusion

The phrase "gender and generation" has become a standard slogan referring to ways of analyzing and understanding African social and cultural histories. This article argues that giving this concept some theoretical depth requires understanding the ways in which those categories are inextricably linked and mutually constituitive. Taking note of the complex connections and transformations that "generate" gender and engender generation will promote fuller and deeper analyses of African struggles. This step will move us beyond the Meillassouxian triangle into a more nuanced appreciation of the messiness and multiple layerings of authority and contestation enacted by Africans.