BONES OF CONTENTION: CONTESTATIONS OVER HUMAN REMAINS IN THE EASTERN CAPE

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ABSTRACT

This thesis examines three contestations involving human remains which have arisen in the Eastern Cape over the past fifteen years. It shows that the value or meaning attached to human remains is constructed through the socio-historical dynamics out of which these contestations arise. The meaning and value of human remains is neither inherent nor neutral.

In Ndancama's case, the need for housing in Fingo Village led hundreds of poor residents to settle on the township's Old Cemetery in 1972. Basic material needs trumped concerns for those buried in the cemetery. When the post-apartheid municipality sought to provide sewerage and housing infrastructure for Ndancama in 2003, its development plans were constrained by new heritage legislation which protects historic cemeteries. Residents' insisted that their infrastructural needs were of primary importance.

In 1993, the unearthing of human remains at the Old Military Cemetery in King William's Town created a thirteen year long saga which was only resolved with the reburial of the remains in 2006. The presence of the remains proved problematic for a number of reasons. Local authorities failed to rebury the remains speedily. The burden to store them fell on the Kaffrarian Museum which came under fire because this was considered unethical in the post-apartheid era. The identity of the remains became a bone of contention in 2006 when the new Amathole District Municipality concluded that the remains were those of victims who died in the 1856 -57 Great Cattle Killing. The

remains and their reburial became symbols of past injustice and present restoration of African heritage.

The 1996 quest by 'Nicholas Gcaleka', a 'self-styled' chief and traditional healer, to search for King Hintsa's skull in the United Kingdom provoked unprecedented public engagement with the incomplete narrative on the fate of Hintsa's body. The power to represent history, and the methods through which historical truth is discovered were at the heart of the contestation. Elites such as the Xhosa Royal and the white scientific establishment were considered neither credible nor authoritative on this historical matter. Public support for Gcaleka revealed that many South Africans sought just recompense for colonial injustices.

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Dedicated to my grandmother,

Anna Silinda

CONTENTS

CHAPTER ONE

INTRODUCTION

The pre-colonial past is fertile ground for the South African heritage sector, for political interest, and even for charlatans. As evidence of the past, human remains can emerge in debates about history, how it is remembered, and how this memory should inform political or social action in the present. A skull, a bone, a mummy, a grave – these mere remnants of a human, have served as objects upon which ideas can be symbolically inscribed. Their meaning is derived from the social and historical settings in which living humans find themselves. Thus "A dead body is meaningful not in and of itself but through culturally established relations, to death and through the way a specific person's importance is (variously) construed."[1]

This thesis is concerned with what Verdery calls "dead-body politics".[2] In South Africa, certain human remains are considered of historic or political significance and are commonly identified under the broad sphere of "heritage". Edgar and Sapire state that "bones and burials have been invested with special meaning in South Africa's recent political history."[3] These bones and burials have in many instances given rise to contestation. This thesis shows through three case studies that human remains of historic and heritage significance can be at once powerful yet problematic symbols in the post-apartheid socio-political milieu. In one context they can be used effectively to mobilise public sentiment to question official versions of history and retrieve suppressed forms of cultural expression. In another context however, cultural questions are marginal and it is legislative concerns protecting cemeteries which place importance on remains. In some cases the political sensitivity

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[1] Verdery, K. The Political Lives of Dead Bodies: Reburial and Postcolonial Change, (New York, 1999), p. 28.
[2] *Ibid.*, p. 3.
[3] Edgar, R. and Sapire, H. "Dry Bones: The Return of Nontetha, an Eastern Cape Prophet", South African Historical Journal, 40, 1999, p. 95.

surrounding remains can result in silence, deferment of responsibility, and the fear of political incorrectness.

Death and the bodies of dead humans can evoke deeply emotional and personal psychic responses. It is not just political ideology, but also affective elements which can shape our responses to remains. Due to their "ineluctable self-referentiality as symbols: because all people have bodies, any manipulation of a corpse directly enables one's identification with it through one's own body, thereby tapping into one's reservoirs of feeling."[4] A social study of the responses to human remains can thus touch on a multitude of motivations, contexts and factors. In her own research Verdery commented that to do the subject even minimal justice,

> requires attending to political symbolism; to death rituals and beliefs, such ideas about what constitutes a "proper burial"; to the connections between the particular corpses being manipulated and the wider national and international contexts of their manipulation; and to reassessing or rewriting the past and creating or retrieving "memory".[5]

Since dead bodies cannot speak for themselves, it is the way in which the living imbue them with symbolism that is the subject of analysis. It is not all humans whose remains will be valued and it is not always for the same type of purpose. This variance means that disagreements, tensions, and challenges can arise around human remains. These *zones of contention and contestation* around "the contents, interpretations and representations of the [heritage] resources", lay bare the socio-historical dynamics through which meaning is constructed, and the value of human remains is determined.[6]

In the past decade, ethical dilemmas posed by human remains for researchers and museums have been the most prominent theme in the

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[4] Verdery, Political Lives, p. 33.
[5] *Ibid.*, p. 3.
[6] Graham, B. "Heritage as Knowledge: Capital or Culture", Urban Studies, 39, 5-6, 2002, p.1004.

literature. Academic literature has dealt quite extensively with the issue of politically sensitive remains which have been the centre of repatriation battles. In the past fifteen years or so, custodianship battles have been waged, and compromises and solutions reached between museums, legislators, scientists and groups who have made descent claims in the United States and Australia. These very researchers caught up in the controversies have been reflecting on attacks on the epistemological and ideological assumptions which have thus far underpinned the practice of research on remains of paleontological and archaeological significance.[7] Much of this literature is in essence a dialogue which these researchers have been having with one another about their own responses, concerns, experiences and insights. The Native American Graves Protection and Repatriation Act (NAGPRA) of 1990 "fundamentally changed" the way in which archaeologists in the United States of America conduct their research.[8] Ferguson argues that "The interpretation of the archaeological record was inextricably linked to the political and cultural processes entailed in taking land from Native Americans for incorporation into expanding nation states."[9] From the 1960s and 1970s, Native Americans began protesting against archaeological research which affected them, "especially the excavation of burials."[10] Native American rights in this regard were however only protected vaguely through legislation relating to freedom of religion.[11] NAGPRA allows Native American groups property and repatriation rights over cultural items and stipulates extensive consultation with descendant communities by archaeologists.[12] These advances in legislation however do not mean that indigenous rights groups hold consensus on the importance of repatriation. Other writers have analysed these contestations and provided perspectives which bring the complexity of

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[7] Jones, D and Harris, R. "CA Forum on Anthropology in Public: Archeological Human Remains: Scientific, Cultural, and Ethical Considerations", Current Anthropology, 39, 2, 1998, pp. 253 – 264.
Smith, L. "The repatriation of human remains - problem or opportunity?", Antiquity, 300, 78, 2004. pp. 404 – 413.
Simpson, M. Making Representations: Museums in the Post- Colonial Era, (London, 1996).
[8] Ferguson, T. "Native Americans and the Practice of Archeology", Annual Review of Anthropology, 1996, p. 66.
[9] *Ibid.*, p. 64.
[10] *Ibid.*, p. 68.
[11] Rosenblum, A. "Prisoners of Conscience: Public Policy and Contemporary Repatriation Discourse," Museum Anthropology, 20, 3, p. 62.
[12] Ferguson, "Native Americans", p. 66.

the positions of all the groups involved into view.[13] Walker argues that within indigenous rights groups themselves there are contestations around legislation affecting the fate of archaeological remains.[14] Groups which appear to have the same cultural interests can have very different political goals when human remains are involved. For example some Native American groups cooperate with archaeologists because they believe the research provides a record of their cultures. Other groups are not concerned about reclaiming so-called cultural property but exploit controversies over human remains as a strategy for securing extended land rights in the United States.[15]

In 1996 Shula Marks remarked that "The battle over bones familiar to native Americans and Australian Aborigines is only just beginning in South Africa."[16] Martin Legassick and Ciraj Rassool's monograph, Skeletons in the Cupboard: South African Museums and the Trade in Human Remains 1907-1917, details the illicit trade in African human remains which emerged out of the voracious demand from colonial scientists and curators operating within an extensive local and international network of exchange.[17] They focus specifically on the conduct of the MacGregor Museum in Kimberley and the South African Museum in Cape Town. Their research prompted wider debate within the South African scientific community on the ethics of holding historically procured remains in the present.[18] Pippa Skotnes' Miscast: Negotiating the Presence of the Bushmen critically examines this colonial preoccupation with African bodies in the context of museological practice, focusing specifically on

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[13] Walker, P. "Caring for the dead: Finding a common ground in disputes over Museum Collections of human remains", in (eds) Grupe, G. and Peters, J, Documenta Archaeobiologiae:Yearbook of the State Collection of Anthropology and Palaeoanatomy, 2004. pp. 13 – 27.

[14] Walker, P. "Bioarchaeological Ethics: A Historical Perspective On The Value Of Human Remains", in (eds) Katzenburg, A. and Saunders, S. Biological Anthropology of the Human Skeleton, (New York, 2000). pp. 3 – 39.

[15] Gulliford, A. "Bones of Contention: The Repatriation of Native American Remains", The Public Historian, 18, 4, 1996. p.119 – 143.

[16] Marks, S. "Rewriting South African History: Or the Hunt for Hintsa's Head" in McGrath, S et al (eds) Rethinking African History, (Edinburgh, 1997), p. 93.

[17] Legassick, M and Rassool, C. Skeletons in the Cupboard: South African Museums and the Trade in Human Remains 1907-1917, (Cape Town, 2000).

[18] Sealy, J. "Managing Collections of Human Remains in South African Museums and Universities: Ethical Policy Making and Scientific Value", South African Journal of Science, 99, 5/6, 2003, p. 99.

the objectification and misrepresentation of Khoisan people in exhibitions, as well as the display of skulls and stuffed 'trophy heads' in South African and British museums.[19] These studies are concerned with rectifying these historical wrongs today. Both have stimulated debate and aroused a measure of controversy between representatives of indigenous movements, museum practitioners and curators, and scientists who study these human remains.

Human remains have also gained significance as a way to restore dignity and recognition to those considered victims of racial oppression in Africa. The repatriation and burial of Sara Baartman's remains was successful because the South African government and its negotiators presented her as a special case since she was so widely known during her lifetime.[20] The personalisation, the re-humanisation of the remains of this woman through research into her life history and its publicisation, turned her into a national symbol.[21] Caitlin Davies recounts the story of how the repatriation back to Botswana, of the body of an unknown African man stolen in the nineteenth century by European graverobbers, came to represent "thousands of individuals whose mortal remains had no identity."[22] The body had been stuffed and displayed in French and Spanish museums and labelled in banal 'Linnaeusque' terms as 'El Negro'.[23] This name would personalise these remains on their return, whereupon his body and grave became national symbols.[24] Since 1994, the recovery of the bodies of early black leaders and anti-apartheid activists has been part of the South Africans state's truth and reconciliation project. Edgar and Sapire's detailed account of the return of the prophetess Nontetha's remains illustrates that according her a proper burial and memorialised grave was meaningful to the present day followers of the

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[19] Skotnes, P. Miscast: Negotiating the Presence of the Bushmen, (Cape Town, 1996).
[20] Tobias, P. 'Saartje Baartman: her life, her remains, and the negotiations for their repatriation from France to South Africa', *South African Journal of Science*, 98, March/April 2002. pp. 107 – 110.
[21] Qureshi, S. "Displaying Sara Baartman: The Hottentot Venus", History of Science, 42, 2004, pp. 234 - 257.
[22] Davies, C. The Return of El Negro : The Compelling Story of Africa's Unknown Soldier , (Sandton, 2003), p. 1.
[23] *Ibid.*, p. 40.
[24] *Ibid.*

church that she started.[25] The search and recovery of liberation struggle activists who either died in exile or were killed in the course of action has been an important element in unearthing the secret campaigns of the apartheid state.[26] Late Mkhonto weSizwe (MK) soldiers have especially been covered in the media.[27] South Africa's National Prosecuting Authority (NPA) has been tasked by the Truth and Reconciliation Commission (TRC) to follow up over a thousand cases of people missing, with the aim to begin "the process that will be able to restore the dignity ... of those fighters for liberation who perished in the course of the struggle."[28] The restoration of dignity is another objective which reburials serve. Official memorial graves of MK soldiers have however also been sites of contestation.[29] Hansen shows that in the case of one such site at New Brighton township in Port Elizabeth, the local community was alienated from the state's official memorial narrative which turned "a few ANC activists into national heroes, leaving out the details of their specific lives as well as the experiences of other political groups in the community."[30]

Verdery observes that "Dead bodies have enjoyed political life the world over and since far back in time."[31] It is not only members of post-colonial societies who have questioned the use of bodies in science. In Western society "Ambivalence towards scientific research on human remains has deep roots...", given the rise of medical research in the early nineteenth century. [32]

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[25] Edgar. and Sapire. "Dry Bones", p. 95 – 113.
[26] Hansen, B. "Public Spaces for National Commemoration: The Case of Emlotheni Memorial Port Elizabeth", Anthropology and Humanism, 28, 1, 2003. pp. 43 – 60.
[27] Unknown Author A, "Two more MK bodies exhumed", Dispatch Online, 29 November 1997, retrieved online at www.dispatch.co.za/1997/11/29/page%2011t.htm.
Unknown Author B, "MK founders' bodies to be exhumed, reburied", Dispatch Online, 8 April 1998, retrieved online at www.dispatch.co.za/1998/04/08/southafrica/MK.HTM.
Dailey, S. "An exhumed body tells grim tales of apartheid", The New York Times, June 7 1998, retrieved online at nytimes.com.
Unknown Author C, "Another South African Apartheid Victim Exhumed", BOPA Daily News Archive, 24 September 2004 retrieved online at www.gov.bw/cgi-bin/news.cgi?d=20040924.
[28] BBC Reporter, "Anti-apartheid fighters exhumed", BBC News, 19 March 2005, retrieved online at news.bbc.co.uk/go/pr/fr/-/2/hi/Africa/4331849.stm.
[29] Hansen, "Public Spaces", p. 44.
[30] *Ibid.*
[31] Verdery, Political Lives, p. 1.
[32] Walker, "Bioarchaeological Ethics", p. 5.

Concerns raised by indigenous rights groups worldwide thus do not constitute an uncommon cultural preoccupation with protecting the dead. The bones of Christianity's saints and martyrs have been venerated, gradually resulting in "the accumulation of substantial skeletal collections."[33] In the ninth century possession of these sacred bones caused major tussles between religious fraternities in Europe.[34] Verdery looks at the political lives of the dead in Eastern Europe and the former Soviet Union.[35] Until recently, the Soviet Union celebrated a Lenin-cult revolving around his preserved body that lay in Moscow's October Square.[36] Notably, "Jean-Jacques Rosseau, Thomas Paine, and Napoleon Bonaparte are among countless political personages reburied to mark political change, and Thomas Becket and Oliver Cromwell, two of a very large set of corpses desecrated to the same end."[37] The dead and their graves can become symbols of national pride and also serve economic needs through tourism. Millions of people visit graves and cemeteries the world over to pay homage or purely out of tourist curiosity. The grave of Cecil John Rhodes, cut into the rock of the Matopos Hills in Zimbwabwe, was both a site of pilgrimage for thousands and a site of political controversy.[38] Notwithstanding their age, aesthetic and architectural splendour, St. Paul's Cathedral, Westminster Abbey and virtually all of England's historic churches, attract high volumes of tourists because they are also mausoleums housing the remains of figures considered to be of historic national importance. In 1987 when archaeologists in Peru discovered a complete burial mound in Sipán, one of the bodies found there became commonly known as Lord of Sipán. As Silverman notes, "this mute skeleton became a person, indeed a celebrity, given life...".[39] Intriguingly, the commonality between this case and the case of El Negro and Sara Baartman is that all three national governments actively conferred some kind of state

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[33] Verdery, Political, p. 1. ; Walker, "Bioarchaeological Ethics", p. 9.
[34] Walker, "Bioarchaeological Ethics", p. 9.
[35] Verdery, Political Lives.
[36] *Ibid.*
[37] *Ibid.*, p. 2.
[38] Maylam, P. The Cult of Rhodes, (Claremont, 2005). p. 21
Ranger, T. Voices from the Rocks, (Oxford, 1999).
[39] Silverman, H. "Embodied Heritage, Identity Politics and Tourism", Anthropology and Humanism, 30, 2, p. 142.

honour or protocols on these individuals.[40] The politicisation of human remains is a widespread phenomenon.

A study of the social interpretation of human remains is inevitably a study of religion. This thesis focuses not so much on religion as an all-encompassing system of belief, but rather on death and its religious implications. Because remains are evidence of, and harbingers of death, in many cases their value is construed through belief. Beliefs are slippery and escape neat arrangement as discrete and coherent complexes. The literature on death and its social meanings is wide and has been associated in particular with western anthropological studies of cultures outside the Occident.[41] This body of literature goes beyond the scope of this thesis which concerns itself narrowly with contestations in the post-Communist and postcolonial world order. It is also not concerned with death in the present but rather with what can be drawn from the meanings attached to those who have been long dead. Important to draw from this literature is that the study of the meaning of death is bound up with the study of religion.[42]

For natural scientists religion is considered irrelevant to investigations into the natural world because religion relates to "invisible beings whose existence can be neither proved nor disproved" according to the scientific method.[43] However, in the social sciences positivist approaches have given way to studies of death in the context of specific cultures; universal validation of the veracity of belief no longer holds academic salience.[44] Ellis and Ter Haar argue that "Social scientists...are less sure than they were forty years ago how to consider belief. Few sociologists or anthropologists nowadays would state baldly that people who believe in spirits are simply misinformed about

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[40] *Ibid.*, p. 148.
Davies, El Negro, p. 1.
[41] Danforth, L. The Death Rituals of Rural Greece, (Princeton, 1982), p. 25.
[42] *Ibid.*
[43] Ellis, S. and Ter Haar, G. Worlds of Power: Religious Thought and Political Practice in Africa, (London, 2004), p.194.
[44] *Ibid.*, p. 195.

the way the world really works."[45] Where natural scientists and cultural advocates cross roads on issues affecting death and the spiritual aspects of human remains, conflicts and struggles have arisen as one of the case studies in this thesis illustrates.

While social science has come to ask questions of death in specific cultural contexts, death affects human beings universally. Thus as the researcher, I recognised the "universal significance of death" in order to avoid that "parochialization or folklorization of the anthropological inquiry into death."[46] So often studies of 'exotic' cultures or of communities of low socio-economic status tend to construct the lived experiences of subjects as somewhat different from those of researchers based in academic institutions. In the contemporary era religion has been gaining greater currency as a political principle in the realm of public discourse in the West and in Africa.[47] Ellis and Ter Haar point out that

> ...The enhanced public and political importance of religion in a new historical age in which some of the less pleasing consequences of modernisation have become apparent, is not to be confused with a return to the past, nor considered as an anachronism, not even when it takes forms that have historical roots extending to precolonial times. It is no longer satisfactory to make stark distinctions between tradition and modernity and to suggest that the former always precedes the latter; the two co-exist, and it is this very co-presence that results in change and progress.[48]

Beliefs expressed by individuals interviewed in this thesis were not viewed as throwbacks to pre-colonial traditions, but as expressions of culture and politics today. Universal and local aspects of death were seen as two sides of the same coin – that is, that all humans ultimately practise rituals and commemorations relating to the dead. For example, if one views nationalism as a secularised form of "ancestor worship, a system of patrilineal kinship, in which national heroes occupy the place of clan elders in defining a nation as a

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[45] *Ibid.*
[46] Danforth, Death, p. 6.
[47] Ellis and Ter Haar, Worlds, p. 189.
[48] *Ibid.*

noble lineage", then the significance of the dead in the current politics of people of colour worldwide is not so peculiar. The feeling of vulnerability which mostly white scientists and museum practitioners have experienced in debates about human remains only exposes the political hegemony of white scientists who cannot relate western concerns for the dead with the feelings expressed by indigenous rights groups.

As stated at the outset, in public policy human remains often fall within the ambit of heritage. The theory and practice of heritage has been the subject of a vast literature. Edson poses a key conceptual question: "What is heritage, and why has it become a commodity to discover, preserve, and exploit in communities around the world?".[49] Since antiquity, shrines, monuments and sacred sites have been protected through codes and regulations of specific groups and cultures. In our globally integrated society, international law was developed from the 1950s by the United Nations "in response to the destruction and looting of monuments and works of art during the Second World War."[50] The 1954 United Nations Education, Science and Cultural Organisation's (UNESCO) Hague Convention protected cultural property in the event of war.[51] In the two decades that followed, the narrow basis of the law was gradually expanded to include conventions adopted to protect heritage in and of itself and not just through times of conflict. These legislative developments rendered the definition of heritage complex. Blake argues that,

> There exists a difficulty of interpretation of the core concepts of "Cultural heritage"... and as yet no generally agreed definition of the content of [this term] appears to exist. The increasing global importance of cultural heritage instruments and the ever-expanding scope of the term and the areas in which it is used require a workable definition of the nature of the culture heritage.[52]

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[49] Edson, G. "Heritage: Pride or Passion, Product or Service?" International Journal of Heritage Studies, 10, 4, 2004, p. 334.
[50] Blake, J. "On Defining Cultural Heritage", The International and Comparative Law Quarterly, 49, 1, 2000, p. 62.
[51] *Ibid.*, p. 65.
[52] *Ibid.*, p. 62.

For law-making and analytical purposes the term cannot be inclusive of everything or anything that is cultural. In Graham's view, investigating heritage reveals "the ways in which very selective material artefacts, mythologies, memories and traditions become resources for the present."[53] These resources and their historical connection to people can take on any shape or form, both tangible and intangible cultural forms. Heritage is thus those resources (objects, geographical spaces, oral and written narratives) which have been identified as being of historical and cultural relevance to a group of people in the present. Heritage is a key element of policy and is inextricably linked to the contemporary *identities* of those people who identify with it. It could be argued that those human remains which are viewed as *cultural property* or *heritage* have much to say about the politics of identity.

In post-apartheid South Africa dissecting and re-evaluating heritage, its definitions and role, has been a major concern for people involved with the sector.[54] Rassool observes that in post-apartheid South Africa, "almost every sphere of heritage production has seen complexity, controversy and contestation."[55] New heritage sites have emerged. For example, the South African Cultural History Museum in Cape Town, which previously excluded slave history, has foregrounded this as part of its transformation project from 1996.[56] New museums of oppressed communities, such as the District Six Museum (established in 1992), and the Red Location Museum in Port Elizabeth, create a new "national consciousness" through commemorating local histories.[57] Old monuments associated with oppressive white hegemony have been problematised; their fate in the new dispensation has been a topic of heated debate.[58] Eurocentric definitions of heritage which have primarily

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[53] Graham, "Heritage", p. 1004.
[54] Corsane, G. "Transforming museums and heritage in postcolonial and post-apartheid South Africa: The impact of policy formulation and new legislation", Social Analysis, 48, 1, 2004. pp. 5 – 15.
Coombes, A. Visual Culture and Public Memory in a Democratic South Africa, (Durham, 2003).
[55] Rassool, C. "The Rise of Heritage and the Reconstitution of History in the New South Africa", Kronos, 26, 2000, p.1.
[56] Davidson, P. "Museums, Memorials and Public Memory" in (eds) Nuttall, S and Coetzee, C. Negotiating the Past, (Oxford, 1998), p. 147.
[57] *Ibid.*, p. 148.
[58] Coombes, Visual Culture, p. 20 – 53.

been concerned with memorials in the built environment have been challenged in the wake of multicultural approaches to culture and society. At the Eastern Cape Heritage Indaba, at which the South African Heritage Resources Agency (SAHRA) was represented, in September 2005, the diverse meanings and forms of heritage were a point of lively and vigorous discussion.[59] It emerged from the dialogue that the definition of heritage must encompass both physical and material objects, as well as intangible aspects such as culture, ideas, and philosophies.[60] Thus the definition of heritage as tangible memorial sites built from bricks and mortar has been expanded to incorporate other aspects of human culture that have endured. Graham points out that in Africa and Asia "heritage...is often envisaged through intangible forms of traditional and popular...culture that include languages, music, dance, rituals, food and folklore."[61] Katsamudanga argues that

> Within the African context, much of the cultural heritage is significant because of its intrinsic values. The meaning and importance imbued in monuments and sites lay not only in their physical appearance but also in the reason behind their construction or existence. Traditional functions, like ritual ceremonies, provide the context in which the meaning of objects is communicated to the wider public. The revival of traditional practices therefore provides a platform in which the richness of the intangible heritage of Zimbabwe can be maintained.[62]

Indeed physical monuments or places in Africa which can be regarded as heritage find symbolic animation through deeper beliefs, rituals and oral traditions. However, this is not a peculiarly African phenomenon and such a view tends to cast African ritual as strange or peculiar. Deacon defines intangible heritage as "aesthetic, spiritual, symbolic or other social values that people may associate with a site, as well as rituals, music, language, know-how, oral traditions and the cultural spaces in which these 'living heritage' traditions are played out."[63] A strict distinction between tangible and intangible

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[59] Conference notes, 12 September 2005.
[60] *Ibid.*
[61] Graham, "Heritage", p. 1004.
[62] Katsamudanga, S. "The Dilemma of Preserving Intangible Heritage in Zimbabwe", Date not given.
[63] Deacon, H. "Intangible Heritage in Conservation Management Planning: The Case of Robben Island", International Journal of Heritage Studies, 10, 3, 2004, p. 310.

heritage is therefore artificial because physical monuments only hold meaning through the philosophical values attached to them.[64] In essence heritage is about the most prominent cultural values. Contestation over heritage arises because values are never totalizing nor universal in any given society.

Within the sphere of heritage the concept of cultural property, under which many repatriation claims have been made, has also been subject to critique. Welsh argues that the "concept of cultural property has become thoroughly embedded in modern museum discourse."[65] The term itself arose not in the context of repatriation battles, but, as shown above, after the two World Wars when "efforts were made to return the artworks and historically significant objects to nations from which they had been taken."[66] Welsh argues that in its contemporary use as part of the repatriation discourse, the term is problematic.[67] Conceptualising culture through "Euroamerican" property terms implies a fixedness and immutability of culture, as property itself would be.[68] However, as scholarship generally agrees in the social constructivist paradigm which dominates today, culture is dynamic, "permeable" and evolving.[69] Welsh problematises the concept of *cultural property* by questioning whether "Euroamerican" conceptions of property with their implications of 'fixedness' and 'immutability' can be married to ideas of cultural ownership with ease.[70] Welsh goes on to argue if cultural property can be defined, then so can what is not.[71] The implication of this logic is that "new cultural property" cannot easily emerge.[72] This is important in the context of these contestations because where human remains are regarded as cultural specimens they provide material form for the representation of a 'fixed' culture.

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[64] *Ibid.*, p. 311.
[65] Welsh, P. "The Power of Possessions: The Case Against Property", Museum Anthropology, 21, 3, 19997, p.12.
[66] *Ibid.*
[67] *Ibid.*
[68] *Ibid.*
[69] *Ibid.*, p. 13.
[70] *Ibid.*, p. 12, 13.
[71] *Ibid.*, p. 14.
[72] *Ibid.*, p. 14.

This thesis has both historical and contemporary dimensions to it. It is concerned with multiple areas of analysis so as to draw out an account of these contestations. Keegan advises that

> ... historical scholarship always incorporates economic and political concerns with cultural and ideological, the macro with the micro, the external with the internal. And it is always grounded in a firm base of narrative as well, for without narrative, an explanation in history is impossible.[73]

The methodology can be described as a multi-layered approach using oral history to unpick threads of memory and threads of present sentiments to try to elaborate on the case studies to be examined.

The first chapter highlights tensions which surfaced when the city of Grahamstown faced simultaneous needs for sewerage and housing infrastructural development, alongside the need to protect a historic cemetery and memorialise those buried within it. In 1972, hundreds of Grahamstown's black residents were allowed to settle on an old cemetery in Fingo Village township, as a measure to alleviate the chronic housing problems in the city's townships. Residential encroachment on to sites reserved for the interment of the dead is a common and inevitable problem of urban expansion.[74] This settlement was ordered by Grahamstown's authoritarian Urban Bantu Council (UBC) with little concern for the black residents who would come to make a home on the cemetery. The use of this old cemetery as residential land reflected racist approaches to black heritage under the apartheid regime. Christopher shows that black cemeteries were likely to be neglected by local

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[73] Cobley, A. "Does Social History Have a Future? The Ending of Apartheid and Recent Trends in South African Historiography", Journal of Southern African Studies, vol 27, 3, Special Issue for Shula Marks, 2001, p. 623.

[74] Tarlow, S. "Landscapes of Memory: The Nineteenth Century Garden Cemetery", European Journal of Archaeology, 3, 2, 2000, p.226.
Christopher, J. 'Segregation and Cemeteries in Port Elizabeth, South Africa', The Geographical Journal, 161, 1, 1995, pp. 38 – 46.

authorities in apartheid urban planning.[75] Twenty-eight years later, the post-apartheid South African government is faced with the challenge of prioritising and delivering pressing services whilst managing concurrent state activities. Eradicating material poverty, *as well* as ensuring that the humanistic ethos of the Constitution pervades the very fabric of the South African social system, are two parallel challenges for state planners. These should ideally be convergent, rather than mutually exclusive goals for the state. In this research, the state's custodian role over heritage conflicted with its developmental goals.

The second chapter looks at problems which arose when human remains were unearthed from alienated portions of the Old Cemetery in King William's Town in 1993 during the course of property development. Local oral history had it that the bones belonged to victims of the 1856-57 Cattle Killing. This was of interest because the cemetery's memorials did not acknowledge the interment of black people within it. For thirteen years the bones were to remain in boxes in the then Kaffrarian Museum in the town. The presence of the remains in the museum and the possibility that they belonged to victims of the Cattle Killing caused a number of problems for those involved in the case. In those thirteen years, South Africa experienced political transformation and these remains were handed down from one local authority to the next. Even when they were buried in 2006, there was still disagreement over their exact identity. The remains also became a problematic presence as the South African Museums Association was challenged to examine the ethics of holding remains in its museums.

In early 1996 Nicholas Gcaleka, a self-styled traditional leader and healer from the Eastern Cape, set off on a 'dream-led' mission to the United Kingdom to recover a skull he claimed belonged to the historic Xhosa king Hintsa. His claims were contested by members of the Xhosa Royal House

[75] *Ibid.*

who denounced him as a fraudster and charlatan. Subsequently, forensic tests proved that the skull he brought back was most likely that of a middle-aged European woman. This thesis argues that the contestation over the evidentiary methods employed to ascertain the identity of the skull illustrated a moment of democratisation in the construction and narration of official history in the post-apartheid South African national and public domain. Epistemological paradigms were contested; physical evidence was brought forward and tested, oral tradition and archives were re-engaged. Thus elite institutions in the form of the Xhosa Royal House and the scientific establishment were considered neither credible nor authoritative on this matter by Gcaleka's supporters.

While these are separate case studies unfolding in different parts of the Eastern Cape, a common historical narrative flows through them. The cases are traversed by the history of the encroachment and subsequent conquest of the Xhosa western frontier.[76] All the contestations around the human remains researched in this thesis hark back to the incremental effect of increasing landlessness, racial discrimination and the denigration of African belief systems through Eastern Cape history. The bones share a common context. Sometimes the same historical agents or events appear through the chapters.

[76] Since Xhosa expansion was gradually moving westwards, the defense of the western borders would have been their perspective. See Etherington, N. Great Treks: The Transformation of Southern Africa 1815 – 1854, (Harlow, 2001).

CHAPTER TWO

DEVELOPMENT VS HERITAGE: CONFLICTS BETWEEN HOUSING NEEDS AND HERITAGE CONCERNS AT NDANCAMA

> I don't think living on top of your great grandfather's grave [is wrong], if he knows you have no place to live. I wouldn't mind my son here, living on top of me if he has no other place to live. Because I would know, I would understand spiritually.[1]
>
> Thembelani Fene, Resident of Ndancama

This chapter focuses on the dilemmas posed by the unearthing of human remains in Ndancama settlement in Grahamstown's Fingo Village.[2] It aims to explain and analyse the impasse which has occurred over the implementation of heritage legislation through the South African Heritage Resources Agency (SAHRA) at Ndancama. The opening quote offers an insight into a common 'accommodationist' attitude, among nine residents interviewed, towards circumstances which could be considered undesirable for decent human habitation.

Since the enactment of the National Heritage Resources Act no. 25 of 1999, Ndancama's case has opened up a Pandora's Box with regard to problems associated with the pressing urban needs of the living, and the need for cemeteries and memorialisation of the dead. The name itself means 'the place where I gave up', and reflects residents' common experiences and feelings of marginalisation and resignation towards life in the cramped slum that developed on top of Fingo Village's Old Cemetery in 1972. Cecil Manona's study on rural – urban migration into Grahamstown is the only academic study which mentions Ndancama, to illustrate the lack of housing in

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[1] Interview, Thembelani Fene, 13 April 2006, Grahamstown.
[2] Clark, H. "The History and Power of Grahamstown's Fingo Village Skeletons", Dispatch Online, retrieved online at www.dispatch.co.za/1998/04/editorial/HISTORY.htm.

Grahamstown's townships.[3] He comments that "Clear desperation is evident in the name this neighbourhood adopted, which is Ndancama, 'I give up'".[4] In 1998, during the construction of Ndancama's community hall, bones from the graves were uncovered. The developer gave the remains over to the Albany Natural Sciences Museum in Grahamstown for safekeeping. The building then continued. In 2003 the municipality began a sewerage upgrade and housing development project in Ndancama.[5] More bones were uncovered in 2004 and building was halted but this time in line with the new National Heritage Resources Act.[6] Although the project was 70% completed, building has been stalled since then.[7]

The key questions I investigated related to the residents' feelings about living on top of the cemetery. What do they think should happen to the remains? Do they themselves want to be re-located? How has the municipality responded to the challenge of balancing infrastructural development with the responsibility of heritage preservation? Finally, how successful has the state been in implementing heritage legislation and what does this case reveal about its role as heritage custodian? More broadly, this case foregrounds a clash between the 'rights of the dead' and the pressing needs of the living. What kinds of rights have the dead been accorded in this case, and how are these balanced with the 'rights' of the living? SAHRA's policy, which will be discussed further on, is clearly guided by the humanistic and egalitarian ethos of the South African constitution and Bill of Rights. This ethos, which seems to extend to the dead and their graves, has brought to the surface questions surrounding the nature of human remains – do they have 'personhood' or are they material artefacts akin to 'property'?[8] This case provides an opportunity to investigate the complexities that human remains and heritage legislation

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[3] Manona, C.W. "The Drift From The Farms To Town: A case study of migration from white-owned farms in the Eastern Cape to Grahamstown", PhD, Rhodes University, 1988, p. 304
[4] *Ibid.*
[5] The community was still using the old bucket system.
[6] Interview, Oldo Rudolecky, Makana Technical Officer , and Phakama Booi, Technical Assistant, 12 May 2006, Grahamstown.
[7] *Ibid.*
[8] Renteln, A. "The Rights of the Dead: Autopsies and Corpse Mismanagement in Multicultural Societies", The South Atlantic Quarterly, 100, 4, 2001, p. 1006.

can pose when bread and butter issues are more urgent than heritage needs. The legality of the settlement is beyond the scope of this research and has not been investigated.

To explain the rationale for why the Old Cemetery in Fingo Village was used for settlement in 1972, an explication of Grahamstown's housing history is necessary. Ndancama's situation arose because of longstanding housing shortages and poverty within Grahamstown. This situation emerged in part because of the pusillanimity and tightfistedness of white municipal authorities who refused to take full responsibility for the maintenance of the black townships from 1900 to 1969. It would be worsened by the increased migration of black people seeking a better life from the surrounding farm districts in the inter-war years. A substantial portion of these immigrants became lodgers, and so did their children and grandchildren. The majority of the people who came to settle in Ndancama were migrants such as these. Indeed almost all the people who moved there had been lodgers in the backyards of those who had property or municipal housing in Grahamstown's townships. Access to land by blacks and coloureds was severely restricted by white Grahamstown administrations.

The migration and settlement patterns which characterised Grahamstown, and resulted in overcrowding in the twentieth century, are connected to older processes of dispossession through colonial conquest in the Eastern Cape. Manona argues that overcrowding and squatting in Grahamstown can be traced back as far as the 1830s.[9] From 1812, when Grahamstown was a military post, a number of Khoi and Africans began living in the town.[10] After the 1835 war, the number of Khoi and Africans (who referred to themselves as Mfengu) living around the town increased. Manona states that

[9] Manona, "The Drift From The Farms", p. 294.
[10] *Ibid.*

> By 1838 the congestion of blacks and Khoi in the Khoi location and on open spaces around the town alarmed the white settlers who felt unsafe in the midst of the growing numbers of blacks since the frontier settlements had been seriously attacked by the Xhosa in 1834 – 1845.[11]

The Grahamstown settlers also wanted the land on which the Khoi and Xhosa had settled for their own pasture and grazing.[12] White attitudes towards the Xhosa were however, ambiguous because in 1841 and 1843, the Municipal Commissioners mooted the idea of "domiciling the Fingoes... and to improve their condition and also other native foreigners residing within the municipality."[13] While white settlers may not have wanted Xhosa residing within their vicinity, "domiciling" Xhosa subjects was seen as part of the greater process of colonisation. These plans were disrupted by the 1847 war and only implemented in 1857 when 320 freehold title deeds were made available for the Mfengu by Governor Grey as part of his 'civilising' policies.[14] However, the availability of plots did not meet the demand for land, and people squatted where there was open land. By the end of the Cattle Killing in 1857, a substantial number of Xhosa lived within the colonial territory thus establishing "settlement of the Xhosa on a permanent basis on the white owned farms in the Eastern Cape", as well as in the city of Grahamstown.[15] Although the municipality made land available both for Fingo Village in 1860, and for a new township called Tantyi in the 1870s, refugees from the wars streamed into Grahamstown.[16] Slum areas which lacked adequate sanitation and a constant water supply, mushroomed around the townships. Parts of the townships were rendered "disease ridden ghettoes".[17] Health conditions deteriorated. Southey argues that between 1902 and 1918, despite reports informing the municipality about the dire situation in the townships, the

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[11] Manona, "The Drift From The Farms", p. 295.
[12] *Ibid.*
[13] *Ibid.*
[14] *Ibid.*, p. 296.
[15] *Ibid.*, p. 62.
[16] *Ibid.*, p. 296.
[17] Sellick, R. "A Study in Local History: Grahamstown 1833 – 1904", MA Thesis, Rhodes University, 1983, p. 156.

response was "qualified, grudging, and inadequate."[18] A 1917 Grahamstown Journal report found that four or five adults inhabited a single hut, and that in one case "sixteen adults and children occupied such a dwelling."[19]

Successive municipal councils did not take adequate measures to resolve the problems despite the fact that they collected rents and rates from the township.[20] Through the 1920s and 1930s, the council built very few houses for the black population, which virtually doubled from 5 361 in 1921 to 9131 in 1936.[21] In the 1940s and 1950s, the housing situation continued to look grim. In 1951, the City Council reported that "the situation is critical and rapidly becoming worse. Overcrowding is the general rule, the condition of the existing houses is deteriorating and more unauthorised shanties are springing up."[22]

Many of the people housed in "unauthorised shanties" were coming from the surrounding farm districts due to "mechanisation and land rationalisation", amongst other things.[23] Manona found that in the 1950s while a majority of farm workers preferred to remain on the farms in conditions of paternalism and dependence on white farmers, there was

> ...a minority of those who were deeply dissatisfied with farm working conditions and often expressed a strong desire to obtain urban employment. They did not like to be utterly dependent on the farmers for whom they worked. They felt that their remuneration was seen by farmers as a privilege...they had no guarantee of safety.[24]

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[18] Southey, N. "A Period of Transition: A History of Grahamstown 1902 – 1918", MA Thesis, Rhodes University, 1984, p. 189.
[19] *Ibid.*, p. 196.
[20] Sellick, "Study In Local History", p. 157.
[21] Charton, N. "The Unemployed African in Grahamstown", An investigation undertaken at the request of the Grahamstown Branch of the South African Institute of Race Relations, August, 1969. p.20; Manona, "The Drift From The Farms", p. 300.The Fingo Vigilance Committee was founded by Vezi Danga sometime in the 1930s, to address concerns about the municipality's neglect of the township. He even went as far as to call on black Grahamstown residents to stop paying their rates.
[22] Manona, "The Drift From The Farms", p. 302.
[23] Manona, C. "Small Town Urbanization in South Africa: A Case Study", African Studies Review, 31, 3, 1988. pp. 95 – 110.
[24] Manona, "The Drift From The Farms", p. 275.

This minority left the farms. Manona found that Grahamstown was a destination of choice for three reasons. Although Grahamstown was not an industrial hub (such as Port Elizabeth), it had held an agricultural market and served as an administrative centre for farms in the outlying areas thus offering employment prospects.[25] In addition, influx control mechanisms were not as stringently enforced in the city.[26] As black migration into urban areas increased from the 1920s, the control of the urban black population became a central concern for white authorities who attempted to minimise the presence of black people in the city whilst simultaneously keen to exploit them as cheap labour wherever possible.[27] Although minimising the presence of black people was a real concern, in practice it was hardly enforced in Grahamstown.[28] This is because "adoption of important aspects of influx control legislation was left [by the national Department of Native Affairs instituted at Union in 1910] to the discretion of the municipalities."[29] Grahamstown was also not too far from the immigrants' rural places of origin.[30]

As informants' oral histories reveal, the trajectories of some of Ndancama's residents' lives fit into broader patterns and constraints faced by black South Africans during the first half of the twentieth century. Thembelani Fene, who was born in 1978, six years after his family moved to Ndancama, offered this recollection:

> I heard stories from my great grandmother and my great grandfather who built this house. They told me they lost their lands where they lived before. Some nearby farms... near Kenton. It's called Salem Place. Grandpa came from eMnyameni so they were chased; they had to come to Grahamstown.[31]

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[25] Manona, "The Drift From The Farms", p. 32.
[26] *Ibid.*
[27] Maylam, P. "The Rise and Decline of Urban Apartheid in South Africa", African Affairs, 89, 354, 1990. pp. 57- 84.
[28] Manona, "The Drift From The Farms".
[29] Bekker, S and Humphries, R. From Control to Confusion : The Changing Role of Administration Boards in South Africa 1971 – 1983, (Pietermaritzburg, 1985). p. 2.
[30] Manona, "The Drift From The Farms".
[31] Interview, Thembelani Fene, 13 April 2006, Grahamstown.

Moving to Grahamstown presented its own set of challenges for Fene's grandparents: "They tried to find work. Things were tough then. They lived with people everywhere, trying to rent places. As time went on they decided they can't take it, they have to find their own place. The population was so dense in family, 'cause they had to live with families as well."[32] These difficulties led his parents to move to Ndancama in 1972. Another informant, 67-year-old Mdwangi Maleki, whose widowed mother would also settle at Ndancama, said that his mother moved the family to Grahamstown's Tantyi township of her own volition from the farms because there they were being "treated badly" and "harassed by the boers".[33] 67-year-old Joyce Mbonde, another Ndancama resident, also moved to Grahamstown from the surrounding farming districts when she was very young and newly married, around the end of the 1950s. Her husband had been transferred to work on the railways near Grahamstown. She explained her motives for moving to Grahamstown:

> When I left the farm, we lived on a boer's farm. My husband did not work on the farm, he worked at the railways. So you cannot just live on a boer's farm and just keep living there while your husband is working somewhere else. That kind of thing did not happen. So I had to leave and follow my husband and landed up in Grahamstown, he worked at the railways. So that is how we started renting. But it was difficult, we were trying. It was such a difficult time, it was the era of the municipal headmen [in Grahamstown].[34]

The family rented a room in Grahamstown's Tantyi township, an expense she considered a burden on the family's finances. In the rented room she lived with her children and her mother–in–law and said that they were "packed in there", describing the room as a "hen pen".[35] She and others who moved to Ndancama thought that it would provide an opportunity to escape unpleasant living situations in rented accommodation. By neglecting to build houses or release land for housing the municipality was sending the message that permanent residency by Africans was not desirable. However, as these

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[32] *Ibid.*
[33] Interview, Mdwangi Maleki, 26 October 2005, Grahamstown.
[34] Interview, Joyce Mbonde, 31 October 2005, Grahamstown.
[35] *Ibid.*

accounts show, ignoring the growing African population was an untenable strategy and only led to severe overcrowding.

Although influx control was not properly enforced in Grahamstown, concerns about what to do with the 'surplus' or 'idle' black population was expressed by white residents in the city throughout the first four decades of the twentieth century.[36] Conservative sentiment in Grahamstown and South Africa in general gained ground in the 1950s when apartheid legislation was effected. A Group Areas Board in Grahamstown was formed in terms of the Group Areas Act of 1950.[37] It declared Fingo Village a Coloured area, and there was a threat to move the township to Committee's Drift, 50 kilometres outside the town.[38] At the height of the anti-relocation protest in the early 1970s, the Grahamstown City Council was trying to escape the problem of rapid population expansion in Fingo Village by dumping them outside the town.[39] This decision to move Fingo Village was endorsed by the Urban Bantu Council (UBC) which was established as an advisory structure, composed of black residents, to the white Grahamstown municipality in 1967.[40] This motion was successfully resisted by a coalition of concerned residents, academics and the Group Areas Action Committee. The plans were shelved by 1975. Fingo Village's colonial freehold rights proved a decisive factor in its uniquely successful campaign in preventing upheaval through the Group Areas Act. However, this success meant that schemes such as Ndancama went ahead.

In terms of administration and authority, the Grahamstown townships underwent several forms of administration over time. There were generally three categories of township in Grahamstown. These were the Hottentot Location which was the coloured township, Fingo Village as the historic black freehold township, and townships built by the municipality itself from 1870

[36] Southey, "Period of Transition." p. 228 – p. 232; Sellick, "Study In Local History", p. 17 – 18.
[37] Manona, "The Drift From The Farms", p. 302.
[38] *Ibid.*
[39] Kemenade, R. "Disruption – the inevitable lot facing people of Fingo Village", SA Outlook, August 1972. pp. 134 – 140.
[40] Manona, "The Drift From The Farms", p. 303.

onwards. One consistent aspect of administration was the system of headmen who were the first line of control in the townships from the nineteenth century onwards.[41] Overseeing the headmen were white authorities. But there was not necessarily one line of authority. Because of their system of inalienable property rights Fingo Village and the Hottentot Location did not fall under the local municipality's legal control.[42] Both were technically under the jurisdiction of the Cape government. In 1906, three headmen were answerable to a district inspector responsible for both Fingo Village and the Hottentot Location.[43] Municipal regulations thenceforth did not permit sub-letting of erfs in the township without the approval of the municipality.[44] This was an attempt to control the number of black people settling in the city. In 1910 at the enactment of the South African Union, the white municipality took control of the townships as an agent of the national Department of Native Affairs which allowed the municipality discretionary powers in running townships.[45] Throughout the Eastern Cape, the headmen's main duties were general law enforcement, collection of rates, and land allocations.[46] The power of the headmen was boosted in 1951 and 1957 through the Bantu Authorities Act and Proclamation 110 respectively.[47] Both these laws were aimed specifically at resurrecting the 'traditional' power of chiefs and 'tribal' authorities (such as headmen) in black areas and reserves. While the chiefs and rural headmen would later fall under the bantustan governments, the system of headmen in the urban townships increasingly became an oppressive, National Party co-opted "undemocratic and autocratic" system of rule.[48] Both the UBC and the headmen were viewed as lackeys of the apartheid state and had no credibility in the eyes of most black people.[49] In 1972 Bantu Affairs Administration Boards (BAAB) were instituted to take complete control over the

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[41] Manona, C. "The Collapse of the 'Tribal Authority' System and the Rise of Civic Organisations", Rhodes University Institute for Social and Economic Research Seminar Series, March 1995, p.1.
[42] Sellick, "Study In Local History", p. 168.
[43] Southey, "Period of Transition", p. 192.
[44] *Ibid.*
[45] Bekker and Humphries, From Control to Confusion, p. 2.
[46] Manona, "Collapse", p. 8.
[47] Streek, B. "The Rural Crisis in South Africa: Some Issues", Paper No. 225, The Second Carnegie Inquiry into Poverty and Development in South Africa, Cape Town, 1984, p. 5.
[48] *Ibid.*
[49] Bekker and Humphries, From Control to Confusion, p.169.

administration of black townships.[50] Grahamstown's BAAB would have come into being as the UBC implemented its plan to put people at Fingo Old Cemetery.

The formation of the UBC in 1967 was a significant move in the direction of Verwoerdian separate development. The UBCs were mostly consultative boards which advised white municipalities.[51] Generally, these councils had very little policy-making power and had no legislative authority.[52] Additionally, the UBCs political authority superseded, but did not abolish, the older system of headmen. Evidently, in Grahamstown the UBC was able to punch above its weight and decide on the deproclamation of Old Fingo Cemetery. Manona records that in 1969 a decision was taken by the UBC to release Old Cemetery for settlement.[53] Indeed, the UBC and the headmen co-operated on the Ndancama re-settlement issue. In that same year, the white Grahamstown City Council's application for a loan to build more houses was rejected by the state on the grounds that blacks had to be in homelands.[54] This rejection came in the face of figures indicating overcrowding of immense proportion. Nine thousand people lived in 1 260 shacks, and 2 220 formal houses (both municipal and private) housed 25 000 people.[55] The lack of adequate housing went hand in hand with the town's high rate of unemployment and underemployment. Charton noted in 1969 that the "virtual absence" of industry in the town meant that it could not effectively absorb the growing population of semi-skilled and unskilled labourers emigrating from the rural areas and homelands.[56] Thus the incidence of poverty was high in Grahamstown.

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[50] *Ibid.*, p. 96, 97.
[51] *Ibid.*
[52] *Ibid.*
[53] Manona, "The Drift From The Farms", p. 304.
[54] *Ibid.*
[55] *Ibid.*, p.303.
[56] Charton, "Unemployed", p. 1.

The cumulative effect of these problems would lead to settlement at Ndancama in 1972. According to Manona, sixty-five plots were to be made available for a fee of 50 cents each.[57] It is not clear, though, what the number of the original residents was in 1972. These families saw an opportunity for an improvement in their living conditions and subsequently hundreds of people erected temporary dwellings at Fingo's Old Cemetery. Interviews were conducted to ascertain why they moved there, how they view their lives there and how they feel about the presence of the remains. The residents include those who arrived there to build a home, those who were children and those who were born there. At the height of protest against the prospect of people being forcibly removed from Fingo Village, settlement at Old Cemetery began.

Given the fact that Fingo Village successfully resisted forced removal, the township is of deep historical significance. Because it remains where it was established during Grahamstown's early years, it stands as a memorial of the history of modern South Africa. The Old Cemetery would have been a memorial to cultural and spatial transformations on the nineteenth century frontier. Documentary evidence suggests that Ndancama is sited on Fingo Village's first officially designated cemetery.[58] A 1934 topographical map, showing the erven and plot subdivisions in Fingo Village, indicates a cemetery just east of the original Village settlement where Ndancama is.[59] No other cemeteries are shown. The paucity of documents which refer specifically and unambiguously to Fingo Old Cemetery rendered problematic my attempts to ascertain the age and extent of the cemetery.[60] Ndancama's postal addresses are 'No. 'X Old Cemetery', indicating that Ndancama is on Fingo's oldest official cemetery. Furthermore, Maxwell's research into Fingo Village suggests that when the property rights were granted to Africans in the city, the colonial government gave them commonage as well as a burial site.

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[57] Manona, "The Drift From The Farms", p. 304.
[58] Maxwell, W. "The Fingos and Fingo Village", Annals of the Grahamstown Historical Society, 1, 1, 1971, p.7.
[59] Contour Plan of the City of Grahamstown, June 1934, Cory MP 407.
[60] This is not unique Christopher had similar problems in his study of cemeteries in Port Elizabeth. See Christopher, J. "Segregation and Cemeteries".

Burial sites and practices are culture specific. Fingo Old Cemetery is a specific type of burial site of nineteenth century European import. A cemetery, as defined by Curl, is a "burial ground, especially a large landscaped park or ground laid out expressly for the deposition or interment of the dead, not being a churchyard attached to a place of worship."[61] In Rugg's words, cemeteries constitute "A particular type of burial space, that can best be understood through appreciating the nature of four interlinked features: physical characteristics; ownership and meaning; the site's relationship to personal community identities; and sacredness."[62] Cemeteries are historically distinctive funerary forms in relation to other types of burial space such as churchyards, burial grounds, mass graves, war graves, and pantheons because they arose in the context of European modernisation.[63] They constitute a deliberate and integral aspect of urban planning, and they emerged as a modern, mostly urban practice of interment in the nineteenth century.[64] With rising concerns about public health as populations grew, so too were there growing fears of contamination by interred corpses. From the mid-seventeenth century onwards, death from plagues and other disasters created concern among the upper classes over health arising from the proximity of interment grounds to human habitation.[65] Richardson argues that prior to the nineteenth century corpses were not regarded as a "sanitary problem" in European popular culture.[66] However, with the rise of sanitation measures and practices which passed on the care of the corpse to paid professionals, these attitudes were eroded.[67] Famed architect Christopher Wren had earlier been amongst those to raise their concerns and propose that cemeteries be laid out and the practice of burial in churches and churchyards be halted.[68] From 1763, France also passed a series of decrees

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[61] Curl quoted in Rugg , J. "Defining the place of burial: what makes a cemetery a cemetery", Mortality, 5, 3, 2000, p. 260
[62] *Ibid.*, p. 272.
[63] *Ibid.*
[64] *Ibid.*
[65] Owens, T. "Paying Respects: Death, Commodity Culture, And the Middle Class in Victorian London", MA Thesis, Texas Tech University, 2005. p. 36.
[66] Richardson, R. Death, Dissection and The Destitute (London, 1988). p.15.
[67] *Ibid.*
[68] Owens, "Paying Respects", p. 37.

which would shift burial to new suburban cemeteries.[69] In 1904 Grahamstown residents discussed the extension of the white cemetery near Kingswood College, a local school, to provide more burial space.[70] Community protests (the white community that is), supported by the Cape Provincial Administration, voiced their disapproval at the proposed extension on the grounds that this would endanger public health.[71] There were calls for a new cemetery site to be found.

Cemeteries can be viewed as integral markers which characterise the urban topography. They serve dual functions as sacred spaces for relatives to perform appropriate rituals of remembrance, and as a form of health regulation by secular local authorities.[72] Cemeteries are both bureaucratically and culturally defined spaces. In terms of culture, Owens argues that middle-class Victorians had a "near-obsession with controlling, beautifying, understanding, and civilizing death."[73] The transference of the marked and memorialised cemeteries into the African context, through colonisation, mirrored metropolitan concerns and attitudes towards death. The adoption of western interment practices by Africans was an ineluctable part of the civilising and assimilation process through colonial policy on the Eastern Cape frontier. Bunn argues that "For missionaries, visible graves were one of the most concrete signifiers of Xhosa conversion."[74] Prior to the adoption of ordered western burial sites, African graves were scattered all over the Zuurveld environment.[75] Some Khoikhoi were buried in caves.[76] Amongst some Nguni and Khoi clans, the bones of cattle slaughtered and consumed

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[69] Owens, "Paying Respects", p. 41. Symbolically, in post-revolutionary France, cemeteries denoted an equality even in death because regardless of their social rank, citizens lay side by side in common burial ground.
[70] Southey, "Period of Transition", p. 160 – 162.
[71] *Ibid.*, p. 161.
[72] Rugg, "Defining", p.261.
[73] Owens, "Paying Respects", p. 2.
[74] Bunn, D. "The Sleep of the Brave: Graves as Sites and Signs in the Colonial Eastern Cape", in (eds) Landau, P and Kaspin, D Images and Empires (Los Angeles, 2002). p. 68.
[75] *Ibid.* Recovering historical evidence of African forms of burial, including Xhosa practices, is difficult for scholars because, as Bunn argues, "...missionary propaganda against heathen bodily practices contaminates most early material history of mortuary practices", p. 64.
[76] *Ibid.*, p. 62.

after the burial were left at the grave atop a pile of stones as a memorial.[77] The cattle kraal was also used by the Xhosa, with the head of the homestead being buried in the centre of the kraal to replicate the domestic gender hierarchy.[78] Over time, these graves were overgrown and absorbed into the natural surroundings, any markers or memorials barely remained visible.[79] In contrast, "white settlers and soldiers were accustomed to vertical grave markers".[80] The main difference between Xhosa graves and settler graves in the pre-colonial era is that "most Xhosa graves *were not obvious landscape features*" (original emphasis).[81] This did not mean that no Nguni graves held meaning. The symbolism and power of powerful men's graves were often captured in oral histories.[82] The establishment of the Fingo cemetery would have been a mark of civilisation, a replacement for "the disorder of the pagan habitus."[83] The cemetery's location above St. Philip's church (formerly the mission of the Anglican diocese) suggests that it may have been used as a cemetery by the church.

However, by the time Ndancama was established in 1972, most of the old cemetery had become severely neglected as a place for interment, although it continued to serve other social purposes. By the 1950's, the graveyard's fencing was in total disrepair and it served more as a playground and a meeting place for young people.[84] It was no longer a site for relatives to remember their dead; hence the cemetery fell into neglect. Nombulelo Madyo, another 67-year-old informant, described the cemetery as overgrown and bushy with a cattle grazing area where she used to fetch dung for the floor of her rented room in D Street.[85] Joyce Nesi said that when she was growing up in the 1950s the cemetery was in disuse and "it was only a few graves that

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[77] *Ibid.*
[78] *Ibid.*, p. 66.
[79] *Ibid.*
[80] *Ibid.*, p. 64.
[81] *Ibid.*, p. 66.
[82] *Ibid.*, p. 64.
[83] *Ibid.*
[84] Field notes, 26 October 2005, Interview, Phindiwe Mountain, 26 October 2005, Grahamstown. Mountain was born in 1958 and although she was not a resident of Ndancama, she grew up playing on the cemetery.
[85] Interview, Nombulelo Madyo, 25 April 2006, Grahamstown.

were visible, others had trees growing on them."[86] Although he did not live there, Mtutuzeli Kulati, said that when he was young (1950's and 1960's) they played rugby at the Old Cemetery and that "if you never played there, you were not a player."[87] The only marked and protected graves are those of Rhodes and Rosamond Lobengula, the grandson of the Ndebele king and his wife, whose graves were left intact along with four others in the near vicinity.[88] Rhodes Lobengula was buried in 1937. Rosamond Lobengula was buried in 1961, eleven years before the settlement. This indicates that the family had reserved burial plots in the cemetery. In 1972, no building was permitted on these graves.[89] According to Mtutuzeli Kulati, the local Anglican Diocese insisted that those graves not be touched.[90] Kulati recalled that local Anglican Bishop Russell protested vehemently against settlement on the cemetery but to no avail.[91] In February 1999, Zimbabwean Home Affairs Minister, Dumiso Debengwa, Professor M. Mathazi of the University of Zimbabwe and the National Museums and Heritage Board member, Stanley Hadebe, visited Ndancama to inspect the Lobengula graves.[92] The delegation reported that it came under the instruction of President Robert Mugabe who wanted the National Museums and Monuments Department to trace the movements of the Lobengula royal family.[93] The Zimbabwean officials said that there were plans to commemorate Mzilikazi, the Ndebele chief, by building a theme park replicating authentic Ndebele village life.[94] When I visited the younger burial area just across the road from Ndancama, I noted weather-beaten headstones dated 1941 and 1943 not too far off from Ndancama. Informal discussions with residents of Fingo Village revealed that people are mostly aware of relatives buried in this site across Ndancama. The site is less than five hundred metres away from the Lobengula graves. I concluded that the boundary of the original Old Cemetery was not too far from the Lobengula

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[86] Interview, Joyce Nesi, 21 March 2006, Grahamstown; Interview, Mtutuzeli Kulati and Mxoleli Sullo, 16 May 2006, Grahamstown.
[87] Interview, Mtutuzeli Kulati and Mxoleli Sullo, 16 May 2006.
[88] See Appendices A, B and C.
[89] Interview, Joyce Nesi, 21 March 2006, Grahamstown.
[90] Interview, Mtutuzeli Kulati and Mxoleli Sullo, 16 May 2006, Grahamstown.
[91] *Ibid.*
[92] Carlisle, A. "Mugabe wants to learn history of Lobengula clan", Dispatch Online, retrieved online at www.dispatch.co.za/1999/02/10/easterncape/MUGABE.HTM.
[93] *Ibid.*
[94] *Ibid.*

graves. Perhaps around the late 1930s, or early 1940s, space was running out at Old Cemetery and residents simply used the area across it. Generations of residents who came to Grahamstown in those years would have used the newer burial site.

As Rugg argues, the "population represented by the dead [in a cemetery] is an important consideration."[95] The life of a cemetery will be shaped by the manner in which the dead interred there are socially construed. Cemeteries are thus not ideologically neutral spaces. At Ndancama, the fact that it was a black cemetery determined the callous and non-consultative manner in which Fingo's Old Cemetery was hastily deproclaimed and poor African tenants were settled there. The autocratic headmen acted as conduits of the UBC and the white Grahamstown council to carry out this insensitive strategy.[96] Mtutuzeli Kulati, a member of the 1998 community forum dealing with the remains, recalled that in 1972, "there were meetings to protest, but the decision was already taken."[97] It was not clear who held these meetings or how protest was voiced. Kulati remembered that Grahamstown Anglican diocese's Bishop Russell also protested the settlement.[98] Therefore, the reverence with which a cemetery is viewed is not pre-determined and given by virtue of it being a cemetery. Its sacredness is established and maintained through community norms or enforced by municipal authorities insofar as behaviour within the cemetery is regulated for the sake of those who need to visit it to grieve.[99] The protests against the move showed that there was uneasiness with the idea of using the cemetery for habitation. The forceful municipal strategy and the need for property by desperate tenants prevailed over concerns about desecration of the cemetery. Graves serve as individual memorials only insofar as they are connected to people who want to remember them.[100] Most of the informants' families were not originally from

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[95] Rugg, "Defining", p. 262.
[96] As the reality of a permanent black population dawned on apartheid planner, black local authorities were instituted in the 1960's. See Maylam, "Rise".
[97] Interview, Mtutuzeli Kulati and Mxoleli Sullo, 16 May 2006, Grahamstown.
[98] *Ibid.*
[99] Rugg, "Defining", p. 263.
[100] *Ibid.*

Grahamstown and held no historical titles to land in the town. Their own relatives are buried in newer cemeteries. The informants who were part of the original relocation to the settlement all knew that the place was a cemetery when they moved there.

The tenants' sheer desperation to escape rentals, and a desire to own property, motivated their initial move. Not only did it mean no more rentals to landlords, but there were no rents paid to the municipality either. Nomonde Madinda said that her mother was "a poor person who worked in the kitchens" while they rented a room in Wood Street.[101] It was her mother's employer who gave them a bit of money to buy the first corrugated iron sheets and hardboard to build what she says was the very first house at Ndancama. Nonzwakazi Mbhunge and her mother also arrived in 1972 from Joza, a nearby township, after her mother had been evicted by the municipal headmen from her lodgings. One day when Mbhunge returned home from school at the local Makana Primary and found her mother in the hen run after she had been evicted. She recalled

> We used to live in Joza, at home we used to sell *imbamba*[102] ... my mother used to sell *imbamba* and was always being harassed by the headmen from Joza when we were young...They gave her an eviction order to leave... She went to the lawyers and they told her there was a place called Ndancama. They said that the place had graves but we should come and live here.[103]

She and her mother would have faced the brunt of the headmen's autocracy because they were involved in two illegal activities: beer brewing and lodging on someone else's property. She carried difficult memories of their ruthlessness;

> There is no one I hated more than those people. You see those headmen at Joza... Those were not people...I have a picture of that day I came back from school...I hate those men...they had no

[101] Interview, Nomonde Madinda, 24 October 2005, Grahamstown.
[102] *Imbamba* is home brewed beer but not of the traditional sorghum variety. It is a more potent mixture of other substances.
[103] Illicit brewing was a common livelihood for poor black women but they were competing with the municipal beerhalls and thus subjected to constant raiding.

> conscience. There was one man who had a conscience... You know what he used to do; the headmen used to like to raid in the morning...he used to knock on the doors...I'm sure they used to tell each other that 'at three we will raid'... But he used to come at about one in the morning and knock on the door and say 'We will be coming'." When they arrived... even the police were better...[104]

They decided to move to Ndancama, but that would not be their last encounter with the headmen. They were the ones who were allocating plots. The whole process was overseen by the Location Superintendent, a white man named Mr. Freeman.

The headmen presented a problem to the untenanted population and are remembered as oppressive and troublesome people who were insensitive and uncaring to their needs. Diana Dwyili also remembered the headmen as particularly difficult when she first arrived at Ndancama:

> We really struggled here... we had nothing... we struggle here...even that corrugated iron sheet...you'd pick it up even in the rubbish because you want a house... we have struggled a lot here and things were scarce. That time was bad. The headmen who were around ruled us. They would say 'build now, build now' and if you did not they would take the place. How were we supposed to build? We had no money. The headman treated us badly. But God helped us and we built and made it through that.[105]

Siphiwe Mbonde had heard that at the time "Apparently people were bribing the headmen. A person went to the headman they knew."[106] The dominant feeling that came through from the informants was that they had no choice; they were helpless, despite their subjection to the headmen they had to find a way to improve their living situations.

The UBC had told people that the move to the Old Cemetery was temporary and that they would be relocated elsewhere in due course.[107] The UBC was

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[104] Interview, Nonzwakazi Mbhunge, 18 April 2006, Grahamstown.
[105] Interview, Diana Dwyili, 23 March 2006, Grahamstown.
[106] Interview, Siphiwe Mbonde, 26 October 2005, Grahamstown.
[107] Interviews with Ndancama informants.

probably confident that Fingo Village residents would be moved to Committees Drift through Group Areas legislation. As already stated, by 1975 this move had been successfully resisted. Perhaps then, this is why the UBC's temporary relocation plan backfired. It is possibly the reason why rentals were not paid at Ndancama; the settlement was never meant to be officially administered. Nomonde Madinda recounts that she "did not like to move here. But we were told that we had to build with corrugated iron sheets because we were going to leave...we were told not to use bricks because we would move from here."[108] When it became apparent that they were not going to be moved, and the unplanned, haphazard constructions gave rise to squalid living conditions, the people 'gave up'. Joyce Nesi said that because it was a cemetery "it was not a place for people to live...and so it was called Ndancama when people came to live here."[109] She recalled that there were people who were going to move there but changed their minds when they saw the bones.[110] Those who stayed to build resigned themselves to living in the cemetery in a deteriorating settlement because they had nowhere else to go.[111] Madinda recalls that "it is clear that there were people who did not want us to settle here because they told us not to build with bricks, we were going to leave."[112] When they arrived Joyce Nesi recalled that "...there were bushes and trees, it was very quiet and strange, a bit scary. "[113]

Life at Ndancama would be incredibly difficult. Joyce Nesi said that "Even at the beginning, when they were levelling the place, bones emerged, and skulls, and they would put them on the side and take them."[114] This was an unpleasant situation. There were taunts. Nombulelo Madyo who was renting at D Street in Fingo, recalls derisive comments made by people: " ...you're going to live at the grave yard, you're going to live at the grave yard – our father's grave was there, and grandma's grave is there and our aunt's grave is

[108] Interview, Nomonde Madinda, 24 October 2005, Grahamstown.
[109] Interview, Joyce Nesi, 21 March 2006, Grahamstown.
[110] *Ibid.*
[111] Interviews with Ndancama informants.
[112] Interview, Nomonde Madinda, 24 October 2005, Grahamstown.
[113] Interview, Joyce Nesi, 21 March 2006, Grahamstown.
[114] *Ibid.*

there."[115] She came to terms with the taunts by reminding herself that "these people [who are buried in the cemetery] when they came here it was said to them *'rest in peace".* So these people we live on them, they're at peace because it was said that they should rest in peace. "[116]

It appears that while the presence of the remains was unpleasant, these would not be the main source of despair and frustration at Ndancama. It was the lack of services and infrastructure, and the deterioration of community relations which really made life difficult there. Over the next thirty years, life at Ndancama was characterised as dangerous, and 'tough', 'wrong', 'dirty'. Madyo describes the overcrowded settlement:

> ...people were tripping over each other. If I showed you outside my kitchen, so you can see the way we used to live, there were two rows of houses behind...Over here would be the toilet and right here is the kitchen. The toilet of the man who lived behind me...if I had put a window on that side of the kitchen; the smell would have come from the toilet...it was terrible, a mish-mash.[117]

Mbhunge, like her mother, would herself become a beer seller and always had to evade the police. She said her intuition told her when there would be a raid, and she would hide her stock with friends.[118] Opportunities for employment in the formal economy continued to be scarce. Rape (including gang rape) and murder were common occurrences. The area was immensely difficult to police. Nesi remembers the lack of peace of mind: "If something went wrong in the neighbour's house you'd be scared, in case it spilled over."[119] There was no adequate supply of water. Although she was not afraid of living on top of the bones, Nonzwakazi Mbhunge also recalls that the area was "rough" and that there were high levels of violence:

> ...because people lived [in congested circumstances] ...things were wrong... there was fighting...people stealing...people being chased by the police ran into Ndancama because of the narrow alley ways...sometimes they'd climb on top of the house...things like

[115] Interview, Nombulelo Madyo, 25 April 2006, Grahamstown.
[116] *Ibid.*
[117] *Ibid.*
[118] Interview, Nonzwakazi Mbhunge, 18 April 2006, Grahamstown.
[119] Interview, Joyce Nesi, 21 March 2006, Grahamstown.

> that... but we got used to it until we have grown up now... We were also naughty... we were just like boys... like I say things were wrong... we were also wrong... A person couldn't just say anything to me...They knew me, that shouldn't just say anything to me...[120]

Diana Dwyili spoke about how hard it was during the struggle against apartheid, especially when the police came looking for her sons.[121] This is reiterated by both the young men interviewed who said that Ndancama was a hotbed of political activity during the 1980's.[122] For Siphiwe Mbonde, Ndancama had a reputation for being dangerous:

> People have said a lot about this place. This place has been feared by many people. But also, people would come from far and misbehave here...people were afraid to come in here because it was so congested...I could run and escape on top of the houses because it was so congested. You would hear a person cursing "Hey hey hey!" because I'm running on top of their house. That is the way it was so congested. Even in those days of *toyi-toyi* (anti-apartheid resistance) the police would have a really hard time...There would be alley-ways that had dead ends. But we knew them [the alleyways].[123]

Thembelani Fene remembered it as the main "base of struggle" where the "system couldn't find you" because of the narrow alleyways and density.[124] This congestion presented other awkward situations, as Siphiwe Mbonde recounts:

> In the past it was difficult here. It was hard to get a lot of services here. There was no water here... Even municipal services...The bucket system pick-up trucks did not come in here because it was difficult. Then the workers would have to come in and pick them up and walk them over to the other side... Then they would take the whole day. It was a life like that... It was congested. There was no nice breeze here.

This common theme of Ndancama as a place of hardship underpins residents' current attitudes concerning the presence of bones and the intervention of SAHRA. The lack of development at Ndancama is the essence of the

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[120] Interview, Nonzwakazi Mbhunge, 18 April 2006, Grahamstown.
[121] Interview, Diana Dwyili, 23 March 2006, Grahamstown
[122] Interview, Siphiwe Mbonde, 26 October 2005, Grahamstown.; Interview, Thembelani Fene, 13 April 2006, Grahamstown.
[123] Interview, Siphiwe Mbonde, 26 October 2005, Grahamstown.
[124] Interview, Thembelani Fene, 13 April 2006, Grahamstown.

difficulty; the remains were a secondary discomfort, if indeed one at all. Maleki said that he had never personally encountered any bones and only heard of them as a problem recently: "The thing that pushed us to come here was that we had no place and it was tough to rent."[125] In the post-apartheid era, there were expectations by some residents that life at Ndancama would improve. Diana Dwyili said that her expectations were to "rest" in the new democracy and hoped to have a house built for her; "When this time came - freedom... we thought could rest, that we could be happy..."[126] In other words, the new dispensation ought to have brought about improvement into the lives of the people at Ndancama. Dwyili sought peace of mind and some basic material security.

One objective of the post-apartheid South African government was to address the immediate material needs of citizens like Dwyili. However, the state also had to address social transformation in other ways. One was to redirect the cultural and ideological orientation of the state to embrace the diversity of the country's cultures and restore respect to previously denigrated forms of cultural expression. Heritage policy has been one instrument for constructing a new national identity. By virtue of its age, and relationship to Fingo Village, the Old Cemetery would have been as historically significant as the old 1820 Settler Cemetery situated between Anderson and Grave Streets. The 1820 Settler Cemetery is suitably memorialized and protected.[127] The National Heritage Resources Act No. 25 of 1999 and the establishment of SAHRA through this act, was an attempt not just to provide for a unitary approach to heritage management in South Africa, but also to redress historical omissions. SAHRA replaced the old National Monuments Council as the primary body concerned with heritage matters in South Africa. The recognition of oppressed people's remains as symbols of national significance indicates that redress

[125] Interview, Mdwangi Maleki, 26 October 2005, Grahamstown.
[126] Interview, Diana Dwyili, 23 March 2006, Grahamstown.
[127] It was very difficult to locate a map which indicated the age and extent of Fingo Old Cemetery in the Cory Library Archives. The paucity of documentation in this regard was on its own revealing and also frustrating. In contrast, most of the searches for 'Old Cemetery' unearthed a number of historical maps indicating old settler graves and the main 1820 cemeteries in Grahamstown.

and the restoration of dignity can occur even after death. In the past historic white burial grounds have received due protection from state authorities.[128] SAHRA's intervention at Ndancama demonstrates the process of restoration as previously unrecognised black cemeteries became heritage sites. The act states that heritage has a role in nation-building, in affirming "our diverse cultures", and in shaping "our national character."[129]

Corsane sees the establishment of SAHRA as a "large step forward in the efforts to democratise and open up the heritage sector, although it will need time to develop and implement all of the new frameworks that are required."[130] The recognition of cultural forms such as oral history and indigenous traditions as heritage by the Act, redresses past inequities and facilitates "healing and material and symbolic restitution" in a divided nation.[131] Given this mandate to preserve the national estate, SAHRA is empowered by the Act not only to identify potential heritage sites, but also to intervene where they might be threatened and to apply legislation accordingly. Section 3 of the Act defines and specifies the types of resources which can constitute the national estate, while section 36 determines how they must be handled.[132] The act defines heritage resources as "any place or an object of cultural significance."[133] It also empowers SAHRA to identify heritage resources and to "lay down general principles for the governing of the heritage resources" so that they may be "nurtured and conserved" for posterity.[134] Heritage forms part of the "national estate" and communities are encouraged to "conserve and nurture" it.[135]

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[128] Christopher, "Segregation and Cemeteries", p. 44; Bunn, "Sleep of the Brave", p. 58.
[129] National Heritage Resources Act No. 25, 1999.
[130] Corsane, "Transforming", p. 12.
[131] National Heritage Resources Act No. 25, 1999.
[132] *Ibid.*
[133] *Ibid.*
[134] *Ibid.*
[135] *Ibid.*

The establishment of SAHRA was not without its birth pains. In 2003 Van der Merwe wrote a scathing attack on the body because of the problems faced by archaeological and palaeontological researchers as a result of red-tape; he described the situation as a "quagmire".[136] Section 8(3) of the National Heritage Resources Act required provincial agencies to be set up to oversee Grade II and III heritage as laid out by the act. However, by 1 April 2002, the deadline for the opening of these new provincial agencies, only Kwazulu-Natal had a provincial heritage council.[137] Thus archaeologists, palaeontologists and infrastructural developers were unable to legally obtain permits from these bodies to conduct work on sites with identifiable heritage.[138] Section 7 of the act grades heritage as follows:

> (a) Grade I: Heritage resources with qualities so exceptional that they are of special national significance;
>
> (b) Grade II: Heritage resources which, although forming part of the national estate, can be considered to have special qualities which make them significant within the context of a province or a region;
>
> and
>
> (c) Grade III: Other heritage resources worthy of conservation,

Under Section 8 (1) the act delegates authority:

> There is a three-tier system for heritage resources management, in which national level functions are the responsibility of SAHRA, provincial level functions are the responsibility of provincial heritage resources authorities and local level functions are the responsibility of local authorities. Heritage resources authorities and local authorities are accountable for their actions and decisions and the performance of functions under this system.[139]

Both these sections of the legislation are not clear enough. Perhaps by its very nature, the idea of heritage is too imprecise. Therefore, it is not clear how

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[136] Van der Merwe, N. "South African Archaeology and Paleontology In Legislative Quagmire", South African Journal of Science, 99, 2003, p. 237.
[137] *Ibid.*
[138] *Ibid.*
[139] National Heritage Resources Act No. 25 of 1999.

one differentiates between the grades of significance and therefore who ought to bear responsibility for what. In Ndancama's case, the current local municipality struggled to ascertain which tier of government ought to bear the financial costs associated with complying with SAHRA legislation.[140] As Makana's Senior Technical Officer, Oldo Rudolecky, commented, "SAHRA says obey" but they do not have the budget to enforce legislation.[141]

Subsection 3 (2)(g) of the National Heritage Resources Act defines sites of interment which are considered heritage resources. It lists

> graves and burial grounds, including -
>
> (i) ancestral graves;
> (ii) royal graves and graves of traditional leaders;
> (iii) graves of victims of conflict;
> (iv) graves of individuals designated by the Minister by notice in the Gazette;
> (v) historical graves and cemeteries; and
> (vi) other human remains which are not covered in terms of the Human Tissue Act, 1983 (Act No. 65 of 1983).[142]

The Human Tissue Act governs the medical use of remains. The National Heritage Resources Act is concerned with older burial sites. Ndancama is therefore governed specifically by 3 (2) (v). Section 36 of the Act delineates SAHRA's responsibility towards these burial grounds and graves. In terms of section 36 (3) (b) "persons/ institutions/ organizations may not destroy, damage, alter, exhume, remove from its original position or otherwise disturb any grave or burial ground older than 60 years which is situated outside a formal cemetery administered by a local authority..."[143] SAHRA's policy appears to generally view tangible sites as historic if they are at least 60 years of age. Thus it is not just burial sites associated with special historical events

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[140] Interview, Oldo Rudolecky, Makana Technical Officer , and Phakama Booi, Technical Assistant, 12 May 2006, Grahamstown.
[141] *Ibid.*, 12 May 2006, Grahamstown. National Heritage Resources Act, section 34(1) stipulates that "No person may alter or demolish any structure or part of a structure which is older than 60 years without a permit issued by the relevant provincial heritage resources authority."
[142] National Heritage Resources Act No. 25, 1999.
[143] *Ibid.*

and narratives that will be protected. All graves will at some point qualify as heritage sites. SAHRA has a Burial Sites Unit whose responsibility it is to ensure that legislation is applied to relevant burial sites.

Notwithstanding the National Heritage Resources Act's didacticism in its efforts to "shape" national character, it also promotes and encourages a participatory civic model as part of the process of its implementation. SAHRA therefore views "public participation" and the "voice of the public" as significant components of its intervention strategies.[144] Sub section 36 (5) requires applicants to engage in consultation and reach agreement with affected communities with regard to the specific burial ground before SAHRA can issue a permit for exhumations or other alterations.[145] When the first set of remains was discovered in 1998 during the building of the community hall, the SAHRA had not yet come into being. Concerned community members convened meetings to discuss the matter.[146] Two members of the forum, Mtutuzeli Kulati and Mxoleli Sullo (who are not residents of Ndancama) recount that although the idea that people should be moved was mooted, it was decided that this was impractical and in any case, they felt that this case was not uncommon in the history of black townships.[147] Sullo remarked that "all the African townships are built on graves."[148]

The unearthed remains were given over to the Albany Museum, and the construction of the Ndancama community hall proceeded. While consensus was reached on this matter in the 1998 case, when SAHRA intervened in its official capacity in 2004, resolution became elusive. A consultative meeting was held in July 2004 between SAHRA, a municipal official, the ward councillor of Ndancama, the City Engineer's office which was involved in the development, the South African Police Service, and a community

[144] Email correspondence, Christine Jikelo, SAHRA former Burial Sites Unit officer, 12 May 2006.
[145] National Heritage Resources Act No. 25, 1999.
[146] Interview, Mtutuzeli Kulati and Mxoleli Sullo, 16 May 2006.
[147] *Ibid.*
[148] *Ibid.*

representative.[149] Although there was consensus at the meeting on the need for co-operation between the various stakeholders and for the heritage imperatives to be dealt with, the consultation did not lead to any action. Given its mandate, SAHRA approached the matter with the view that a consultative approach would "protect both the community and the cemetery".[150] At the time, SAHRA's provincial office was in Grahamstown, which allowed for close interaction with the municipality and the community. However, since then the SAHRA office has moved to East London and their representative, who drove the Ndancama consultations, has since been transferred to a different province.[151] SAHRA admits "focus on Ndancama shifted", but maintains that "the case has not been abandoned."[152] Although SAHRA's approach involved consultation, the process was top-down and therefore lost steam when the office was moved from Grahamstown.

The sewerage reticulation project at Ndancama has all but been abandoned. In 2003 Makana Municipality received R 5 060 460 from the Department of Housing for the purpose of eradicating the bucket system in three Grahamstown townships.[153] These funds were released to promote "the establishment of more viable, sustainable settlements and which will assist in overcoming disparities and dislocations often created through the unequal distribution of resources and apartheid-based planning and development practice."[154] The project also allowed for houses to be upgraded provided that double subsidization from this project and the Housing Subsidy Scheme was avoided.[155] The project was due to be completed by 24 April 2004.[156] In this

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[149] Minutes of the Ndancama meeting held at SAHRA Office, 29 July 2004; Correspondence from SAHRA to South African Police 22 August 2004; Correspondence from SAHRA to Makana Municipality Technical and Infrastructural Services, 22 July 2004.
[150] Email correspondence, Christine Jikelo, SAHRA former Burial Sites Unit officer, 12 May 2006.
[151] *Ibid.*
[152] *Ibid.*
[153] Correspondence between National Department of Housing and Department of Housing and Local Government Bisho, 4 August 2003.
[154] *Ibid.*
[155] *Ibid.* Applicants can be given an 'RDP-house' which is the colloquial term for a subsidy house nicknamed after the Mandela administration's 'Reconstruction and Development Programme'.

case, the government's mandate to preserve heritage has hampered its attempt to provide infrastructural development. The key problem is that the developer in this case is Makana Municipality. Developers who encounter human remains are obligated by sub section 36 (4) of the National Heritage Resource Act to bear the costs of all the procedures laid down in the legislation.[157] This includes hiring an archaeologist who would stay on site, at a cost of approximately R 350 000. Such a person would have to be trained to assess and excavate the area, as well as oversee the proper exhumation of the remains.[158] In 1998, before the legislation, the bones had been given over to the Albany Museum unconstrained by any legal obligations. Arguably, the enactment of legislation, and the financial implications hamper the progress of the development project which has stalled since the end of 2003. Oldo Rudolecky cited the Prestwich (Cape Town) case to point out that as a local government, they could not be expected to bear the same financial burdens in these cases in ways in which private developers could.[159] They were limited by the funds released by the national Department of Housing for the 2003/2004 financial and none of the heritage related exigencies could have been factored in. The contractor's original tendering costs would inevitably increase with the passage of time. This raised the question as to how readily municipalities could take on heritage management. SAHRA also states that "local and provincial authorities will manage heritage resources as part of their planning process" because it is these levels of government which are closest to communities.[160] Heritage management is clearly delegated to the local authorities by the national body. However, this case shows that the local government lacked the resources to deal with heritage-related contingencies. Moreover, SAHRA itself has neither the human resources nor the financial

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[156] Interview, Oldo Rudolecky, Makana Technical Officer , and Phakama Booi, Technical Assistant, 12 May 2006, Grahamstown.

[157] This case is similar to the Prestwich remains uncovered in Green Point, Cape Town. When the graveyard was discovered, development was halted and SAHRA policy was implemented. After a consultative process which lasted 60 days and involved the greater community, it was decided that these people's remains would be memorialised. Unknown Author D, 'Slave graveyard' could become a memorial site', 21 Oct 2004, retrieved from World Wide Web at http://iafrica.com/news/sa/9328.htm.

[158] Minutes of the Ndancama meeting held at SAHRA Office, 29 July 2004; field notes 10 May 2006.

[159] SAHRA, "Prestwich Place Burials, Cape Town", retrieved online at www.sahra.org.za/media270803.htm.

[160] SAHRA webpage, retrieved online at http://www.sahra.org.za/intro.htm.

capacity to effectively resolve all matters affected by legislative imperatives.[161] The Albany Museum has been storing the Ndancama remains for eight years. Lita Webley, the museum's Director, said of the matter: "I think we are more frustrated than anything else. Soon after the remains were found and we agreed to store them in the museum until reburial, we were assured the contractor (who built the community centre) would pay for the reburial ceremony."[162] The museum did not have the capacity to deal with the remains, "We really don't have storage space to look after the remains. We cannot accession them. We don't have storage space to look after large amounts of unaccessioned material indefinitely, and we would really like to hand the remains over to someone who would like to take the reburial process forward."[163] At the same time however, South African museums, were coming under fire for unnecessarily holding human remains. Storing the Ndancama remains became a burden for the Albany Museum. Webley commented that "This is why the museum is so reluctant to become involved in any further recovery of human remains."[164]

The interviews with the residents revealed ambiguities and tensions in their views about living on a cemetery. The prevailing opinion was that the bones should be moved and not the people. In 1998 Fene and Siphiwe Mbonde worked as part of the community hall construction team. Fene described his encounter with the remains that were unearthed on the site: "I found like jaws and alsorts of...the whole thing, even a box. I was shocked because I would have thought it would have rotted. But you could still see it was a box. The remainders I gave them to the main man."[165] The immediate experience affected him negatively saying that when he returned home that day he "decided not to go and work there and dig bones."[166] However with the passage of time his attitude towards the bones has shifted from one of initial

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[161] Email correspondence, Christine Jikelo, SAHRA former Burial Sites Unit officer, 12 May 2006.
[162] Email correspondence, Lita Webley, 15 December 2006.
[163] *Ibid.*
[164] *Ibid.*
[165] Interview, Thembelani Fene, 13 April 2006, Grahamstown.
[166] *Ibid.*

shock and revulsion to protectiveness: "I feel it's a spiritual thing to me now. I'm so in touch with them, I even touch them and try to protect them. If I see a bone being thrown around, I try to dig for it, or put it on top of my house so I can show it to the ward councillor."[167] Fene made peace with the presence of the bones; he was able to find a way to show his concern for them.

Nonzwakazi Mbhunge was ambivalent about the bones. She stated that she "does not feel anything living on these bones. It's all the same as if I'm living in town."[168] However, she voiced her concern for their memorialisation and proper burial:

> When I think about it, even this situation that we are living on these old people, it is not right. I was thinking that these bones maybe they should be dug out before they fix these houses....things can be better for the people who are related to these people because we are all black people. Because even if people do not talk, they will have that thing that '*eyi*, there is my grandfather's grave over there'. Maybe it would be better for the people of those families who know themselves, that when the monies come out, we should buy a memorial stone. A memorial for those who were buried at Ndancama.[169]

Siphiwe Mbonde however, said that knowing that he lived on top of graves was "painful": since growing up he has felt that "...a place where people are supposed to be resting in peace is not a place for people to be walking in and out of. It is a place where they should not be disturbed, they should be left alone. It is not a place to play in."[170] Unlike Fene, he did not feel a personal spiritual responsibility towards these remains.

Joyce Mbonde who was part of the first group of people who moved there in 1972 recounted several experiences where she and people she knew had uncovered bones: "When we were digging you might chance upon a bone.

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[167] *Ibid.* He showed the bones on top of his house to the interviewer.
[168] Interview, Nonzwakazi Mbhunge, 18 April 2006, Grahamstown.
[169] *Ibid.*
[170] Interview, Siphiwe Mbonde, 26 October 2005, Grahamstown.

You see? Some would bury them. Another person was digging and came across a skull...and they were scared by that and they put it in a vat."[171] She described how an older man who lived next to them intervened and commented that it was not right, saying that "a human bone does not lie anywhere". He took the bone away with him although she does not know what he did with it.[172] Unlike some of the informants who say they had never really seen anything till recently, her many encounters with bones indicated that her house was located right on top of several graves. When she first arrived she did not "feel good" knowing she was on top of a cemetery.[173] Despite her anxieties however, she said that nothing funny ever happened: "Nothing ever happened. There is nothing I can say happened even when you were sleeping, we slept pleasantly, we live here just fine. You would have to imagine these things yourself about where you are living...Now we are so used to it.[174]"

She went on to clarify her initial discomfort, that it was only natural to think about the people buried there: "I cannot, with the full knowledge that you are buried in this place just live and be relaxed on top of you. That's not nice... It is not nice to live on top of a grave, it feels uncomfortable. But I do not want to lie, I do not have bad dreams. I am relaxed. It's all in own your imagination."[175] Anxieties for her did not emanate out of any entities coming from the graves and she was therefore able to come to terms with her initial uneasiness. Resolution and finding peace were necessary to her because "a person lived here because they had no other way."[176] The experience of 'helplessness' and desperation was echoed by Mdwangi Maleki who said that "he felt bad [living on the cemetery] but I have no option. It is wrong, but I have no place."[177]

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[171] Interview, Joyce Mbonde, 31 October 2005, Grahamstown.
[172] *Ibid.*
[173] *Ibid.*
[174] *Ibid.*
[175] *Ibid.*
[176] *Ibid.*
[177] Interview, Mdwangi Maleki, 26 October 2005, Grahamstown.

The informants concurred that the municipality and SAHRA had to resolve the matter urgently. Because they had been to meetings and had been through a consultative process, the general feeling was that building must continue.[178] Joyce Mbonde said that "...we are sitting on top of this problem to this very day and they keep saying they will fix things for us. When? They say that somebody must come and inspect these bones and then they will build for us. But then, I really do not know when this will be."[179] The municipality decided to re-locate residents voluntarily to a new area they were developing whilst the building at Ndancama was held up. Fene disagreed with this move:

> I am not strictly saying people should stay or people should leave. But I think staying is a must for those who were born here. I think those who were born here should protest if they actually decide they should take Ndancama away. Where else can you go to start a new life? I feel so ashamed for the guys who left as well, who were born here...They should have given those new houses in Vukani to new people... they should have left the old people who lived here who knew each other.[180]

Of primary importance to all the informants was the necessity for development and progress in their area. Their most pressing concern was for the municipality to provide taps, street lights, and to build proper roads. In the original homes, sewerage and sanitation still operate through the bucket system, whereas the RDP houses are outfitted with flushing toilets.[181] Siphiwe Mbonde described the difficulties for the sewerage pick-up trucks when they came to Ndancama to fetch the buckets. Because the area was so cramped They took the whole day.[182] Although Nomonde Madinda said "it was painful for her" that these remains would be "dug up with a Caterpillar", because she had received her RDP-house she wished the same for other residents:

> I cannot say, knowing that things have been fixed for me, that I have a house, that others should not have houses, that causes conflict.

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[178] Interviews with informants.
[179] Interview, Joyce Mbonde, 31 October 2005, Grahamstown.
[180] Interview, Thembelani Fene, 13 April 2006, Grahamstown.
[181] Interview, Nombulelo Madyo, 25 April 2006, Grahamstown.
[182] Interview, Siphiwe Mbonde, 26 October 2005, Grahamstown.

> So if I take the position that these bones should not be dug up, people will say 'Oh, but her relative already built her a house, he started with her, they are from the same family'. People are desperate for houses. We have to all be the same. It must all be equal. [183]

Siphiwe Mbonde, who is single and unemployed, was exceptional in that he did not mind being moved. He said that the government should find a place somewhere else if it was just for him because he felt that the RDP-houses were too small for the whole family.[184] He said there was "confusion" in the community about whether building of the houses should continue; "Others say "they should stop building", others say "what can we do, we have no place." And that was really true, we have no other place."[185] Employment provided by the community hall construction project highlighted the tensions:

> We wanted the project to build the hall. And we wanted it for the residents. There were many young people [who worked on the construction team], you find that we are unemployed and there is a lot of corruption. There are few who are getting an education. We wake up in the morning and sit in the place. When the project came about it was something that helped us. We wanted to do something as residents.[186]

Nombulelo Madyo concluded that if the building of the houses did not continue then government funds would have gone to waste.[187] She stated that "we also want progress, we desire it. We do not want these bucket toilets."[188] Diana Dwyili disagreed with the idea of moving because she has lived there for a long time, and suggested that the municipality needed to improve the area which was "dirty".[189] She had never personally encountered remains and believed that they had only became an issue in recent years.

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[183] Interview, Nomonde Madinda, 24 October 2005, Grahamstown. She was related to the councillor of the then municipal council representative for Ndancama.
[184] Interview, Siphiwe Mbonde, 26 October 2005, Grahamstown.
[185] *Ibid.*
[186] *Ibid.*
[187] Interview, Nombulelo Madyo, 25 April 2006, Grahamstown.
[188] *Ibid.*
[189] Interview, Diana Dwyili, 23 March 2006, Grahamstown.

Today Ndancama is a step further away from the slum that it used to be. Over the years residents have built stronger, larger houses with durable materials. Although houses in the same row are on average five to ten metres apart, the alleys are wide enough for pedestrian traffic, if hardly so for vehicles. Plot sizes vary, most of them leaving barely enough room for a garden. Small vegetable and flower patches along the fences and in the tiny backyards are testament to the efforts of residents to make Ndancama their home. When I was on a brief visit there, Nomonde Madinda joked that the pumpkins in her backyard were large because the soil was fertile as a result of the decayed bodies.[190] Despite the apparent tensions about the need for the dead to be respected, these taboos are ultimately trumped by sheer material need.

The neglect of Fingo Old Cemetery and its changing uses shows that the principles governing spaces of interment are flexible. This is not merely to argue that burial practice and the meanings attached to human remains are arbitrary social constructions, but to highlight that these practices and their meanings cannot be separated from material imperatives. But how does living on a cemetery affect religious beliefs? As Jindra argues, tracking religious change in individuals or local communities is much more difficult than when it is an institutional process.[191] The transformation and resilience of old forms of religious practice are not necessarily easy to identify. The Dispatch Online reported that a "local traditional healer warned that the community hall will never be safe after ancestors had been so insensitively exhumed."[192] However, these claims were rubbished by Professor Peter Kota of Fort Hare University as "ramblings" which cast Africans as beholden to dark and primitive superstitions.[193] Contrary to the traditional healer's warnings, some of the interviewers expressed the idea that the ancestors saw that they were desperate. Although Fene described himself as 'open-minded' and espoused a Rastafarian lifestyle, all nine of the interviewees practise ritual observances

[190] Researcher field visit.
[191] Jindra, M, "Christianity and the proliferation of ancestors: Changes in hierarchy and mortuary ritual in the Cameroon grassfields", Africa, 75, 3, 2005. pp. 356 – 377.
[192] Clark, "History and Power."
[193] *Ibid.*

to their own ancestors in conjunction with Christianity. Madyo, who is a seer, believes in the connection between the living and the dead.[194] She receives guidance from her deceased relatives, passed on through her dreams.[195] However, because she believes the people buried at the cemetery are at peace, they are not disturbed by the settlement. She believed the dead would be resurrected according to the Bible. But she said that "according to Xhosa beliefs dead people haunt... but I have never seen such things."[196] Living on the cemetery in no way disrupts religious and ancestral rituals. Mdwangi Maleki affirmed this: "Since I've been here I've had a ritual for my father to bring his spirit back [into the home after death], in this house. I did not see anything, I lived just right."[197] Joyce Nesi took a similar view: "This place where we live never really gave us peace, but we found peace ourselves because there was nowhere else...Our rituals go well, nothing has ever gone wrong, like perhaps the goat not letting out a cry [as it should during a ritual slaughtering]."[198] Thus "Like people throughout the world affected by European expansion, they have incorporated outside forces and interpreted them in an already existing cultural structure".[199]Only Madinda invoked Xhosa 'culture' adamantly as a way of framing the problem of the remains.[200] Her comments were informed by the "painful" experience of a relative's exhumation, and generally reflected her perception that there was a racist bias in the way white and black cemeteries are managed: "White people's graves are alright. Nobody disturbs them. We also do not want the Xhosa graves disturbed. Stop it, this thing must end. We must be valued, we are black people."[201]

She was impassioned in her disapproval of her family's recent decision to conduct an exhumation:

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[194] Interview Nombulelo Madyo, 25 April 2006, Grahamstown.
[195] *Ibid.*
[196] *Ibid.*
[197] Interview, Mdwangi Maleki, 26 October 2005, Grahamstown.
[198] Interview, Joyce Nesi, 21 March 2006, Grahamstown.
[199] Jindra, "Christianity", p. 372.
[200] Interview, Nomonde Madinda, 24 October 2005, Grahamstown.
[201] *Ibid.*

> ...the idea of digging up people...I do not like this. This thing that when a person is sleeping peacefully in their grave, and then just because I have money and I am educated I would go and dig up my mother...that thing they did to my uncle. They did this here at home...and then he was buried in town. I did not go to that event. Xhosa culture does not allow such things. We are Xhosa, by heritage. We cannot do white people's customs.[202]

Her position though, was ambivalent, she believed that the construction should continue. This ambivalence illustrates that the sacredness of human remains is not an absolute value but determined by context. Furthermore, according to ancestor beliefs, "the individual's concern is mainly for ancestors of one's own lineage, or the lineage of one's spouses."[203] The Ndancama have not actually violated their own known relatives. In a spiritual sense, the residents enjoy a somewhat peaceful co-existence with the bones, alongside undisrupted relationships with their own ancestors. For example Mbhunge believes that her brother who passed away takes care of her and described a dream in which she was re-assured of his constant presence in her life.[204] The City Engineer's Office framed the impasse not in terms of the communities' "beliefs about the dead", but placed responsibility squarely on the "heritage people" and the costs involved in following all the procedures laid down in the Act.[205] Hence, heritage legislation was proving more of a stumbling block than a useful mediation tool between them and the community.

The uneasiness of the residents reflects common South African norms that dead people should never be disturbed in their resting places. The problematic transgression of the boundary between the living and the dead was expressed in general humanistic, rather than culture-specific, terms. A cemetery is a place for the dead rather than the living – to settle living people transgresses this socially and legally constructed boundary. The social

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[202] *Ibid.*
[203] Thompson, D. 'African Religion and Mormon Doctrine: Comparisons and Commonalities' in (eds) Blakey, D, van Beek, W, Thompson, L. Religion in Africa, London, 1994, p. 95.
[204] Interview, Nonzwakazi Mbhunge, 18 April 2006, Grahamstown.
[205] Field notes, 10 May 2006.

boundary is maintained by taboos and mores which regard the interred corpse as an entity whose space ought not to be breached. Furthermore, this settlement has brought living people into actual contact with the human remains. As Siphiwe Mbonde said, "...there is that thing that this is a person's bone, you're not supposed to see a person's bone."[206] Graves ought to shroud the process of decay.

Although the name 'Ndancama' implies finality and discontinuity, the residents' lived reality is one of ongoing 'struggle' and 'difficulty' and aspiration towards progress and improvement. The name itself can be seen as a metaphor for a life of hardship, poverty and 'propertylessness', which is further dramatized by the fact that it unfolds on the site of a cemetery. For the people interviewed, respect due to the dead is acknowledged, but material needs prove to be far more pressing. Constraints impinged upon the type of custodianship role that the state was to play over heritage. Additionally, its heritage custodianship role conflicted with its developmental goals.

At this juncture I return to the question of the nature of human remains as heritage. Are human remains heritage because they embody a type of 'personhood'? Are human remains heritage because they are material historical relics which are evidence of our origins? There is clearly a difference between a material relic and a more spiritual notion of 'person'. In the case of autopsies, Renteln argues, the rights of the recently deceased are inextricably tied to culturally defined notions of how the living ought to relate to them.[207] In other words, the dead are treated as a specific culture constructs 'death' and 'the corpse'. But in this case the remains are dated (bones are not corpses), and the state has emerged as primary custodian, incorporating them into the 'national estate', thus bringing the full weight of its authority to bear upon the situation. The state represents not so much a 'culture' but politico-legal paradigm. In terms of SAHRA's mandate, I argue that the remains at

[206] Interview, Siphiwe Mbonde, 26 October 2005, Grahamstown.
[207] Renteln, "Rights of the Dead", p. 1005 – 1007.

Ndancama are primarily historical artefacts, but they are artefacts of a *special type*. They are special because they must be treated with a sense of dignity and respect that goes with being human. However, they are different from humans in that humans are not considered a part of the 'national estate'. SAHRA goes so far as to say it will enact its custodianship over burial grounds and graves which are over 60 years old, "no matter how inaccessible they are, or difficult to maintain", because this is important for "historical and research purposes."[208] Hence, the remains unearthed at Ndancama are symbolic artefacts, rather than personified remains. These 'unknown' dead are even less significant in the spiritual lives of the residents because, argues Bond, each religion is constituted within a particular "socio-historical configuration."[209] A religion is bound up within newer social and geographical newer forms of human organisation with their own particular historical trajectories. In the context of a globalising, urban world local indigenous religions are caught up in a process where newer modes of organisation and forms of governance imported from other parts of the world are penetrating into their specific local context. Urbanisation, as a specific historical process arising from an industrialising Europe in the late eighteenth and nineteenth centuries has expanded as a mode of social organisation globally. Whilst it reorganises the social relations and practices of domestic living, it does not necessarily create dramatic conflict with the indigenous religious symbolic order. Local symbolic practices continue within the lives of the Ndancama's residents alongside their fraught experiences of 'propertylessness'. Instead, compromised or new forms of memorialisation have arisen in this context.

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[208] "A guide to the commemoration of graves of victims of war and conflict in South Africa", compiled by the Burial Sites Unit a division of SAHRA.

[209] Bond, G. 'Ancestors and Protestants: Religious Coexistence in the Social Field of a Zambian Community,' American Ethnologist,14, 1 Frontiers of Christian Evangelism, 1987, p. 59.

CHAPTER THREE

PROBLEMS ARISING FROM THE UNEARTHING OF HUMAN REMAINS AT EDWARD STREET CEMETERY IN KING WILLIAM'S TOWN

Patricia Davidson argues that

> Museums like memory, mediate the past, present and future. But unlike personal memory, which is animated by an individual's lived experience, museums give material form to authorised versions of the past, which in time become institutionalised as public memory. In this way, museums anchor official memory.[1]

In the post-apartheid South African museum sector not only have apartheid representations of the past been contested, challenged and dismantled, but transformation has challenged the museological practices which have given rise to exclusivist representations of the past. Museum management of human remains has been one such area of debate. Before the repatriation debates of the early 1990s, museums the world over had freely procured, preserved, stored and displayed human remains. However, the presence of human remains in museums has serious ethical implications in the post-colonial world. This chapter focuses on the thirteen-year long saga arising from the unearthing of human remains from the King William's Town Old Military Cemetery on Edward and Weir Streets. The remains were unearthed in 1993 during the construction of a town house complex on Weir Street. This portion of the Old Military Cemetery was unmarked. Local speculation had it that the remains were those of victims of the 1856-57 Great Cattle Killing. After the 1993 discovery, the remains would later be housed in boxes in the then Kaffrarian Museum, raising ethical questions, before they were finally reburied on 30 September 2006. The challenge posed by these remains became all the more complex because it straddled both the apartheid and post-apartheid municipalities. The first problem was the lack of memorialisation and neglect of the unmarked portion, and the apartheid

[1] Davidson, "Museums", p.145.

municipality's dubious and hasty deproclamation of that portion of the cemetery. Secondly, although investigations were conducted, there is no absolute certainty on the identity of the remains. This uncertainty gave rise to differences of opinion between a museum anthropologist and the task team which planned and hosted the reburial ceremony. The Great Cattle Killing of 1856 – 1857 is arguably *the* critical turning point in the history of independent Xhosa groupings in the 19th century. Thousands of Xhosa died of starvation when millenarian prophecies failed. A matter of practical historical consideration is where these people were buried when they died, who were they buried by, and in accordance with what cultural forms of burial? The possible presence of some graves of these victims in the heart of King William's Town would be of significance in terms of local history, heritage and post-apartheid memorialisation.

King William's Town was established as a military and administrative headquarters by Sir Benjamin D'Urban in May 1835 within the newly and illegally annexed Queen Adelaide Province (between the Keiskamma and Kei Rivers).[2] Colonel Harry Smith and D'Urban instituted measures aimed at controlling new Xhosa subjects, mostly of the Rharhabe, who fell within the boundaries of territory.[3] These included conferring the title of magistrate upon chiefs and the outlawing of 'witchcraft'; that is, behaviours associated with 'superstitious' beliefs.[4] The Old Military Cemetery in King William's Town dates back to the establishment of the town as a military post. The cemetery was made available ostensibly for white soldiers; however, it was to become part of Sir Harry Smith's 'civilisation' strategies. In his characteristic disdain for the Xhosa, Smith declared that "treacherous barbarians will be converted into Christians and peaceable neighbours."[5] Smith actively encouraged Xhosas to adopt cemetery burial for reward. As an effort to civilise , "Harry conducted a Christian funeral service for those who died in his camp. Witnesses were then

[2] Hofmeyr, G. "King William's Town and the Xhosa 1854 – 1861", MA Thesis, University of Cape Town, 1981, p. 6.
[3] Lester, A. "Settlers, the State and Colonial Power: The Colonization of Queen Adelaide Province 1834 – 1837", Journal of African History, 39, 1998. pp. 221 – 246.
[4] *Ibid.*
[5] Lester, "Settlers", p. 228.

sent forth to explain the practice and relate how the Inkosi Inkulu [i.e. Harry Smith] promised an ox to any man who brought proof that he had buried a deceased relative."[6]

As discussed in the preceding chapter, pre-Christian African grave memorialisation, and burial site organisation differed markedly from nineteenth century white settler practices. Peires argues that prior to the 18th century, "the Xhosa dead were buried sitting or standing, accompanied by their weapons, their pipes and snuffboxes, and various other personal items which they would need in the after world."[7] Death was viewed with a sense of ambivalence since belief held that people did not really die but moved on to the next world, although death was also seen as unnatural and the product of malevolent witchcraft.[8] The smallpox epidemic of 1770 changed views of death, and burial practices were altered. When the epidemic struck the Xhosa "shrank from touching their dead bodies and, as a result, the dying were carried outside and left to expire in the bush. People fled from the sight or sound of death, and in most cases the corpses were not covered but left to the dogs and the hyenas."[9] It is not clear how much longer this practice prevailed among the Xhosa. The practice of grave burial however, did not completely die out since the Eastern Cape is dotted with known graves of kings and chiefs which date back to the late 18th century. Presumably, Smith's view of appropriate burial would have reinforced cemetery burial in singular graves with the corpse being interred lying outstretched, without afterlife items.

On the banks of the Buffalo River next to the town was the Buffalo Mission station which was established in 1826 by the missionary Reverend John Brownlee amongst the Ntinde with the help of the chief's son, Dyani Tshatshu

[6] Lehmann quoted in Hirst, M. "The Old Military Cemetery in Edward Street, King William's Town", 31 May 1996, unpublished notes.
[7] Peires, J. The Dead Will Arise: Nongqawuse and the Great Xhosa Cattle-Killing of 1856 – 1857, (Johannesburg, 2003), p. 57.
[8] *Ibid.*
[9] *Ibid.*

(Europeanised as Jan Tzatzoe).[10] Over the years, the presence of the mission station proved critical to King William's Town's relations with the African population who had established a permanent presence in the town. The presence of the African population in King William's Town and its subjection to 'civilising' policies shaped the cultural milieu, and thus the history of burial in the town. The mission also served as a shelter for Africans in times of internecine conflict. When the 'Cattle Killing' unfolded, Africans at the Buffalo mission station took care of starving friends and family.[11] There was a growing population of Khoi and Xhosa interpreters, servants, wagon makers and converts who were residing as a permanent population of Africans in the town.[12] Education was provided at the mission station. Among them were also Khoi and Mfengu combatants who fought on the side of the British in the 1835 and 1846 – 47 wars.

In December 1835 Lord Glenelg, the British Colonial Secretary, demanded the retrocession of the province to the Xhosa within 12 months in favour of the less aggressive treaty system led by Sir Andries Stockenstrom.[13] King William's Town only regained permanent significance in the Cape Colony in 1846 when war broke out again. Sir Harry Smith returned to King William's Town on 23 December 1847 to head military operations in the area. On that day he gave out his infamous order that the Xhosa chiefs he addressed had to kiss his boot.[14] The formerly retroceded territory was re-annexed and named British Kaffraria, with King William's Town as the capital. Smith commissioned infrastructural development and town planning to lay out the new town.[15] This time a number of Xhosa polities 'legally' fell under Smith's jurisdiction.

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[10] Hofmeyr, "King William's Town", p. 5.
[11] *Ibid.*, p. 20.
[12] Hirst, "Old Military".
[13] Hofmeyr, "King William's Town", p. 7.
[14] *Ibid.*
[15] *Ibid.*, p. 8.

Lester shows that despite their desire for total subjugation and cultural transformation of the Xhosa, D'Urban and Smith's policy in 1835 required enormous compromises with the existing chiefs on the one hand, and settlers impatient for land on the other.[16] Although conversion was now "the cornerstone of government policy" in the new province, Lester does not detail how this would have affected cultural practices.[17] Hofmeyr's thesis details the life of Xhosa under the new imperial regime. Xhosa social and cultural life changed because of direct colonial policy and natural assimilation in the new town.[18] Whilst indigenous practices were not abandoned wholesale, the influence of the missionaries, European dominance and access to modern goods changed Xhosa dress, recreation, religious, domestic and other customary practices.[19] However, the thesis sheds little light on how this incorporation affected burial practices. Zituta analyses the gradual partitioning of King William's Town into racialised residential patterns from 1826 to 1991.[20] It details the evolving methods and strategies employed by the Borough Council, which was established in 1861, to create an urban topography characterised by racial segregation. However, it makes no mention of segregation of the dead. Hofmyer notes that in the emerging town "segregation measures affected the dead too. The local cemetery which already existed in 1847 was divided into two distinct sections. A plan of 1857 shows the European cemetery and a 'Grave Yard for Natives' immediately east of it in the vicinity of the Mule Train barracks."[21] Although there was growing segregation, King William's Town was home to Africans, whites and coloureds from its inception. In fact, until harsher segregationist legislation in 1923, freehold rights were available to coloureds, Africans and later Indians in the vicinity of the old Brownlee mission station.[22] Thus in all probability, the Old Military Cemetery was used to inter residents of colour since Smith's first

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[16] Lester, "Settlers", p. 225.
[17] *Ibid.*, p. 238. Missionary societies active in this area included the London Missionary Society, the Glasgow Missionary Society and the Wesleyan Missionary Society who were interspersed between the chiefdoms.
[18] *Ibid.*
[19] *Ibid.*
[20] Zituta, H. M. The Spatial Planning of Racial Residential Segregation in King William's Town 1826 – 1991, MA Thesis, Rhodes University. 1997.
[21] Hofmeyr, "King William's Town", p. 56.
[22] Zituta, "Spatial Planning", p. 63.

annexation. Hirst found that the cemetery was divided into two portions. The westerly portion was for "white military, civilian and missionary graves" which were marked with gravestones.[23] The easterly portion was for the burial of non-whites.[24] However, no grave stones were ever erected for their individual graves.

Smith and D'Urban's annexation of Queen Adelaide Province was a harbinger of worse things to come for the Xhosa. Over the next decade independent Xhosa clans would suffer not just tremendous material losses, but also the reorganisation of government and social control in their areas. The Cattle Killing occurred as a response to multiple military, political and environmental disasters which befell the Xhosa in the 1850s. The convergence of these multiple stresses proved catastrophic for the independent chiefdoms, then under King Sarhili. Emerging from this turbulence were new variants of traditional religion incorporating elements of Christianity. The most potent of these elements, informing the Cattle Killing, were ideas of resurrection and millenarian promises of a new world. After some disastrous military expeditions ended the second reign of Sir Harry Smith, and a brief spell under Governor Cathcart, in 1854 Kaffraria was handed over to Sir George Grey's authoritarian regime bent on 'civilising' the Xhosa.[25] His policies had antecedents in Smith's ambitious 1836 and 1847 plans.[26] His policy of civilisation was driven primarily through public works, education schemes, Christian missions and health programmes. Grey sought to break the power of the chiefs by placing them under colonial magistrates and putting them on salaries to force dependency on the colonial government.[27] His health programme was targeted directly at breaking the authority of amagqirha [diviners and healers] – who were allied with the "political authority of the chiefs."[28] Through Dr. John Fitzgerald, at the Native Hospital in King William's

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[23] Hirst, "Old Military".
[24] *Ibid.*
[25] Peires, Dead Will Arise. p. 87, 88
[26] *Ibid.*.
[27] *Ibid.*,
[28] *Ibid.* p. 82.

Town, Xhosas were introduced to western systems of medical care.[29] While the Xhosa were especially impressed with his abilities, "they were able to swallow Fitzgerald's medicine without in any way giving up their belief in the powers of the Xhosa doctors."[30] This hospital would provide critical care when mass starvation ensued months into the Cattle Killing. The hospital was one site from where the dead were taken to the burial ground.

Other disasters had been the introduction of lung sickness in September 1853 which decimated cattle herds, and a pest infestation which destroyed mielie crops.[31] The lung sickness was certainly the most devastating of the two since it had not been previously encountered and spread quickly in the region. The visual impact of its effects on the dying animals was psychologically devastating for cattle owners. The disease struck the core currency of the Xhosa economy and its social relations. Cattle died at the rate of 5000 per month.[32] The circumstances created widespread weariness and depression:

> Everywhere in Xhosaland, the homestead heads gazed at their favourite cattle, wondering whether to slaughter them before the plague of lungsickness rendered them utterly useless. At the Great Places of the Chiefs, Sir George Grey's magistrates took up their positions, visible symbols of colonial domination and concrete warnings of further oppression to come.[33]

In addition, the British loss to the Russians in the Crimean War led to speculation and rumours amongst the Xhosa that the Russians would come to save them. At least five prophets arose in 1855 who preached that the Russians were a resurrected black people who would come to drive the whites back to where they came from.[34]

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[29] Hofmeyr, "King William's Town", p. 114; Peires, Dead Will Arise, p. 82.
[30] Peires, Dead Will Arise, p. 82.
[31] *Ibid.*, p. 369.
[32] *Ibid.*, p. 95.
[33] *Ibid.*, p. 97.
[34] *Ibid.*

In April 1856, two young Xhosa girls, 15-year-old Nongqawuse and her younger relative Nombanda, were chasing birds away from the family fields near the banks of the Gxarha River when two 'strangers' in a bush called Nongqawuse.[35] These strangers were not ordinary humans, but they were of those who were to come. The strangers informed her that the Xhosa people had to cease witchcraft and kill all their cattle. If these instructions were followed, the new people would assist the Xhosa by removing the white people and restoring them with stocks of new undiseased cattle.[36] Her uncle Mahlakaza "played the role of organiser. He brought her visions to the attention of the political leadership, he acted as the channel of communication and he instructed the Xhosa nation in the wishes of the new people."[37] The prophecies were taken up hesitantly and tentatively at first. People visited Nongqawuse and the Gxarha River themselves, but none saw much. Complete belief was neither widespread, nor immediate. However, when King Sarhili, the Xhosa paramount, visited Gxarha River himself he was convinced of the truth of the prophecies.[38] He immediately issued a royal order that Mahlakaza's instructions be followed. The king led by example and had his favourite ox slaughtered.[39]

By 1857 the prophecies had not been fulfilled and thousands of starving Xhosa were streaming into the colony in search of assistance. Thousands of people died of starvation and corpses littered the land.[40] Dr. Fitzgerald saw many dying patients who had bloated bodies "where the skin burst into sores and swelled out like a balloon before sloughing off in sheets."[41] Hofmeyr states that

> Signs of severe famine were noticeable from the flow of Xhosa registering for Colonial service in King William's Town. On 4 July 1857, for example, it was reported that several hundred Blacks

[35] *Ibid.*, p. 98.
[36] *Ibid.*, p. 100.
[37] *Ibid.*, p. 369.
[38] *Ibid.*, p. 108.
[39] *Ibid.*
[40] *Ibid.*
[41] *Ibid.*, p. 265.

> passed through the capital during the preceding few days. They were all registered for service with farmers... Great numbers of "starving wretches" could be seen walking about the local streets...Another report mentioned that a Mr. Crouch had counted twenty dead bodies in the thorn bushes between the Kei River and King William's Town. They had apparently all been on their way to the town, but had collapsed and died on the way.[42]

As thousands came into King William's Town, Grey saw the potential to turn the disaster into an advantage to further extend British imperialism. The Xhosa would only be helped if they provided labour. Children were apprenticed for indefinite periods in exchange for relief.[43] In contrast to Grey's ruthless opportunism, the Kaffir Relief Committee, which was more sensitive to the plight of the starving, was formed in July 1857.[44] The Kaffir Relief Committee housed the sick in five unused Pensioner's Cottages to accommodate 100 people who could not be held at the Native Hospital.[45] These cottages had been built for the settlement of 5000 ex-soldiers as part of Grey's expansion of the town in 1854, but an insufficient number of soldiers took to the scheme.[46] However, Grey's conservatism, and that of like-minded settlers, led to the dissolution of the Committee by year's end.[47] The King William's Town Gazette of October 3, 1857 reported that a substantial number of Cattle Killing victims were interred in the "native" portion of the cemetery.[48] Complaints about unpleasant smells emanating from the vicinity of the cemetery were received, although rebuffed by the District Surgeon.[49] By September 1857, 99 people including 33 children had died at the hospital due to starvation.[50] These were the registered deaths. Hofmeyr records that "the deceased at the hospital were initially buried in coffins, but many of the increasing numbers of corpses could eventually only be wrapped in

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[42] Hofmeyr, "King William's Town", p. 148.
[43] Peires, Dead Will Arise, p. 269.
[44] *Ibid.*, p. 273.
[45] *Ibid.*, p. 275.
[46] *Ibid.*, p. 79.
[47] *Ibid.*, p. 281.
[48] Hofmeyr, "King William's Town", p. 58.
[49] *Ibid.*
[50] *Ibid.*, p.156.

blankets."[51] A total number of 29 142 Xhosa were registered for service in the Colony by the end of 1857.[52]

As the population of the town grew, new cemetery space was sought and the Old Military Cemetery gradually came to be neglected. The King William's Town Gazette of 26 October 1860 reported that

> That portion of the ground in which the natives are interred is utterly unprotected and otherwise shamefully neglected. A hasty interment by the gaol-gangs who are naturally indifferent at the depth of the graves, is manifestly an insufficient protection... We view the question simply in a social light...The well being of a community requires that all graves should, without reference to creed or colour, be securely protected.[53]

According to local King William's Town historian, A. W. Burton:

> in the eastern portion of the cemetery hundreds of Xosas [sic] who died of starvation during the famine pursuant upon the Cattle Killing Delusion in the 1856/ 57, were interred. No monument has ever been erected over the graves of those who succumbed to the evils of witchcraft.[54]

Evidently, a large portion of the cemetery was severely neglected. He notes that the cemetery was closed in 1865 and an annual grant of twenty-five pounds was received by the municipality from the government for its maintenance.[55] When the King William's Town municipality was officially inaugurated in 1865, a new cemetery was established and properly documented; each plot is known and there is a burial register.[56] Hirst notes that according to Burton's 1960 research, the extent of the cemetery measured "314 paces along Albert Road and 134 paces along Edward Street"

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[51] *Ibid.*
[52] Peires, Dead Will Arise, p. 291.
[53] Hofmeyr, "King William's Town", p. 58.
[54] Burton, A. W. The Highlands of Kaffraria, (King William's Town, 1942), p. 43.
[55] *Ibid.*
[56] Interview, Manton Hirst, 13 September 2006, King William's Town; Hirst, M. "A Bone of Contention: A story of Human Remains", 2006, unpublished notes.

between 1847 and 1876.[57] Burton observed by this stage that there were no headstones or burial mounds at all; the cemetery was completely neglected.[58] Over the years, the extent of the cemetery was gradually reduced. In 1971 the War Graves Commission and the Borough Council restored the cemetery and reduced its size to 90 by 90 paces in the process.[59] During this restoration, gravestones of the white soldiers, which are situated on the Edward Street westerly end of the cemetery, were re-erected. As Hirst points out "No monument or tombstone in the old military cemetery commemorates the fact that Xhosa, Mfengu and Khoi dead were interred in the cemetery."[60] The matter becomes complex because not only was the extent of the original cemetery gradually reduced, but a fence was erected around a smaller portion within the restored area where a monument to the white soldiers was erected.[61] Thus there exists an undefined portion between this smaller memorial area, and the alienated portions lost due to natural reduction. It is impossible to ascertain where the white portion ends and the African one begins. The extreme easterly portion, where the bones were uncovered in 1993, had been taken over by Dale College, a local school. Hirst recalls that

> ...during the late 1970s and early 1980s, I had visited the old cemetery with a former historian at the museum, Brian Randles, and a member of the National Monuments Council, Professor Rennie, of Rhodes University. They had told me that, according to research conducted during the early 1960s by a former director of the museum, James Bateman, at least 100 victims of the so-called Cattle Killing who had died ... in the hospital... had been buried in a mass grave situated under the tennis practice court, now a basketball court behind Dale College's Presby Hostel.[62]

According to local history research done by an old pupil from Dale College, Cattle Killing victims had been buried under the site where their Presby Hostel was built.[63] The Dale pupils had planted cypress trees along the fence of Presby Hostel in Weir Street to commemorate the victims believed to be

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[57] Hirst, "Old Military".
[58] *Ibid.*
[59] *Ibid.*
[60] *Ibid.*
[61] Author's own observations on the field.
[62] Hirst, "Old Military".
[63] Interview Manton Hirst, 13 September 2006, King William's Town; Hirst, "Bone of Contention".

buried there.[64] According to Hirst, when the remains were uncovered in 1993 he "heard several stories from people with longstanding ties with Dale College", that a human skull was uncovered during the construction of the hostel but the matter was "hushed up".[65]

The 'hush-up' was expedient for Dale College's infrastructural expansion, but in 1993 remains would be unearthed again in the portion of Edward Street Cemetery just a few paces away from the school's basketball courts. The discovery of these remains became public knowledge when Andrea Bryce, the editor of a local newspaper, the Mercury, received an anonymous tip off from a concerned resident in October 1993.[66] The caller informed Bryce that it had come to her attention that human remains had been uncovered on a construction site in King William's Town's Weir Street. The caller said that due to her strong Christian convictions she felt that had to be reported.[67] Bryce visited the construction site and took pictures of the bones which had been uncovered by the earthworks equipment. The bones had been collected and placed in plastic packets and kept in a prefab building on site.[68] She then contacted Dr. Manton Hirst, the anthropologist at the Kaffrarian Museum, and invited him to view the photographs the following Monday.[69]

Bryce's publicising of the findings led Brian Jackson, the National Monument's Council representative, to ask the South African Police to halt the building temporarily so that a proper investigation could be conducted.[70] The Kaffrarian Museum's Director, Pierre Swanepoel, suggested that a community meeting be called to resolve the matter.[71] In late 1993 and early 1994, Brian Jackson, members of the Borough Council, Denver Webb, a member of the

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[64] *Ibid.*
[65] Hirst, "Old Military".
[66] Interview Manton Hirst, 13 September 2006, King William's Town; Hirst, M. "Bone of Contention".
[67] *Ibid.*
[68] *Ibid.*
[69] *Ibid.*
[70] *Ibid.*
[71] Interview Manton Hirst, 13 September 2006, King William's Town.

Ciskei National Monuments Council, a member of the African National Congress, and Pierre Swanepoel met to discuss the matter. Hirst argues that the Borough Council "feigned ignorance on the matter."[72] Denver Webb decided to investigate the matter by searching for a notice of deproclamation which the Council would have been required to do by law before the land was sold for development. In February 1994, Denver Webb discovered a small and inconspicuous notice in the 1989 Daily Dispatch.[73] It appeared as though the Borough had quietly deproclaimed the cemetery and avoided any public consultation or announcement of its intentions. Hirst states that "Despite the longstanding ties between the museum's Board of Trustees and the local municipality, it was the first occasion anyone at the museum had heard about the Council's intentions to sell a portion of the old cemetery for urban development."[74] Hirst argues that when this "indubitable evidence of their involvement" was produced, "the municipality could no longer plead ignorance concerning human remains discovered on the Athlone Gardens building site" as they had initially in 1993."[75] Had the museum been consulted about the deproclamation, he said, "we would have contested it."[76] Manton Hirst and Brian Jackson then approached Dr. Lita Webley, an archaeologist at the Grahamstown's Albany Museum, to do an investigation into the site.[77]

When Webley agreed to look at the remains, she could not conduct a proper archaeological excavation. Because of this, her research on the site and on the remains could only draw impressionistic conclusions. Her role as an archaeologist would have been to reconstruct the individuals and assess any other grave items found with the remains. Webley was unable to do this because when she received the remains in October 1993 they were fragmented, mixed up and some freshly broken by the builders' excavation equipment. Among these she found animal bones but she could not determine whether they were associated with the burial or had been retrieved

[72] *Ibid.*
[73] Hirst,"Bone of Contention".
[74] *Ibid.*
[75] *Ibid.*
[76] Interview Manton Hirst, 13 September 2006, King William's Town.
[77] Interview, Lita Webley, 5 December 2006, Grahamstown.

elsewhere and put together with these remains. Smaller bones, like hand and foot bones, and vertebrae were very few because it was easier for the labourers to collect larger bones.

At the time she was assessing the remains efforts by the Kaffrarian Museum to resolve the matter continued. On 13 October 1993, the archaeologist for the National Monument's Council in Cape Town, Dr. Janette Deacon visited the site with Pierre Swanepoel and Manton Hirst.[78] Deacon surmised that there was no indication of a mass grave. After her visit, Deacon felt that since there was insufficient evidence to show that the remains were indeed of Cattle Killing victims, there was no need for a physical anthropological study. Furthermore, in correspondence with Webley she said that Dale College and the developer were willing to pledge R2000 towards the re-interment and memorialisation of the remains. She felt the matter could be resolved speedily, and that it was inappropriate to complicate the political situation on the eve of the historic 1994 elections.[79]

In October 1993 Webley furnished a report on her findings. She had reorganised the bones into those which appeared to belong to the same individual and labelled them Burial No. 1 to Burial No. 6. In the case of burial No.1 there was "red ochre staining... on the parietal and temporal bones."[80] Burial No. 2 and 3 also showed evidence of ochre staining. Because the "teeth of the maxilla were very badly worn, with the enamel in patches being badly worn away", she suggested that this indicated an extremely "gritty diet."[81] Webley explained that this could mean that the individual had a regular diet in crushed mielie pap which often had stone particles enter during mielie crushing. Burial No. 1's skull was "gracile"- so she was unable to determine

[78] *Ibid.*
[79] *Ibid.*
[80] Webley, L. "Report On Skeletal Remains From King William's Town Cemetary [sic]", 21 October 2003.
[81] *Ibid.*

whether it was "Negroid or Khoisan."[82] Burials No.1, 3, 5 and 6 had copper staining. On Burial No. 6, "a sacrum was recovered completely covered with green copper staining. The copper had preserved some of the skin over the bone. Some large ornament had clearly covered this area but it too was not recovered."[83] After conferring with Hirst, she concluded from her observation of these copper encrustations that these people were probably early Xhosa. However they could not be dated precisely. A labourer's observation only added more mystery to the remains when he told Webley that "one of the skeletons was found in a flexed position, facing downwards."[84] However, Webley could not make any observations related to burial position herself. Her observations did though problematise the memorialisation which had only acknowledged white soldiers in the cemetery. She concluded that "The copper and ochre staining confirm that this is not a European cemetery, but further observations regarding the identity of the individuals... must await the analysis of an anatomist."[85]

Since Webley's initial report had not given more detailed insight into the condition of the individuals when they died, she sought advice from her colleagues. In September 1993, Alan Morris at the University of Cape Town's Medical Unit advised Webley to look for signs of *cribra orbitalis* by observing pits and punctures in the eye sockets.[86] These pits and punctures indicate death by starvation. Morris indicated that he was willing to do an analysis but there was no funding available for this.[87] Webley was interested in doing a more extensive study and approached Janette Deacon about undertaking research. Webley tendered a proposal for R35 000 to the Borough Council, but it was turned down. She was thus never able to conduct a full excavation of the site and duly returned the remains to the museum. By November 1993, Morris realised that fears of antagonising the ANC with the issue was

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[82] *Ibid.*
[83] *Ibid.*
[84] *Ibid.*
[85] *Ibid.*
[86] Interview, Lita Webley, 5 December 2006, Grahamstown.
[87] *Ibid.*

unfounded. He suggested that the bones be kept in the museum for a month until they were reburied with funds promised by the developer.[88]

In September 1994 the Borough Council shifted their position by acknowledging responsibility for the remains and informed the museum that the developer had made some money available.[89] The council approached Pierre Swanepoel to request that the museum store the remains. However Hirst disagreed on "museological grounds."[90] He argued that museums "need to be sterile, they are to be fumigated...but since these were human remains they couldn't just be fumigated in case some forensic [specialist] might want to study them."[91] The council assured them that it was a temporary measure.

Between 1994 and 1996, the council failed to act on its promises. With the political changes in the country, local multi-party council structures were constituted to facilitate the transition to democratic local government. Between 1996 and 1997, the Acting Director of the museum, Lloyd Wingate, met with the interim Transitional Local Council (TLC) several times but there was no action taken. There were new members on the council who knew nothing of the matter.[92] In October 1998 Hirst and the museum's history curator, Stephanie Victor, were shown plans for a proposed R8 million rand memorial project for the site by the Borough Engineer's office.[93] This ambitious plan never materialised. Meanwhile, the museum hired Fezile Cindi as the anthropology curator. The remains were kept in Cindi's office and he admitted that "... it was emotional for me, very sensitive, it was sort of not business as usual. It was a very emotional thing to deal with human remains. It gives you that type of feeling."[94]

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[88] *Ibid.*
[89] *Ibid.*
[90] Interview, Manton Hirst, 13 September 2006.
[91] *Ibid.*
[92] *Ibid.*
[93] *Ibid.*
[94] Interview Fezile Cindi, 13 September 2006, King William's Town.

Keeping the remains in the boxes put the Kaffrarian Museum into an ethical predicament because the practice of holding remains in museums was being called into question. This was not just in South Africa, but globally. It had to hold the remains because museums had traditionally played this role. At the same time however, the South African Museums Association (SAMA) was revisiting the appropriateness of this practice. The Kaffrarian Museum could not rebury the remains without the approval of local political authorities; neither did it have the necessary funds to start a community consultation process which could lead to reburial. The museum found itself in an ineluctable position. Davidson recalls that

> During most of the apartheid years the SAM (South African Museum) and any other state-funded museums tended to assert that they occupied a neutral zone where knowledge was generated and communicated to the public. Museums that emphasised their research role were reluctant to recognise the relationship between knowledge, power and privilege. Predominantly white museum professionals regarded their work as objective and apolitical.[95]

With the advent of the tricameral Parliament, museums were divided into either strict racial or "general" categories. While SAMA criticised this, Davidson argues that "many of its own members accepted the status quo, and did little to counter the prejudices and misconceptions that many museums perpetuated."[96] From the mid-1980s radical museologists entered into consultation with the exiled ANC which culminated in a heritage policy and legislation for the post-apartheid state. The process of reflection and debate on the nature of museum work in South African society began at the 1987 SAMA conference in Pietermaritzburg.[97] At this meeting the members agreed broadly on the principle that museums existed for all South African citizens and that communities ought to have a greater say in the life of museums. In addition to the deracialisation and democratisation of the broad heritage sector, new forms of heritage such as intangible and "living" heritage were identified and recognised.

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[95] Davidson, "Museums", p. 149.
[96] *Ibid.*, p. 150.
[97] Corsane, "Transforming", p. 7.

The imperative for 'transformation' came to the fore in SAMA debates in the late 1990s.[98] Transformation involved not just the demographic profile of museums, but also the ideological orientation of the institutions. As official institutions, museums had to fall in line with democratic reforms. Thus on 20 January 1999 the Kaffrarian Museum underwent an official name change to become the Amathole Museum[99]

Critical reflection on past racist practices by museums appeared to be a difficult topic as SAMA newsletters from 1993 indicated that the association was trying to ease its members gently into the new dispensation.[100] SAMA executive committee members were keenly aware of the impact the political changes in the country would have at the time.[101] SAMA representatives attended the ANC's Culture and Development Conference in the last week of April in 1993 which set out ANC policy on heritage issues.[102] ANC policy was clearly intended to deracialise the heritage sector and integrate it under the newly unified state. For the most part, SAMA accepted the policy without too much contention. But human remains created controversy for SAMA. Webley noted in 1994 that the Edward Street Cemetery issue was viewed as politically sensitive since these could have been the remains of Xhosa people.[103]

In May 1996, SAMA held a workshop to deal with sensitive materials [i.e. those which pose ethical questions] as part of "Shifting the Paradigm" process which aimed to facilitate transformation in museums.[104] The discussion on

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[98] South African Museum Association Newsletter, SAMANTICS, 1993 – 2003. (Note that the spelling of SAMANTIX/CS varied due to editorial decision).
[99] Unknown E, "Museum News: Amathole Museum – Official at last!", SAMANTICS, 32, 1999, p. 3.
[100] South African Museum Association Newsletter, SAMANTICS, 1993 – 2003.
[101] Raath, M. President's Report, SAMANTIX, 14, July, 1993.
[102] Wilmot, B. "The ANC Policy for Museums", SAMANTIX, 14, July, 1993, p. 10, 11
[103] Telephonic discussion, Lita Webley, 27 November 2006.
[104] Unknown Author F, "SAMA Planning Workshop on Sensitive Materials", SAMANTICS, 36, March, 2000, p. 8.

sensitive materials included the "study and excavation of human remains, repositories and restitution issues."[105] The workshop involved a diverse group of interested parties and representatives of institutions touched by the issue. SAMA consulted widely, drawing Australian academics, members of archaeological and anthropological departments housing such sensitive items, academics who had lobbied on behalf of communities, and provincial officials dealing with heritage.[106] The workshop's goal was to develop a "best practice framework" which would recognise and respect "different perspectives and rights" as well as the problems of access and communication that museums faced when dealing with communities.[107] Thirteen points of general practice were identified relating to documentation of remains, community consultation, ownership contracts, and cultural sensitivity.[108] Some of these points were the acknowledgement of past insensitive practices by museums; "frank and open responses" to queries about collections; the promotion of "constructive and responsible inter-cultural cooperation" with communities, the development of programmes through which documentation relating to human remains can be accessed by communities; the conduct of extensive historical and legal research on queries about sensitive materials; the return of remains where possible after consultation; and the respectful treatment of all remains.[109] In 2003, SAMA President, Rooksana Omar, argued in a presentation to the Parliamentary Portfolio Committee on Arts, Culture, Science and Technology that "Despite the impression that is sometimes created in the press, the holding of human remains is the norm all over the world. Museums all over the world, including African countries, have human remains in their holdings. In many cases, the remains is [sic] from their own ancestors."[110] Omar recognised that "Human remains is a very complex and emotive issue", and suggested that there was a need for a uniform policy in South Africa.[111] Omar observed that at the time in 2003 museums were negotiating with

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[105] *Ibid.*
[106] *Ibid.*
[107] *Ibid.*
[108] *Ibid.*
[109] *Ibid.*
[110] Omar, R. "Presentation of the South African Museums Association to the Portfolio Committee on Arts, Culture, Science and Technology", SAMANTICS, 47, 1 April, 2003, p. 9.
[111] *Ibid.*

communities on an individual basis which could lead to "conflicting policies in different parts of the country."[112] SAMA identified three categories of human remains: firstly, those obtained unethically and used to legitimate racial science.[113] These SAMA argued had to be returned to their descendants for burial. The second category covered remains of a palaeontogical nature. SAMA argued that these belonged to humanity in general and could not be claimed by, nor returned to a specific community.[114] Lastly, SAMA argued that the most problematic remains were those from "archaeological sites...These remains can often not be identified as being the ancestors of a generic group."[115] Omar argued that there was no defined policy in South Africa relating to how these remains ought to be repatriated as there was in the United States and Australia.[116] SAMA contended that remains were scientifically valuable as a record of the "unwritten past" and that a solution that would "be of benefit to both researchers and the communities is to devise a system of joint custodianship."[117] SAMA recognised that "All decisions regarding access, storage and research cannot be taken on scientific grounds alone."[118] The presentation proposed that "a moratorium be placed on research on remains until a suitable policy had been put in place."[119] Thus the King William's Town issue remained unresolved during the SAMA moratorium. Hirst told the Daily Dispatch that, "the museum had been under fire from the authorities for keeping the human remains."[120] Initially it was SAMA which exerted pressure on the museum to remove the bones, later it would be the district municipality.

It was only through the Amathole District Municipality's (ADM) involvement that the issue would be resolved. The ADM came into being in 2000 following the merger of various municipalities, including King William's Town. In the

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[112] *Ibid.*
[113] *Ibid.*, p. 9.
[114] *Ibid.*
[115] *Ibid.*
[116] *Ibid.*
[117] *Ibid.*
[118] *Ibid.*
[119] *Ibid.*
[120] Maqhina, M. 'Historic Bones to be reburied.", Saturday Dispatch, 9 September, 2006, p. 5

process of these changes, documents relating to the previous Borough Council went missing. Members of the newly created structures had no information on the decisions their predecessors had taken on the human remains.[121] My own enquiries about documentation with officials of the municipality, or personal knowledge on this topic, yielded no fruit. Thus, when the ADM took on the problem, they had very few documented sources of information at their disposal. In 2004, the Director of Museums and Heritage Resources in the Eastern Cape, S. P. Grootboom, convened a meeting of interested parties to try to resolve the matter of the remains.[122] The museum's director, Lloyd Wingate, said that when the ADM took the decision to take over the process, the leading official himself failed to follow up on promises with action.[123] Public meetings were advertised in the newspaper, a strategy which Wingate criticised because he felt that newspapers would not reach all those potentially interested.[124] The initial set of meetings which were called were barely attended by the public, and the municipal official in charge of the matter did not present himself to the meetings. Wingate described this as a lack of professionalism on the part of the municipal representative.[125] The ADM's first attempts were inadequate. This was all to change however when Bonke Tyhulu was hired by the ADM as the Heritage Officer to oversee the project.

In Tyhulu's view the ADM had a legislative mandate and obligation to take responsibility for the reburial of these remains.[126] Tyhulu cited Section 7 (1) (b) of the National Heritage Resources Act No. 25 of 1999 which stipulates that "A local authority is responsible for the identification and management of Grade III heritage resources and heritage resources which are deemed to fall within their competence in terms of this Act." Section 7 of the act identifies three grades of heritage. Grades I and II are dealt with by SAHRA at the

[121] Hirst, "Bone of Contention".
[122] Hirst, "Bone of Contention"; Interview Fezile Cindi, 13 September 2006, King William's Town.
[123] Telephonic interview, Lloyd Wingate, 5 December 2006.
[124] *Ibid.*
[125] *Ibid.*
[126] Email Correspondence, Bonke Tyhulu, 27 November 2006.

national level, and the provincial governments respectively.[127] The act lays down no specific criteria but gives SAHRA discretion to assess the level of importance of a heritage resource. Bonke Tyhulu, the heritage officer at the Amathole District Municipality, said that in the financial year of 2004/ 2005 the "issue was tabled to the council as a matter of serious concern. It was then that a decision was taken to allocate funds. It was not a simple decision given that the municipality has an array of priority functions that are more on delivery of basic needs."[128] He argues that "had it not been for the municipality, the remains would have been at the museum as we speak." [129] According to Tyhulu, "the municipality regards heritage as one of its priority areas hence there is a firm stand to get involved."[130] A steering committee was formed to oversee the process to its completion. In August 2006, a R150 000 budget was tabled.[131] The research into the cemetery and the remains cost R50 000.[132] The special coffin was made by Mr. Tolbadi in East London for R4000.[133] The granite and marble memorial cost R98 000.[134] The funds were obtained from the municipality and the Eastern Cape Department of Economic Affairs, Environment and Tourism. The task team planned a programme for the reburial ceremony. Research into the cemetery was commissioned to the Fort Hare Institute for Social and Economic Research (FHISER) and the University of the Witwatersrand's Archaeology Department.

In my assessment, the reports failed to adequately resolve the mystery of the bones' identity. Despite this however, the task team followed FHISER's conclusion that the remains belonged to victims of the Cattle Killing. The decision to proceed on the basis of FHISER's conclusions became a bone of contention. Dissenting views were put forward to the ADM, which decided that "the task team's responsibility was preparations for the reburial. With that in

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[127] National Heritage Resources Act No. 25 of 1999, Section 7.
[128] Email Correspondence, Bonke Tyhulu, 27 November 2006.
[129] *Ibid.*
[130] *Ibid.*
[131] Interview Fezile Cindi, 13 September 2006, King William's Town.
[132] *Ibid.*
[133] *Ibid.* See Appendix E.
[134] *Ibid.* See Appendix G.

mind the team agreed that the issue was very political and had to be treated sensibly and not shy away from negativity, antagonism, crucifixion that may come from other corners."[135] One compelling dissenting view came from Manton Hirst at the Amathole Museum. He felt that the ADM had "closed down all public debate concerning substantive matters of fact pertaining [to the exact identity of the remains] in an arrogant and dictatorial way."[136] Hirst felt uneasy with the lack of hard evidence proving that the bones were of Cattle Killing victims and stated that the ADM's perspective forced "local history into a preconceived ideological mould."[137] Cindi observed that

> There was a lot of controversy about these human remains. Because some people were arguing that these remains there were actually non-whites that were buried at that Edward Street Cemetery, not only the victims of the Cattle Killing but other non-whites like the Khoisan and people who were staying in town at that time. And people who were patients from Grey Hospital.[138]

FHISER's report referred to sources which described the influx of Africans into King William's Town during the disaster, and responses by townspeople towards these thousands. In describing the research methodology, FHISER states that it sought to understand the "general identity of the people buried on the designated site."[139] FHISER's search in the National Archives of South Africa in Pretoria and Cape Town yielded few results as the report states that they were unable to locate "direct contemporary primary evidence and documents in relation to the cemetery."[140] The central source which the report cites is Dr. Fitzgerald's Letterbook. Since he was the Chief Medical Officer at the hospital at the time, FHISER cites his grim observation:

> The dead bodies I have seen lying on the hillsides, the scenes of misery and distress I have witnessed; the cases I have been called upon to attend; the dysenteric and putrid atmosphere we have lived

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[135] Email Correspondence, Bonke Tyhulu, 27 November 2006.
[136] Hirst, "Bone of Contention."
[137] *Ibid.*
[138] Interview Fezile Cindi, 13 September 2006, King William's Town.
[139] Fort Hare Institute for Economic and Social Research, "Great Xhosa Cattle Killing Mass Graves : Edward Street Cemetery, King William's Town", Report for the Amathole District Municipality, July 2006, p. 11.
[140] FHISER Report, p. 15.

> in for the last few months; *the truckloads of dead almost daily being wheeled to the burial ground,* cannot be easily effaced from memory." (FHISER emphasis).[141]

The report cites contemporary newspapers such as the Grahamstown Journal and the King William's Town Gazette. The evidence from these newspapers illustrates, for the purposes of the report, that there was a huge influx of starving and destitute people into King William's Town due to the Cattle Killing. The report aimed to narrow down the location and final fate of the hungry victims; it is significant for FHISER that "These deaths were reported *within* the colony (King William's Town) (FHISER emphasis)."[142] Observations made by Mrs. Brownlee, recorded later in 1896, on the mounting fatalities at the time emphasised FHISER's analysis that King William's Town "was a key destination for the starving."[143] However, the report lacks certitude and makes inferences by stating that since the King William's Town Gazette reported mass deaths, "thus presumably burials" occurred.[144] When citing Dr. Manton Hirst on the matter, the report states that he said that "there is a great *probability* (my emphasis) that indeed the mass graves were victims of the Cattle Killing."[145] While Cattle Killing victims were certainly buried in King William's Town, the question is whether the remains uncovered were of those people. Bateman's history of Grey Hospital is cited in the FHISER report: *"The small hospital was overcrowded and the dead were buried at one end of the military cemetery."* (FHISER emphasis).[146] However, Bateman's book was written in 1959 and the report does not indicate in what way this evidence adds new insight into the history of the cemetery beyond that cited from Dr. Fitzgerald. The critical weakness of the report is that it draws strong conclusions, despite the absence of detailed and unambiguous *primary* evidence relating to those interred in the cemetery. The report states that "in connecting this report with that of the related forensic report... we can confidently conclude that the human remains currently under investigation are

[141] *Ibid.*, p. 5.
[142] *Ibid.*, p.6.
[143] *Ibid.*
[144] *Ibid.*, p. 7.
[145] *Ibid.*
[146] *Ibid.*, p. 9.

those of people who died as a result of, and were buried there during the cattle-killing episode of 1856/7."[147]

Contrary to FHISER's report, the evidence from the forensic report draws no such specific conclusions. Hirst argued that

> At the very least, one would expect that if we were dealing with victims of the Cattle-Killing, as the ADM currently asserts, who apparently died from biological trauma associated with starvation, there would be substantive osteological evidence to support such a theory. In fact, no such evidence was forthcoming in the osteological report commissioned by the ADM.[148]

For Tyhulu, "exact knowledge would have helped to a large extent" but "historical evidence was enough to justify any activity that happened."[149] He felt that the nature of a conflict zone necessarily meant that there could have been remains from any of the people in the region, but held that the "evidence collected indicated that the remains belonged to the victims of starvation after the Cattle Killing."[150]

Mosonthwwane's osteological analysis revealed very little in terms of a specific identity of the people's remains.[151] It did not offer any new insights into the cultural identity of the people buried at the cemetery since Webley's 1993 report. When the archaeological evidence is rich and the bones unbroken, human remains can yield insightful information which complements written records and oral histories. However, fragmentary evidence is limited only to "burial types and age distribution."[152] Mosothwwane's analysis offered information mostly in relation to the age and sex of the skeletal remains. It

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[147] *Ibid.*, p. 10.
[148] Hirst,"Bone of Contention".
[149] Email Correspondence, Bonke Tyhulu, 27 November 2006.
[150] *Ibid.*
[151] Mosothwwane, M. "Osteological analysis of human remains from Edward Street Cemetery, King William's Town., Eastern Cape, South Africa.", Report for Amathole District Municipality, May 2006.
[152] Smith, P. "The physical characteristics and biological affinities of the MB I remains skeletal remains from Jebel Qa'aqir", Bulletin of the American Schools of Oriental Research, mo. 245, 1982, p. 65.

identified "17 individuals from more than 150 skeletal elements", a high proportion of which were "indicative of juveniles and young adults."[153] Furthermore, there were more males than females. These findings were only approximate because the remains and the cemetery were not properly excavated. The fact that the remains were damaged by the earthworks equipment meant that the bones were "commingled and fragmented".[154] Thus "contextual information was lost and this (was) a major limitation when doing the analysis and the report itself."[155] The aim of the research was to "estimate age, determine sex and stature. Moreover, there were assesses [sic] for pathology, trauma and post depositional damage using simple visual observation."[156]

Observations of trauma or pathology would have been particularly significant in identifying people who had died of starvation. The test excluded more specialised "radiographic, histological, stable isotopic" investigations.[157] However, should any of the remains have displayed "any characteristics or lesions that required special investigation" these could be handed over to laboratories or be subjected to specialised tests. Mosothwwane argues however that, "as it turned out, none of the bones required such specialised investigations."[158] The investigation found "no evidence for non-specific markers of stress such as porotic hyperostois."[159] It also found that "oral hygiene practices seem to have been fairly good among the people buried at this cemetery as the prevalence of dental pathologies is low."[160]

The Saturday Dispatch picked up on the contestation and reported that "there was some controversy over the origin of the bones....when Hirst suggested

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[153] *Ibid.*, p. 88.
[154] Mosothwwane, "Osteological Analysis".
[155] Smith, "Physical Characteristics", p. 1.
[156] *Ibid.*, p. 84.
[157] *Ibid.*
[158] *Ibid.*
[159] Mosothwanne, "Osteological Analysis", p. 88.
[160] *Ibid.*

they belonged to Xhosa soldiers killed in the Sixth Frontier War (Hintsa's War) in the 1830s."[161] Hirst told the paper that the bones were found in "single graves rather than mass graves."[162] Hirst was "initially reluctant" to give his opinion.[163] However, he stated that "it is possible that blacks readily adopted new ways of doing things (being buried in single graves)...The graves could be the Cattle Killing victims. It is difficult to say whose remains they are."[164] Hirst felt that

> While the ADM is to be applauded for its energy in redressing the problem of the reburial of the human remains, their attempts to force the interpretation of local history into a preconceived ideological mould, in the absence of any substantive historical or archaeological evidence, and despite the commissioning of social history and osteological reports on the remains, is cause for comment, more especially since it involves the use of public funds.[165]

Hirst argued that without DNA evidence "it cannot be asserted beyond a shadow of a doubt that the reburied remains were actually those of Nguni people in the first place."[166] He said that the municipality was "extremely irate with the director because I was expressing some opinion about the remains", and emphatically stated that he "does not take this type of politicking lightly".[167] Tyhulu acknowledged that "there was no way that we could be certain about each skull. This was not only a financial constraint but a time challenge as well. Remember to get complete skulls; they had to be glued together. I know that the identity of each skull means a lot."[168]

When the two reports were submitted in mid-2006, the task team then decided on an appropriate reburial ceremony and memorialisation plaque. The team brainstormed over the details of the ceremony. The committee agreed that these historic remains were of national significance and thus

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[161] Maqhina, "Historic Bones".
[162] *Ibid.*
[163] *Ibid.*
[164] Interview Fezile Cindi, 13 September 2006, King William's Town.
[165] Hirst, "Bone of Contention".
[166] *Ibid.*
[167] Interview Manton Hirst, 13 September 2006, King William's Town.
[168] Email Correspondence, Bonke Tyhulu, 27 November 2006.

invited high profile guests to the event, such as the Premier of the Eastern Cape, Dr. Nosimo Balindlela, and the national Minister of Arts and Culture, Dr. Pallo Jordan.[169] The ceremony was set for 30 September to coincide with the culmination of the Amathole District's Municipality's heritage month events.[170] The digging of the reburial grave began three weeks prior to the ceremony in case more remains were unearthed, in which case they would be placed in the same coffin as the existing ones.[171] Cindi and Tyhulu concurred that despite disagreements within the task team, "There was a common feeling that it was so unethical for human remains to be in card boxes."[172] There were disagreements on location of the reburial site: "There was a view to utilise a new cemetery. This suggestion angered some members on the basis that... utilising the Zwelitsha cemetery would have relegated the importance of the remains and relevance [sic]."[173] The idea of burying them in town where they were discovered was a point of debate, rather than given. The notion that the "town residents would have problems with graves at their doorsteps" was "shuttered away" because "as one knows, the remains were exactly unearthed at their doorsteps."[174]

Cindi felt that criticism about the remains emanated mostly from within the museum and heritage sector rather than from public condemnation.[175] He observed that

> ...there were very few people who knew that the museum keeps such historic remains, very few. There was no sort of outcry. But in SAMA conferences it was made clear that, especially in terms of ethics, that it is not ethical really, it is a debate basically, that it is not ethical to display human remains or keep human remains in storage areas.[176]

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[169] *Ibid.*
[170] *Ibid.*
[171] *Ibid.*
[172] *Ibid.*
[173] Email Correspondence, Bonke Tyhulu, 27 November 2006. Zwelitsha is the black township on the outer perimeter of the town.
[174] *Ibid.*
[175] Interview Fezile Cindi, 13 September 2006, King William's Town.
[176] *Ibid.*

In contrast, Tyhulu felt that there was "persistent negativity from the Daily Dispatch" and said that "the newspaper never bothered to do their own research apart from the hearsay from individuals."[177] Daily Dispatch reports did not laud what the municipality considered a bold and commendable initiative to rebury the remains. Instead, news stories headed "Municipality maybe burying unknown bones"[178] and "1850's bones found in King still not reburied"[179] problematised the municipality's role in the matter. The municipality responded defensively to these reports with Dondolo stating that "Hirst needed to present convincing evidence of his daims" that the remains were not of Cattle Killing victims.[180] Hirst and Cindi responded to the 9 September 2005 Daily Dispatch article on the matter by reiterating their discomfort with storing the remains.[181] Their joint response concluded that

> Human remains are not nowadays considered acceptable as part of museum collections and the anthropology section of the Amathole Museum was never a bone collecting entity from the outset. This is why we would like them to be returned to where they originated at the earliest convenience of the affected authorities and stakeholders.[182]

Members of the public were not altogether convinced that the reburial was necessary, in a radio interview a "caller asked why waste money while people need houses."[183]

Once the research reports had been submitted, the task team went ahead planning the reburial ceremony. Notions of 'African culture' and 'African identity' were repeatedly invoked during the planning and the reburial ceremony itself, by Cindi for instance: "That was the feeling for them that these human remains should be buried in a dignified manner because our

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[177] Email Correspondence, Bonke Tyhulu, 27 November 2006.
[178] Sifile, L. "Concern Over Plans to Rebury KWT [sic] Xhosa Remains", Dispatch Online, 7 September 2005, retrieved online at www.dispatch.co.za/2005/09/07/Easterncape/fbury.html.
[179] Sifile, L. "1850s bones found in King still not reburied", Dispatch Online, 9 September 2005 retrieved online at www.dispatch.co.za/2005/09/09/Easterncape/fbones.html.
[180] *Ibid.*
[181] Maqhina, "Historic Bones"; Hirst, M. and Cindi, F. "Rightful Resting Place", Dispatch Online, retrieved online at www.dispatch.co.za/2005/09/08/editorial/letters.html.
[182] Hirst and Cindi, "Rightful Resting Place".
[183] Email Correspondence, Bonke Tyhulu, 27 November 2006.

African culture we don't mess up with the dead. People have to be buried and to stay in peace. That was the feeling, that common feeling."[184]

Tyhulu echoed these sentiments: "When you consider how black people consider human remains, both the cultural and the spiritual attachment, one gets a feeling that the time had come for remains to be taken to where they are best suited."[185] A question which arises is at which level were African cultural sensibilities offended by this saga? Was it Cindi's and Tyhulu's culture as Africans? Is it the culture of those whose remains which were dug up? Or is it South African culture in general? I argue that in this case, the notion of culture was being invoked at three different levels. Tyhulu represented the ADM's assumption that the remains were those of the Xhosa who died in the Cattle Killing. Cindi concurred with this idea, although he acknowledged that there was no full certainty in the matter. Secondly, both referred to African culture in the sense that they identified with it. Thus in the cosmological sense, in advocating proper reburial, they identified the bones with spiritual concerns they themselves respected. Thirdly, I argue that the reburial ceremony was not planned as a secular event. The position of the museum and the municipality was shaped by religious discourses and justifications, foremost among which was the idea of 'African' belief. This deliberate Africanisation of the process was also the Africanisation of the state. Therefore the values of an *African* South Africa were violated through the failure of previous administrations to give the bones a proper reburial. It was decided that traditional healers would conduct a cleansing ritual as part of the reburial.[186] The notion of 'proper' burial was central in the ADM's and the task teams preparations. Proper burial implies that cultural propriety and customary specifications must be adhered to. However, not all the members of the task team had felt that this was necessary. Tyhulu said that "There was also a major concern from other members that evolved around the cleansing. People highlighted the fact that in 2003 a provincial cleansing and healing thing was done. Apparently this was for all the atrocities that ever happened in

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[184] Interview Fezile Cindi, 13 September 2006, King William's Town.
[185] Email Correspondence, Bonke Tyhulu, 27 November 2006.
[186] *Ibid.*

the province."[187] It is not clear who disagreed and why they did so. However, this perspective was not taken into account and questions were raised about whether the dissenter had been participating fully in the meetings.[188] What is clear though, is that the dominant view that it would be a customary African reburial won the day.

Cantwell offers an astute insight into the role of reburials of human remains of historic or ancestral significance: "Reburials are powerful social dramas, testimony to the complex historical relationships between and among all concerned, living and dead, indigenous and non-indigenous."[189] The plans for the reburial and the actual reburial at the Edward Street Cemetery on 30 September 2006 were not just about the bones themselves. The ceremony was also about revisiting history and affirming the role of the ADM in the new African dispensation. The bones were buried in a wooden coffin measuring 3 metres by 1.5 metres and divided into 17 compartments to hold each of the skulls.[190] The reburial of these remains was a crucial event. The ceremony had two dimensions. The first was closure which the task team saw as bringing dignity to the remains. The second dimension was the re-visiting of history and the use a heritage event as a means to assert notions of Africanness. The ceremony was attended by approximately 200 people including traditional leaders, municipal officials, museum officials, traditional healers, journalists, academics, a choir, and a few members of the public. Of the traditional leaders present, the Rharhabe, Gcaleka and Thembu houses were represented. But the event was scaled down from the original plans. The coffin was transported to the graveyard in a van; high profile guests did not attend.[191] The ceremony had multi-faith elements although traditional African religion was set to dominate. The traditional healers opened by the ceremony

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[187] *Ibid.*
[188] *Ibid.*
[189] Cantwell, A. "'Who knows the Power of His Bones' ": Reburial Redux", Annals of the New York Academy of Sciences, 925, 2000. p. 79.
[190] Maqhina, "Historic Bones," p.5; Interview Fezile Cindi,13 September 2006, King William's Town.
[191] See Appendix D.

by announcing its purpose.[192] They made supplications to the bones calling on them to be at peace. Jeffrey Peires gave the historical background to the Cattle Killing and affirmed his support for the ceremony. The Buffalo City Executive Mayor emphasised that the ceremony brought closure and stated that "keeping bones in offices is un-African."[193] The main speaker, Chief Ngangomhalaba Matanzima, highlighted two issues. The first was the necessity for the bones to be reburied. He commended the municipality which "recognised that there is no one whose bones must be left above the ground and they should be reburied with respect."[194] He admonished black people for rejecting heritage and criticised the Christian Church for undermining African beliefs and perspectives on God.[195] He stated that despite the Eastern Cape's current reputation as one of the most corrupt provinces in the country, it was laudable that the province was "leading the country by example in terms of showing how [others] to respect heritage."[196] Second, he felt there was a lack of knowledge among citizens of the Eastern Cape with regard to nineteenth century history. He stressed the need for historical knowledge to be produced from "the perspective of the Xhosas".[197] He called for a wider teaching of Eastern Cape history and made special mention of Robben Island's older pre-apartheid history as a place of banishment for Xhosa chiefs.[198] Edson argues that "For a people or a country, the act of preserving heritage resources (real or imagined) is an expression of resilience....Undoubtedly, heritage plays an incisive role in the formation of a national consciousness, in national unity, and in economic and social development."[199] The ceremony was closed by a Christian minister who also reiterated the importance of African dignity and the recognition of African religious perspectives.[200] Thus the reburial presented an opportunity for asserting a new African status quo whilst also redressing past injustices

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[192] See Appendix E.
[193] Author's Field Notes, 30 September 2006. See Appendix F.
[194] *Ibid.*
[195] *Ibid.*
[196] *Ibid.*
[197] *Ibid.*
[198] *Ibid.*
[199] Edson, "Heritage", p. 345.
[200] Author's Field Notes, 30 September 2006.

inflicted on the Xhosa in the nineteenth century.[201] Ter Haar and Ellis argue that "Religion is now providing a way of reconnecting to older pasts: sometimes assumed deliberately, but perhaps less self-consciously by many millions of people."[202] The implication is that in the post-liberation era religious rhetoric has replaced radical liberation discourse as a tool for political mobilisation.

It is evident that as the primary co-ordinator, funder and driver of the process, the ADM's perspective prevailed above others. The municipality's heritage office is particularly active, and individuals within it participate within debates in the sector.[203] Hirst felt strongly that the municipality's approach served its political interests rather than the fulfilment of historical veracity.[204] In his opinion, the academic perspective with its emphasis on scientific specificity was marginalised. Tyhulu however, appeared to be disappointed by what he perceived as a real lack of wider public interest and understanding in the matter as it was expected that "people from different provinces would show interest and voice their opinion... I expected columns with people debating and showing their interest in the topic."[205] Perhaps this disappointment reflects the political nature of the exercise given the desire for widespread public participation. Verdery states that "In many human communities, to set up right relations between living human communities and their ancestors depends critically on proper burial."[206] However, the idea of proper burial itself has political currency which in this case was used to validate one specific cultural ritual. Undoubtedly, the ADM was using Africanness to emphasise its political position as heritage custodian, and thus the promulgator of official identity discourses, in post-apartheid King William's Town. Hirst's critique is valid. The exclusive commemoration of Cattle Killing victims on that portion of the burial site, despite the lack of specificity regarding the remains, renders the exercise politically symbolic. The ADM has officially memorialised the

[201] Cantwell, "Who Knows", p. 79 – 119.
[202] Ellis and Ter Haar, Worlds, p. 188.
[203] Interview Fezile Cindi, 13 September 2006, King William's Town.
[204] Interview Manton Hirst, 13 September 2006, King William's Town.
[205] Email Correspondence, Bonke Tyhulu, 27 November 2006.
[206] Verdery, Political Lives, p. 42.

presence of some black people in a cemetery that only commemorated white soldiers. However, there remains the possibility that those buried on 30 September 2006 were not Cattle Killing victims. For Lowenthal, "heritage seeks to design a past that will fix the identity and enhance the well-being of some chosen [group]."[207] This heritage is "not an inquiry into the past but a celebration of it, not an effort to know what actually happened but a profession of faith in a past tailored to present day purposes."[208] Invariably, official heritage will be one-sided; it cannot contain multiple representations of the past equally in a single artefact or memorial. Bias and one-sideness, inherent attributes of public heritage, create contestation which emanates from marginalised discourses. The focus on Africanness, and African identity indicates an emerging discourse in the heritage sector premised on notions of authenticity. The call through re-burial ceremonies such as the one described, is for a return to, and restoration of Africanness which was lost through colonial conquest. In the mid-1990s, in the so-called Mandela years, Rassool identified a multiracial and 'rainbow nation' discourse as the dominant national paradigm driving heritage in South Africa.[209] However, in this case, the task team which met in 2006 made no mention of 'rainbowism'. Although the reburial ceremony was multi-faith, African belief was central. There was a narrower invocation of South African heritage. Or perhaps one could argue that since the passing of the Mandela years, conciliatory overtures in heritage have fallen away. This process emphasised that the Cattle Killing victims were subject to British colonial conquest. Their victimhood was thus not self-inflicted, but they were constructed as fallen martyrs of the greater tragedy of conquest.

Most striking about this case was the sensitivity and political correctness that has characterised it since the remains were first unearthed in 1993. It is quite clear that the Borough Council and the Transitional Local Council ignored the issue because both wanted to avoid political fallout, albeit not completely for

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[207] Lowenthal quoted in Deacon, "Intangible Heritage", p. 313.
[208] *Ibid.*
[209] Rassool, "Rise", p. 1.

the same reasons. The 1993 Borough Council was embarrassed that it had been found out for deproclaiming the historic cemetery underhandedly. Its actions could have been viewed as racist since they came to light at a time of political change. They evaded the truth until Denver Webb's efforts shed light on their dealings. The TLC's actions were, however, confusing. In light of the fact that there was a conciliatory and celebratory mood in South Africa, as Wingate pointed out, there was never a more appropriate time to memorialise the black people buried in the cemetery. However, since the remains had been neglected till that point, perhaps the matter became even more complicated. Another possibility is that the politics of handing over power during the transitory phase took primacy over heritage issues. Ascertaining the true mood of those involved was difficult since most of the informants spoke mostly as representatives of institutions. One could only surmise that there was a feeling that to be controversial was best avoided. Manton Hirst was the only person who was different in this regard.

CHAPTER FOUR

NICHOLAS GCALEKA AND THE SEARCH FOR HINTSA'S SKULL

In early 1996 'Chief Nicholas Gcaleka' was catapulted into the media limelight by his claim that King Hintsa's spirit would remain restless unless his skull was returned to South Africa from the United Kingdom. He warned that peace and social harmony would not occur in South Africa unless the historic king's skull was found and returned. The case provoked widespread interest in the history of Hintsa's gruesome death at the hands of a British soldier in 1835. Gcaleka's mission saw him travel all the way to the Scottish Highlands to retrieve a skull he claimed belong to the king who ruled the Gcaleka Xhosa from 1804 to 1835. The discovery of the skull brought the Xhosa Royal House in the Eastern Cape, scientists, the media and South African government officials into a public fray over its identity. The Xhosa Royal House's King Xolilizwe Sigcawu denounced Gcaleka as "an opportunist" and "a true con artist".[1] In this case, ethics were marginal to the debate and the custodianship battle became juridical rather than about cultural property rights per say. Rather, it was competing evidentiary regimes which were at the heart of the matter. The methods used to ascertain the skull's possible identity were a major cause of contention. In the past, official versions of South African history have been promulgated from the top down to serve hegemonic ideological interests. Gcaleka's quest revived suppressed historical interpretations in the pursuit of historical truth on the fate of Hintsa's head.

Gcaleka's name is in fact, Tilana Khonoza Mbambatho.[2] Marks stressed the symbolic significance of the case, highlighting the fact that the socio-economic circumstances of those who suffered under apartheid had not changed significantly "whatever the changes in the political kingdom" post-1994.[3] Those disaffected with the slow pace of socio-economic transformation found

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[1] Gerardy, J. "Conman, Nutter or Prophet", Dispatch Online , 27 June 2003, retrieved online at www.dispatch.co.za/2003/06/27/features/dpro.html.
[2] Telephonic interview, Prince Xhanti Sigcawu, 22 August 2006.
[3] Marks, "Rewriting", p. 108.

a voice in Mbambatho's actions. Isabel Hofmeyr warns that "anyone wishing to come to terms with popular consciousness and the role it plays in political behaviour would do well to pay close attention to words and stories, granting them an independence that is not inevitably yoked to a material base."[4] The symbolic content of Mbambatho's political action was significant in and of itself. The historical assault on human dignity in South Africa encompassed not just the denial of basic material survival to the majority, but also denigrated selfhood and the traditional systems of meaning out of which people made sense of the 'self'. The search for Hintsa's head symbolised dissatisfaction with continued inequality and a re-entry of African religious symbolism into the political realm. Aggrieved South Africans had not necessarily been propitiated through the state's official reconciliatory political processes. Religious and cultural idioms acted as alternative discourses through which to express disaffection with mainstream politics. Religion "provides a framework for understanding the causes of events".[5] It offers a basis for "explanation, prediction and control" of the natural environment.[6] It can explain why phenomena occur in the natural realm and what courses of action need to be undertaken to remedy unstable social relations or the vagaries of the environment. Mbambatho's claims explained the incomplete 'miracle' of the new South Africa. His quest both highlighted economic disappointments of the post-apartheid milieu, and brought African cultural paradigms to the fore. In the dispute which ensued "one kind of retelling of the past was being measured against another."[7] Thus the *purposes* of the past were contested. The tension between history (the constructed, collectively and publicly known version of the past) as empirical knowledge and history as identity and ideology came to the fore.

In February 1996 Mbambatho flew to the United Kingdom to search for Hintsa's skull. His trip was funded by South African corporations such as Coca-Cola and South African Breweries. According to the latter, "We helped

[4] Hofmeyr quoted in Cobley, "Social History", p. 623.
[5] Ellis and Ter Haar, Worlds, p. 24, 25.
[6] *Ibid.*, p. 25.
[7] Finley, I. "Myth, Memory and History", History and Theory, 4, 3, 1965, p. 284

the chief because we thought we'd be making a contribution to the culture of that region [the Transkei]."[8] Prince Xhanti Sigcawu, the brother to the late King Xolizizwe Sigcawu, said that Mbambatho "managed to confuse" Premier Mhlaba (the late Premier of the Eastern Cape's first democratically-elected provincial government) who gave him the credibility to get further financial support from the private sector.[9]

Mbambatho also travelled with the Prophet Reverend Mzwandile Nzulwana from the St. John's Apostolic Faith Mission, who claimed to have had dreams which supported the mission to the UK.[10] The specific details of this trip remain sketchy. It would seem that Mbambatho arrived in Scotland in mid-February 1996 and then left a week later.[11] His story received attention from the international press which readily identified African culture with a man who called himself a traditional leader, spoke of spirits, and authenticated the performance by dressing in traditional garb. The Daily Telegraph hailed him as "South Africa's leading witchdoctor."[12] It reported that when he arrived at Heathrow airport: "With his short spear wrapped in airport security tape, Gcaleka was said to have launched into a rhythmic chant at the arrivals lounge to conjure up the spirits' before 'yelling' across the reason for his visit."[13]

The Eastern Cape's Daily Dispatch wrote that prior to Mbambatho being transported in a Cadillac limousine and a police escort, a Robert Pringle presented himself as Mbambatho's spokesman, and allegedly said to journalists, "In the tradition of great South African witchdoctors he is not going to give anything for nothing. If you want him to speak English you've got to pay him, basically."[14] Bailey records that "In his London hotel bed, Gcaleka

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[8] Marks, "Rewriting", p. 93.
[9] Telephonic interview, Prince Xhanti Sigcawu, 22 August 2006.
[10] Bailey, 'Plays', p. 98
[11] Macleod, A. "The Witch Report", Sunday Mail, retrieved online at Highbeam.com.
[12] Quoted in Gerardy, J. "Conman".
[13] *Ibid.*
[14] *Ibid.*

dreamed that he would find the skull on a farm alongside a river and beyond a great forest. In the same dream he saw a hand writing the word 'Inverness' on a wall with a red ballpoint."[15] He received widespread coverage in the British media. With Sky News in tow, Mbambatho was taken to museums and an army base which held remains, but was only satisfied when they went to a farm just outside the city of Inverness in Scotland. When he arrived, the Scottish press reported that "In the drab depths of our bleak Scottish winter, he brought a splendid splash of colour and smile as wide as Clyde to our grey lives."[16] Scots, however, "were skeptical."[17] Upon his arrival in Inverness Mbambatho declared: "The head is here – I can feel it."[18] He and Pringle went to Dingwell Farm owned by the Brooke family.[19] At the farm, Mbambatho retrieved a skull from a cottage.[20] According to the Yale Herald, the owner, Charles Brooke said that the skull had been in his possession for six years, prior to which it had been in the family gamekeeper's house. He reportedly said "...we understand it possibly had some family link with the army in Africa."[21] Although Brooke's claims cannot be verified, it is telling that in contemporary Britain, Mbambatho was able to conduct his spirit-led research without official impediments. There was sufficient curiosity to permit him access, and even give him the benefit of the doubt. There was a sense in which the public, both in South Africa and the United Kingdom, waited with bated breath for the outcome of this quest.

Marks recounts that "Unfortunately for Chief Nicholas, however, in his absence other members of the eastern Cape chiefly elite had found time to actually read copies of the 1835 [sic] Court of Enquiry into Hintsa's death..."[22]

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[15] Bailey, B. The Plays of Miracle and Wonder. (Cape Town, 2003), p. 94.
[16] McCleod, "Witch Report".
[17] Strom, A. "Chief Finds Skull In Scotland Find May or May Not Be The Head Of Xhosa King Slain By A Scot In 1800s According To Tribal Legend", 24 March 1996, retrieved online at nytimes.com.
[18] Macaskill, J. "Head-hunt Chief Nick closes in! Spirits are with him", Daily Record, 21 February 1996, retrieved online at Highbeam.com.
[19] *Ibid.*, p. 94.
[20] Rubin, M. "Around the Globe", The Yale Herald, 7 March 1996, retrieved online at www.yaleherald.com/archive/xxi/3.7.96/news/atg/html.
[21] *Ibid.*
[22] Marks, "Rewriting", p. 106.

The publicity he garnered brought deep embarrassment to the Xhosa Royal House in so far as they viewed themselves as custodians of Hintsa's name and the protectors of his historical legacy. While Mbambatho was overseas, the Royal House under King Xolilizwe Sigcawu conducted their own investigation to debunk the claims he made. They attempted to discredit Mbambatho because his actions were perceived as an affront to the Royal House's dignity. When the story broke, Mda Mda, an attorney in Butterworth and councillor to the late king, says that he and other councillors approached King Xolilizwe Sigcawu who Mda described as "dignified and quiet."[23] He recalled that the king and the councillors were also surprised. When he approached the king to inquire if he had forgotten to call them, "... the king said, no no no, Mbambatho is doing this on his own."[24] Prince Sigcawu said that the king was "angry at the manner in which this guy conducted this. The king did not sanction this."[25] In accordance with the workings of the Royal House the councillors debated this issue amongst themselves and decided how it ought to be pursued.[26] Mbambatho's home was within walking distance from the king's homestead in the Butterworth area. Mda said that

> I was never personally interested in trying to do him down because of his birth or his lineage, all I was concerned with was just the question of skull. The man was a friend of mine. I was practising as an attorney in Butterworth here and he was a good client of mine.

Prince Sigcawu stated that "In issues of this nature, we are there to protect the image of the Kingdom."[27] Douglas Hintsa, a direct descendant of King Hintsa, heard of the story for the first time on a popular radio evening show called '12 Down' on the Xhosa language radio station Umhlobo Wenene FM.[28] It was on this show that Mbambatho made his claim to being a descendant and a sangoma. Hintsa was surprised by this news because his family "never knew a thing. There was no official meeting before the whole thing took place,

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[23] Telephonic interview, Mda Mda, 3 May 2006.
[24] *Ibid.*
[25] Telephonic interview, Prince Xhanti Sigcawu, 22 August 2006.
[26] *Ibid.*
[27] *Ibid.*
[28] Interview, Douglas Hintsa, 16 November 2005, Grahamstown.

before even the whole thing went on radio."[29] Members of the public called in and encouraged Mbambatho to continue his quest and offered their support.

Mbambatho's type of political and public action was not new in the Eastern Cape. Interest in the remains of another historic Xhosa leader has been raised before. Stapleton records a Ciskei diviner's 'successful' quest to find the remains of the historic Chief Maqoma in 1978 on Robben Island.[30] In this case, there was no public contestation over the veracity of diviner's claims. The recovery of remains emained mostly a private family affair. However, Mbambatho's recovery of the skull occurred during South Africa's transition into democracy. Verdery notes that "in moments of major transformation, people may find that new forms of action are more productive than the ones they are used to, or that older forms make sense in a different way, or that ideals they could only aspire to before are now realizable."[31] Individual or community systems of meaning-making can be challenged by shifts in political power. These "cosmic" shifts in the socio-political order shape the emergence of new or reinterpreted modes of political expression. Verdery argues that the fall of the Communist edifice necessitated psychic rearrangement for former Soviet citizens: "they became open to reconsidering ...their social relations and their worlds of meaning."[32] In the post-Soviet context the ideological vacuum created by the collapse of Communism led to insecurity, anxiety and uncertainty amongst ordinary citizens.[33] This led to an upswing in religious

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[29] *Ibid.*

[30] Stapleton, T. "Maqoma: Xhosa Resistance to the Advance of Colonial Hegemony (1798 – 1873)", PhD, Dalhousie University, 1993, p. 20 - 21. It is notable that it was Maqoma's resistance against settler land grabs between 1820 and 1835 that aggravated the Cape Colony and triggered events that led to Hintsa's death in 1835. In 1978, Mrs. Charity Sonandi approached Lent Maqoma, whom he consulted as a diviner, to tell him that the historic Jingqi king wanted to be fetched from his grave in Robben Island where he had died in 1873. She also said that he had been murdered. At Robben Island, Sonandi led them to a mound where Lent Maqoma's councillors dug up a rotten coffin, along with "rusty chains and manacles." Finally, they retrieved collarbone "which had been undoubtedly pierced by a bullet", it lent credence to the notion that the diviner has led them to the remains of the king who had indeed been murdered. Stapleton, notes in a footnote however that, "Naturally, there is some scepticism about whether the bones were actually those of Maqoma."

[31] Verdery, Political Lives, p. 34.

[32] *Ibid.*, p. 35.

[33] *Ibid.*

activity amongst citizens.[34] In South Africa these seismic shifts in the political order in the 1990s gave greater "voice" to marginalised people of colour.[35] The fall of the apartheid order re-affirmed and rejuvenated the worldviews and perspectives of black people. Just as Native Americans who contested cultural possession rights challenged the hegemony of white American culture, previously marginalised South Africans took advantage of the political opening and did the same. At the time, Shula Marks commented that; "The symbolic importance of Chief Nicholas's quest is immense: that peace and reconciliation cannot happen until bodies are properly buried and the ancestors' spirits are laid to rest."[36] Filling in these historical gaps would be necessary for true social harmony to come about. African spirituality became the means through which the unsatisfactory account of Hintsa's death, as covered-up by the British, was put back on the public agenda.

Hintsa's death was a grim end to escalating tensions and warfare on the Cape frontier whose rumblings began with the 1818 Battle of Amalinde.[37] Trouble had been brewing between Nqgika, the heir to the Xhosa paramountcy and his uncle, Ndlambe, who had been reigning until the former had grown old enough to do so. However, rivalries between the two led to a fierce confrontation. Nqgika called on the British for assistance, in return for which the latter would be able to cross into Xhosa territory to raid for stolen cattle. This pact with Ngqika altered the nature of Anglo – Xhosa relations significantly. British forces had kingly sanction for their harsh and punitive raids on the Xhosa which were more often than not, a pretext to rustle up more cattle for the colony. When 4000 British settlers arrived in 1820, with the hope of making some kind of a living in the Eastern Cape, tensions mounted. Lester argues that "after 1820, the logic of settler-capitalist expansion developed within the colony."[38] Governor D'Urban's policy on the frontier

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[34] *Ibid.*
[35] *Ibid.*
[36] Marks, "Rewriting", p. 109.
[37] Peires, J. The House of Phalo: A History of the Xhosa people in the days of their independence, (Johannesburg, 2003), p. 63.
[38] Lester, A. "Settlers, the State and Colonial Power: The Colonization of Queen Adelaide Province 1834 – 1837", Journal of African History, 39, 1998. p. 223.

shifted from the pursuit of border stability to "the cause of settler expansionism."[39] Actions such as the expulsion of Chief Maqoma from his Kat River lands in 1829 invited retaliation by the embittered Xhosa. The land was given to Christianised Khoi to form the Kat River Settlement.[40] A serious drought in the area compounded the plight of Maqoma and his people.[41] Xhosa resentment against whites on the frontier grew as the colony enforced its harsh commando reprisal system to search for and collect cattle said to be stolen, on behalf of the colony.[42] In 1834 Maqoma and chiefs allied to him mounted small-scale guerrilla incursions into the colony. This low-level warfare would lead him into confrontation with his life-long nemesis, Colonel Harry Smith, who arrived in January 1835. Along with Sir Benjamin D'Urban, Smith launched heavy attacks into Maqoma's territory forcing the young chief further into the Amathole Mountains for defensive purposes. In April, Governor D'Urban and a contingent of 5000 Thembu under Chief Vadana were led by Captain Henry Warden to attack the Gcaleka.[43] On 29 April 1835 Hintsa went into Smith's camp to negotiate terms of peace.[44] He had been assured of his personal safety by the British.[45] However, as soon as he stepped into the camp Harry Smith promptly held him hostage for a ransom of 50 000 cattle and 1000 horses.[46] Between April and May, hundreds of Gcalekas moved into new authority under the more powerful D'Urban and Smith force.[47] D'Urban claimed to have rescued 17 000 Mfengu who had escaped Shaka and made servants of the Gcaleka under Hintsa. In doing this, Smith and D'Urban vilified Hintsa and justified their conquest of the area. D'Urban annexed land between the Keiskamma and Kei Rivers and proclaimed it Queen Adelaide Province.[48] Two days later, Hinsta was shot and his body mutilated. On that same day, another 700 Mfengu were brought

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[39] *Ibid.*
[40] Peires, House of Phalo, p. 90.
[41] *Ibid.*
[42] *Ibid.*, p. 91.
[43] Stapleton, T. "Maqoma", p.122.
[44] Peires, House of Phalo, p. 109.
[45] *Ibid.*
[46] Stapleton, "Maqoma", p. 122.
[47] *Ibid.*
[48] *Ibid.*, p. 122

into Fort Peddie under military escort under the pretext that they were being saved from oppression by Hintsa. Smith seized 10 000 cattle.

Hintsa's death prompted questions from the Colonial Secretary, Lord Glenelg, about the appropriateness of D'Urban's strategy on the frontier. Glenelg considered Hintsa's death the tip of the iceberg of a disastrous and costly military policy being pursued by D'Urban towards the Xhosa. Initially, D'Urban denied that any misconduct had occurred during Hintsa's imprisonment, and after his death: "For the rest, I had never heard either of quarter having been asked by the chief, of its having been refused to him, nor of any mutilation perpetrated upon him after death."[49] Together with Smith, they compiled a series of documents vindicating their actions and proving that Hintsa's death was due to "his own treachery."[50] Their official report portrayed Hintsa as a willing 'prisoner' who later reneged on his promise to return cattle allegedly stolen from the colony, and was shot when he attempted to escape.[51] It was put forward that George Southey, a British soldier, killed Hintsa in self-defence when Hintsa threatened him with an assegai.[52] In his memoirs, Smith expressed resentment at the doubts raised about the explanation offered about Hintsa's death. He felt that he was being "called a bloodthirsty murderer in every print in every quarter of our dominions" and "shamefully abandoned by the Minister of the Colonies [Lord Glenelg]."[53] Smith congratulated himself not only for supposedly hospitable and amicable gestures towards Hintsa while he was alive, but also for his utmost respect shown to the King in death: "I had the corpse brought up the hill carefully wrapped in the karosse, and laid at the Kafir [sic] Village with every mark of decency. I had no tools or I would have buried it."[54] Smith made no mention of Hintsa's body being mutilated in any way.

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[49] Parliamentary Papers, No. 8, Dispatch from Governor Sir B. D'Urban to Lord Glenelg, Government House, Cape of Good Hope, 9 June 1836, p. 66.
[50] Smith, H. The Autobiography of Lieutenant – General Sir Harry Smith, (London, 1903), p. 417.
[51] Parliamentary Papers, No. 6. Dispatch from Colonel Smith to the Earl of Aberdeen, 19 June 1835, p. 49.
[52] *Ibid.*
[53] Smith, Autobiography, p. 417.
[54] *Ibid.*

At Glenelg's behest, a military court of inquiry was convened by Sir Benjamin D'Urban between August and September 1836 to investigate the circumstances surrounding Hintsa's death.[55] This inquiry was to be castigated by liberal missionaries of the time as a mockery of justice. It "failed to establish whether Hintsa had called for mercy or not, but it was satisfied that the Chief was in no position, after having received two gun-shot wounds, to threaten any one. It also concluded that the Chief's body had been mutilated, but by whom, it could not establish."[56] These findings show that D'Urban and Smith lied about the treatment of Hintsa's body after death in their official reports. For the most part, the inquiry accepted Smith's version of events regarding Hintsa's purported escape. It assuaged Glenelg's suspicions that Hintsa was wrongfully killed.[57]

The exact details of Hintsa's death remain a historical mystery whose denouement has proved elusive with the fate of his body emerging as a point of contention. Pro-settler writers have accepted the inquiry's absolution of Smith and his contingent.[58] Napier lauds the inquiry's findings and brushes aside its conclusion that Hintsa was mutilated saying that "The evidence given on this subject, before the Court of Enquiry [sic], is very obscure; it never came to light who perpetrated so unmanly an outrage... this case of mutilation was of course distorted – greatly exaggerated..."[59] Naidoo argues that Smith's account of the incident is "in essentials, repeated by R. Godlonton in 1836, by J. Alexander in 1837, by Theal between 1878 and 1926, by Cory in 1919 and by Walker between 1926 and 1928..."[60] Others have however viewed the inquiry with suspicion. At the time the official version was contested by the London Missionary Society and liberals, in a letter to the *South African*

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[55] Naidoo, J. Tracking Down Historical Myths, (Johannesburg, 1989), p. 67.
[56] *Ibid.*
[57] *Ibid.*
[58] Napier, E. Excursions in Southern Africa, Including A History of The Cape Colony, An Account of The Native Tribes, Vol. 1. (London, 1850).
[59] *Ibid.*
[60] Naidoo, Tracking Down, p. 66.

Commercial Advertiser.[61] One of Smith's own colleagues in the colonial military service, Agent Charles Lennox Stretch, questioned the veracity of their account. Stretch contradicted D'Urban's claims recording in a diary entry that; "...the Governor knew well how the body of Hintsa had been mutilated by our people, instead of censuring they were praised by him in General Orders."[62] Stretch also ascertained that "Hintsa had *called for mercy several times"* (original emphasis) and that "...when the former chief fell, having in vain called for mercy, Mr. Nourse cut out the emblems of his manhood, Mr. Shaw, the ears and skin of his chin, while a certain doctor with a bayonet endeavoured to extract some of his teeth."[63]

Historians have also raised their doubts. Webster argues that D'Urban and Smith "perpetrated possibly the biggest cover-up in South African history."[64] He states that Hintsa was shot in cold blood by Southey and that the mutilation of Hintsa's body had a precedent as rewards were given by Smith "to Boers who were able to produce Rharhabe ears as proof of death."[65] Lester states that Smith was "forced to fabricate a version of events that would enable him and certain settlers to escape direct censure [on Hintsa's death]."[66] Peires states that it is "pointless to analyse the smokescreen erected by D'Urban apologists."[67] He highlights the mutilation of Hintsa' body: "Then some soldiers cut off his ears as keepsakes to show around the military camps. Others tried to dig out his teeth with bayonets."[68] Naidoo criticises South African historians for never going far enough to deconstruct the very idea that Hintsa was trying to escape. In his analysis of the evidence, Naidoo shows that it was improbable that Hintsa's escape was premeditated, as Smith had claimed. Naidoo states that

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[61] *Ibid.*
[62] Le Cordeur, B (ed). The Journal of Charles Lennox Stretch, (Cape Town, 1988), p. 94.
[63] *Ibid., p. 96.*
[64] Webster, A. "Land Expropriation and Labour Extraction Under Cape Colonial Rule: The War of 1835 and The Emancipation of The Fingo", MA thesis, Rhodes University, 1991, p. 120.
[65] *Ibid.*
[66] Lester, "Settlers", p. 237.
[67] Peires, House of Phalo, p. 111.
[68] *Ibid.*

> The killing of Hintsa might have been ineluctable once D'Urban and particularly Smith realised they were never going to secure the number of cattle and horses they had hoped to obtain, for the problem then was what to do with the Chief. Execute him formally, either by hanging or by firing squad? Take him back to the Colony as a prisoner?[69]

Therefore "An accidental killing where the onus for the mishap was ambiguous and where the chief *himself* was to blame, was, of course, an ideal solution."[70] He concludes that Hintsa was "goaded...into a cul-de-sac of an impossible act" and finally, "by inadvertence or proxy – executed."[71] He also highlights the mutilation of Hintsa's body and identifies Southey as the culprit in this regard: "...Southey dragged the Chief's body out of the water and then cut off at least one of his ears. Gilfillan, who was on the spot minutes after the killing, and whose diary is sober and straightforward, observed that Southey came up 'bringing with him Hintsa's ears and all his ornaments.'"[72] More recently, Lalu has revisited Hintsa's killing to analyse the textual and discursive mechanisms through which Hintsa and his death were constructed in official colonial records.[73] He argues that "Narrative impasse stems from the manner in which the British cleared the scene of the crime, removed traces that may have enabled an alternative history, and left in its place only one story: their own."[74] Lalu argues that colonial evidence should not be read as a biased representation of an objective reality, but can instead be read to establish "an altogether different perspective on domination."[75] For Lalu, the very nature of the evidence bequeathed to us by the colonial archive, as produced within a context of domination, produces narratives which resist the recovery of African agency in history.[76] He concludes that "What we are treated to in colonial texts is not the presence of the subaltern but the

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[69] Naidoo, Tracking Down, p. 79.
[70] *Ibid.*, p. 80.
[71] *Ibid.*, p. 80, 81.
[72] *Ibid.*, p. 79.
[73] Lalu, P. "The Grammar of Domination and The Subjection of Agency: Colonial Texts and Modes of Evidence", History and Theory, 39, 4, 2000. pp. 45 - 68.
[74] *Ibid.*, p. 47.
[75] *Ibid.*, p. 48.
[76] Lalu, "Grammar Of Domination", p. 45.

mechanics of Europe producing itself as sovereign subject through its Other. One cannot hope to retrieve a silence(d) subject...by way of the colonial archive."[77] The logic of Lalu's conclusion is that insofar as one seeks to answer the empirical question, 'What happened at the scene of Hintsa's death, and to his body in particular?', the colonial archive offers no pre-existing 'truth' in this regard.

These gaps in historical knowledge have produced conflicting oral history accounts on what happened to Hintsa's body after death. Mda recounted that Hintsa was decapitated by British soldiers: "He was decapitated and the head was carried to Grahamstown in triumph. That is what now led to this Nicholas Mbambatho."[78] However, Douglas Hintsa finds this version questionable:

> One thing we don't agree – how can a senior councillor bury a headless king? Because the story should have definitely leaked out, that the king was buried without his head. And also, if Hintsa was beheaded, how did that head go past Grahamstown without people knowing. The reason for that is because we know that they cut him, cut his ears, his cheeks, took his teeth with a bayonet and we know Southey and his crew brought those tissues into Grahamstown.[79]

Hintsa reiterated that because there is no mention of headless burial in oral traditions, Mbambatho was mistaken:

> ...if the king was buried without his head, then the word should have been around. Like Ncoko [the chief councillor] maybe should have passed that information on to his son. Then the whole thing would have been passed down from generation to generation. That's how these things happen, to know what is going on in the family [sic]... so the whole thing goes from father to son,...no there's no oral evidence of that... That's why we disputed that whole thing [Mbambatho's claims] in 1996.[80]

For Mda, the 1836 court of inquiry covers up too much:

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[77] *Ibid.*, p. 68.
[78] Telephonic interview, Mda Mda, 3 May 2006.
[79] Interview, Douglas Hintsa, 16 November 2005, Grahamstown.
[80] *Ibid.*

> Then this commission which was chaired by Colonel Hare, it was an absolute disgrace, a cover up. So there has always been this "What happened to the head of the Xhosa King?" This fellow Nicholas Mbambatho thought now he could [sic], I don't know now, I have not spoken to him about his motives, but the skull he brought back we were satisfied it was not the correct one.[81]

Oral narratives of beheaded Xhosa abound. The story that King Sandile, who died in 1878, was decapitated and his head taken as a trophy to Britain has also circulated in the Eastern Cape.[82] In June 2006, an exhumation of the King Sandile's grave proved that he had not been decapitated as legend had it.[83] Bunn commented that "Recent attempts by communities in the Eastern Cape to have the bones of chiefs Maqoma, Hintsa, and Sandile returned or re-interred reveal the fact that in popular Xhosa historical understanding, the leaders of the period were all believed to have been decapitated."[84] Given the context of gross violence, military decapitations, and the collection and export of skulls for phrenological purposes, Bunn argues that there was justification "for this albeit exaggerated understanding of historical violence."[85] In the context of dispossession and injustice, narratives of headless burials were passed down through time and history and it was through Mbambatho that Hintsa's issue was revived in 1996 South Africa. If "political transformation is often symbolised through manipulating bodies (cutting off the head of the king, removing communist leaders from mausoleums)", recovering 'Hintsa's head' was a symbolic restoration of a past political order.[86]

Mbambatho's claims revealed that the consequences of Smith's smokescreen continue to live today. In so far as the fate of Hintsa's remains is concerned, the smokescreen was to be broken retrospectively through divination, not forensic pathology, when Mbambatho made his

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[81] Telephonic interview, Mda Mda, 3 May 2006.
[82] Feni, L. "King Sandile's Full Remains Found With Skull Intact", Dispatch Online, retrieved online at www.dispatch.co.za/2005/0/02/Easterncape/bdig.html.
[83] *Ibid.*
[84] Bunn, D. "Morbid Curiosities: Mutilation, Exhumation, And The Fate Of Colonial Painting", Transforming Anthropology, 8, 1&2, 1999, p. 44.
[85] *Ibid.*
[86] Verdery, Political Lives, p. 28.

claims in 1996. Mkhululi Titi, a journalist for the Daily Dispatch at the time, covered the story and interviewed Mbambatho a number of times. Titi remembered that "Gcaleka was very bold in his statements and I do not recall an instance where he contradicted himself."[87] He "enjoyed the publicity, the prominence he was getting."[88] He was neither "difficult" nor "self-contained".[89] Mbambatho was charismatic, and his popularity grew amongst a wide range of people. According to Titi, "He managed to draw the attention of both educated and uneducated believers. At one stage I met him with a delegation of people from Cape Town who are originally from Transkei, some of them preachers and headmen. Wherever he goes he was able to draw a number of spectators."[90] Mda stated that "People were coming to him by the thousands saying "please please do your best to recover this skull, we know these people [the Royal House] are criticising, but doing nothing. We think you're going to help us."[91]

Mbambatho's reputation was bolstered by the support he received from Premier Raymond Mhlaba. Mda felt that the Eastern Cape government marginalised the Royal House and hampered their attempts to resolve the issue.[92] The Royal House stated their position: "Because of the historical [and] national importance of the whole thing we would [have liked] the government to come in".[93] But they felt "let down by Raymond Mhlaba [because] we are not ANC people."[94] Mda described Mhlaba's response as "petty and narrow" partisan politics.[95] Thus, the Royal House was unable to gain support of the most senior politician in the province. Although Mhlaba was involved himself in the matter, the ANC-led national government never made any official pronouncements.

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[87] Titi, M. Personal faxed correspondence, 13 October 2006.
[88] *Ibid.*
[89] *Ibid.*
[90] *Ibid.*
[91] Telephonic interview, Mda Mda, 3 May 2006.
[92] *Ibid.*
[93] *Ibid.*
[94] *Ibid.*
[95] *Ibid.*

King Xolilizwe Sigcawu stated the Royal House's official position: "Nicholas has disgraced my Great Place and Xhosa customs by displaying a skull he claimed was of my great-grandfather, without my knowledge or a mandate from the [Xhosa] nation."[96] Mbambatho had disgraced Xhosa custom because he had transgressed Royal House protocol by not gaining the king's approval for these claims. Displaying human remains for publicity was considered unbecoming behaviour insofar as it implicated the Royal House.[97] The Royal House's perspective on restoring historical injustices differed from Mbambatho's. There was a view in the Royal House that "there were more important things to deal with."[98] Prince Xhanti Sigcawu pointed out that, "Much as this concerns us, it is not an issue. Life is continuing as usual. It's not a matter that we can't move up until this thing [the truth about Hintsa's head] is done."[99] The Royal House's priority was to engage present political concerns through formal institutions. There were more pressing issues as Mda recalled: "Our land has not been yet returned to us etc [sic]. Our status has not yet been restored. Look at the poverty."[100] The Royal House prioritised these concerns in the context of political transition and the changing role of traditional institutions. By distancing themselves from Mbambatho, the Royal House protected its credibility as a respectable and formal South African institution. The Royal House's 'status' and role as a traditional institution in the new dispensation was uncertain, thus engagement through formal channels of government was important. Formal recognition and integration of traditional institutions and leadership required delicate politics. Mbambatho's media exposure and eccentricity undermined the Royal House's formal political image.

The Royal House's official public position was to denounce Mbambatho. The Royal House felt that the public interpreted their denouncement of

[96] Gerardy, "Conman".
[97] Telephonic interview, Mda Mda, 3 May 2006; Telephonic interview, Prince Xhanti Sigcawu, 22 August 2006.
[98] Telephonic interview, Mda Mda, 3 May 2006.
[99] Telephonic interview, Prince Xhanti Sigcawu, 22 August 2006.
[100] *Ibid.*

Mbambatho as "jealousy" and fear of being upstaged by Mbambatho.[101] Mda recounted the general public perception:

> When he returned the people were saying "look what is that, this is a man who is busy doing something. Even if he's making mistakes, at least... what are these people Mda and all these others doing except to criticise. Why haven't they gone to Great Britain? Have they taken the matter up with the British government? Have they gone there to try and find out what happened to the skull of King Hintsa? No! And then when somebody does something they are not there to assist him.[102]

The Royal House tried to show that not only were Mbambatho's divinations inaccurate, but that he was motivated by the prospect of personal enrichment. They questioned the ease of access which Mbambatho enjoyed in the United Kingdom. They questioned who had assisted him right up to his collection of the skull in the Scottish barnyard. In Douglas Hintsa's view,

> The biggest question is who was behind the trip? You cannot tell me that you can go to Volkswagen on your own. And Volkswagen donate on your piece of paper R20 000. Surely there's somebody behind that? And this person surely wanted to make a story, and so we think that's why Nicholas came into the picture, calling himself a sangoma, saying he had a vision, that King Hintsa's head... In fact, it was going to be a big story.[103]

Prince Sigcawu asked,

> Where did he get the skull? Who would keep human remains so carelessly? Are we saying that in London human remains are unprotected? Is there any legislation that allows a man to have human remains in his possession? Up until today, I still believe that this thing was a set-up kind of thing.[104]

The Royal House also distanced itself from Mbambatho's claim to royal lineage and was emphatic that he was not a chief. The custom of the Xhosa restricts royal ascendancy to members of the Tshawe clan.[105] Mbambatho's

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[101] Telephonic interview, Mda Mda, 3 May 2006; Interview, Douglas Hintsa, 16 November 2005, Grahamstown.
[102] Telephonic interview, Mda Mda, 3 May 2006.
[103] Interview, Douglas Hintsa, 16 November 2005, Grahamstown.
[104] Telephonic interview, Prince Xhanti Sigcawu, 22 August 2006.
[105] Peires, House of Phalo , p. 13 – 16.

attempts to link himself to the Tshawe royal bloodline were spurious and laughable; by linking himself to Hintsa he implied aristocratic seniority.[106] Furthermore, Mbambatho's genealogical links were traced through a maternal, rather than paternal ancestor. Mda cast serious doubts on Mbambatho's claims:

> He came back [from training as a diviner in Swaziland] he said he has made a discovery. It is father who had given him a wrong surname...and he has discovered he belongs to the Tshawe clan and not just the Tshawe clan, to Tilana etc [sic], the descendant of Gcaleka... He said he belonged to the daughter of Gcaleka. That is how he came about.[107]

According to Douglas Hintsa, a further dent in Mbambatho's credibility was his use of the name 'Gcaleka':

> We just heard it over the radio that there's a so-called Chief Gcaleka. We wondered because the name Gcaleka, we don't use that name. We have reasons for not using that name. There's actually no one using that name. Then we thought let him go [to the United Kingdom], we'll catch him on his way back.[108]

According to Peires, King Gcaleka was associated with witchcraft and *thwasa:*

> It is said that one day he disappeared into the Ngxingxolo River. A beast was sacrificed to the river and Gcaleka eventually emerged. This mystical experience, known as *thwasa*, qualified Gcaleka as a diviner.[109]

Because of his gift of divination, Gcaleka could smell out witches, which put all his subjects in a precarious position.[110] Douglas Hintsa says that Gcaleka is the only king who was both a thwasa and king and thus the use of the name was stopped. Mbambatho's use of the name signalled his ignorance of true royal protocol. As Hintsa recalled, "Our father told us that King Gcaleka [went through] ukuthwetyulwa [transformation into becoming a diviner]. He is the

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[106] Telephonic interview, Mda Mda, 3 May 2006.
[107] *Ibid.*
[108] Interview, Douglas Hintsa, 16 November 2005, Grahamstown.
[109] Peires, House of Phalo, p. 46. *Thwasa* is a ritual process which initiates undergo over several months, or even years to become diviners.
[110] *Ibid.*

only king in the whole family who ruled meanwhile he was inyanga. And that name was reserved on those grounds."[111]

By referring to the 1836 court of inquiry records, the Royal House tried to show that Hintsa's head could not have been taken as a trophy. They argued that there was enough evidence in the documents to suggest that Hintsa's skull was almost completely shattered by Southey's shot at close range. There was a slim possibility that his head could have been taken as a trophy. This was confirmed by a Dr Ford, the Assistant Military Surgeon who at the time of the death in 1835 had planned to take Hintsa's skull to Britain for his own 'studies' but decided not to:

> The top was completely shattered; a ball must have passed through from ear to ear. The scalp was blown open traversely, the bone of the arch of the cranium was broken into pieces, the foremost part of the scalp hanging over the face and the back part falling in to the nose of the skull.[112]

The skull Mbambatho returned with was completely intact, barring a small hole in the temple, which he claimed was the bullet hole.

The Royal House felt that Mbambatho had to be reined in. The main concern was to reverse the damage they perceived he was doing to the Royal House's image. When Mbambatho returned from Scotland an official meeting was held at the Royal Residence in Nqadu.[113] Mbambatho was summoned to Nqadu before the Royal Council. The main aim of the meeting was to confiscate the skull.[114] Mda recalled the proceedings;

> Although we knew it was not the skull of King Hintsa we said, "Now look, if you are going about with the bones of the deceased you

[111] Interview, Douglas Hintsa, 16 November 2005, Grahamstown.
[112] Marks, "Rewriting", p. 99.
[113] Telephonic interview, Mda Mda, 3 May 2006; Interview, Douglas Hintsa, 16 November 2005, Grahamstown.
[114] Telephonic interview, Prince Xhanti Sigcawu, 22 August 2006.

> can't be going about making a circus. You should have brought it here to the royal place." So that is how it was seized.[115]

Hintsa saw the matter this way:

> If Nicholas was related to this family, if he had that vision, he should have come forward. We were not against him going overseas. We were not against that. We were against him to use [sic] the family name unnecessarily, making unnecessary topics, calling himself names he was not supposed to.[116]

At the meeting Mbambatho handed the skull over in a silver box. But this would later cause problems when he legally contested for re-possession of the skull.[117] Mda told the press that "By taking the head we are preventing him from indulging in this circus, displaying the head as he goes around."[118] After Mbambatho handed it over, it was given to the police mortuary at Willowvale because the council could not legally keep human remains in their possession in terms of South African legislation.

However, the authority of this historical record in itself was perceived as insufficient and the skull was sent for DNA tests. In late 1996, the skull was accompanied to the University of Cape Town (UCT) by Mr. Sizwe Manona, also a Royal councillor, and the Commissioner of Police in the Eastern Cape at the time.[119] The skull was handed over to Professor Gideon Knobel of the UCT Department of Forensic Medicine who co-ordinated a team of four specialists from three South African universities.[120] The forensic pathologists needed two descendants, preferably female in order to conduct the DNA tests.[121] The Royal House put forward the appearance of being cautious about the matter. Mda commented at that juncture that the Royal House had

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[115] Telephonic interview, Mda Mda, 3 May 2006.
[116] Interview, Douglas Hintsa, 16 November 2005, Grahamstown.
[117] *Ibid.*
[118] De Silva, N. "Elders sieve king's skull for lab tests", The Standard, March 9 1996, retrieved online at www.thestandard.com.hk/archive_news_detail.
[119] Telephonic interview, Mda Mda, 3 May 2006.
[120] Unknown Author G, "Scientists complete study of 'King's Skull'", Monday Paper, Vol. 16, 12, May 12 – 19, 1997 retrieved online at http://web.uct.ac.za/depts.dfa/monpape/97-no12/skull.htm.
[121] Telephonic interview, Mda Mda, 3 May 2006.

deferred a final decision on the fate of the skull "purposely so that we do not appear to have acted hurriedly without weighing all the pros and cons."[122]

In May 1997 the forensic team declared that the skull was not Hintsa's. Knobel focused on the "bullet hole", which showed no "radial fracture lines around the hole, and no inward bevelling of the inner table, which would be expected by a bullet hole."[123] Furthermore, the skull did not show a "bullet exit defect."[124] Knobel found furthermore that the "cranium was small and delicate, suggesting a female individual."[125] Tobias also found that the features made the skull likely female, or "less-likely, a lightly muscled male."[126] Tobias concluded that the skull was likely of European descent or "an individual of mixed descent, but with predominantly European features."[127] Finally the forensic team concluded that the skull was unlikely to have been that of Hintsa who died at 46 years of age. It was said to be most probably that of a middle-aged white woman.

When the forensic team presented their findings at the 27th Annual Congress of the Anatomical Society of Southern Africa, Mbambatho is reported to have confronted the scientists and demanded that the skull be returned to him.[128] Dr. Graham Louw of UCT's Department of Anatomy and Cell Biology told the UCT's internal communication, Monday Paper, that "Gcaleka wanted the skull because it 'belonged to a relative."[129] Mbambatho is reported to have "questioned whether the scientist could comment on such a spiritual matter as the skull, as they 'do not dream' the way he does."[130]

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[122] De Silva, "Elders"
[123] Unknown G, "Scientists Complete".
[124] *Ibid.*
[125] *Ibid.*
[126] *Ibid.*
[127] *Ibid.*
[128] *Ibid.*
[129] *Ibid.*
[130] *Ibid.*

Mbambatho would not leave these findings and the Royal House's actions uncontested. In 1999 Mbambatho decided to take on the Royal Council to reclaim possession of the skull. His attorney, Manie Beukes, sent a letter to the king and the Royal Council demanding the immediate return of what he considered his client's property.[131] In 2000 the case was still being handled by the lawyers.[132] Mbambatho had not given up on his mission to reclaim the skull which UCT now regards as its property. The Mail and Guardian reported that Professor Deon Knobel said "the matter was 'driving him nuts with their persistence in calling it Hintsa's head when it is the skull of an old white woman.'"[133]

Titi reported that "...in the wake of the fuss [over the DNA result], it has become difficult to say who should be believed."[134] He opined: "The only way to find out if Hintsa was in fact decapitated was to return to his grave near the Nqabara River."[135] Although Douglas Hintsa did not agree with the idea of an exhumation, Mda said that the councillors had taken a decision to go ahead with one: "As a matter of fact we felt as some of the councillors, we should pursue this matter. Let us let the exhumation be done."[136] Prince Sigcawu felt that exhumation would have been the only way to resolve the matter of Hintsa's head.[137] Mda felt that the provincial government could have provided the necessary financial assistance for an exhumation which could have assisted the DNA testing and/or solve the question of whether Hintsa was decapitated or not.[138] There was a sense in which the Royal House felt it was unable to satisfy both its supporters and detractors. Mda illuminated this:

> ...it was just the question of funds. Now we were criticised by members of the Xhosa, just individuals, because they said to us

[131] Titi, M. "Gcaleka's Lawyers Demand Skull", Dispatch Online, 10 November 1999, retrieved online at www.dispatch.co.za/1999/11/10/easterncape/QTOWN4.HTM.
[132] Titi, M. "Dispute over 'Hintsa's skull' Continues', Dispatch Online, 9 March 2000, retrieved online at www.dispatch.co.za/2000/03/09/easterncape.DISPUTE.HTM.
[133] Dickson, P. 'History Comes to A Head", Mail and Guardian, 4 – 10 February, 2000.
[134] Titi, M. Personal faxed correspondence, 13 October 2006
[135] *Ibid.*
[136] Telephonic interview, Mda Mda, 3 May 2006.
[137] Telephonic interview, Prince Xhanti Sigcawu, 22 August 2006.
[138] Telephonic interview, Mda Mda, 3 May 2006.

> "look Mda, you let us down, we thought with a man of your stature and understanding if you had made an appeal to the nation... we would have responded, now why did you rely on Raymond Mhlaba and all those people.[139]

In 1999, the Congress of Traditional Leaders of South Africa (Contralesa) came out in public support of the Royal House, demanding that the skull be taken back to Scotland.[140] The Eastern Cape chairperson of Contralesa said that "Keeping that skull in our country is an insult to our tradition and norms."[141] There was displeasure that the university kept the skull which had tainted the dignity of traditional authorities. The Royal House and Contralesa, made separate requests to the university to return it, but UCT refused as it was used for educational purposes.[142] By doing this, Contralesa affirmed the legitimacy of the Royal House and its chosen path. These two institutions thus positioned themselves in the debates as authentic representatives of 'tradition' and custodians of Eastern Cape history, in contrast to Mbambatho's disorderly, and garish displays. Contralesa told the press that "the organisation was prepared to offer assistance if approached by the Xhosa Royal House."[143]

The matter even went as far as parliament. As late as 17 May 2000 a motion drafted by Dr. S E M Pheko was put forward to the house, noting that

> (1) the Pan Africanist Congress of Azania supports the royal house of Gcaleka in its demand that Britain return the skull of King Hintsa; (2) this Xhosa King was killed in a war of national resistance against British colonialism between 1834 -1835; (3) he was decapitated and his skull taken as a war trophy, allegedly to England; (4) the colonial war against Africans under King Hintsa was led by Colonel Harry Smith; (5) the British government knighted Harry Smith for this barbaric act and named a town in the Free State Harrismith; and (6) the PAC demands that if King Hintsa's skull cannot be found, an

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[139] *Ibid.*
[140] Unknown Author H. "Skull must go back says Contralesa", Dispatch Online, 27 October 1999 retrieved online at www.dispatch.co.za/1999/10/27/easterncape/MUST.HTM.
[141] *Ibid.*
[142] Telephonic interview, Prince Xhanti Sigcawu, 22 August 2006.
[143] *Ibid.*

> apology should be made and an appropriate compensation be paid for all damages done.[144]

It is noteworthy that the PAC supported Mbambatho's quest because the party constructed itself as a radical alternative to the ANC-led national government which pursued a reconciliatory consociational strategy. By putting the matter before parliament, the party was sending a clear message to the house that radical measures were necessary to restore what Africans had lost under colonial conquest.

While Mbambatho's case remained unresolved in 2000, the Xhosa Royal House continued its preparations for King Xolilizwe's installation on 12 March. He would be the first Xhosa king to be installed after apartheid.[145] In 2001 they accepted an apology made by the then British High Commissioner, Amy Grant, on behalf of her government for "past colonial injustices."[146] On Mbambatho, the Royal House's Chief Executive Officer's, Zolani Mkiva stated: "We are ... not engaged in that battle. The council feels the skull must be taken back to London, but the whole thing is a joke. People fighting over a skull – that's crazy."[147] The Royal House's engagement with official representatives of the British government illustrated a formalised approach to politics. It was politics within official structures as opposed to Mbambatho's exposure to mass media.

This public 'drama' was translated into a successful and controversial stage drama in Brett Bailey's *iMumbo Jumbo*, which premiered at the National Arts Festival in Grahamstown in 1997 and returned in 2003.[148] In this play, Bailey interprets 'Gcaleka's' spiritually guided mission to retrieve Hintsa's skull as

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[144] Order Paper, no 33 – 2000, Second Session, Parliament of the Republic of South Africa, 17 May 2000.
[145] Dickson, "History".
[146] Herald Correspondent, "Britain extends apology to Xhosas", The Herald Online, retrieved at www.theherald.co.za/herald/2001/09/19/news/britpol.htm on 10 July 2006.
[147] Dickson, "History".
[148] Tang, A. "Gazing at Horror: Body performance in the wake of mass social trauma", MA thesis, Rhodes University, 2005, p. 92.

one which goes against the grain of the rational, secular westernised worldview. According to Bailey,

> This whole saga really is just another round in the battle between materialistic and mythological consciousnesses—a fight between a god with no heart and a god with no head—where the reverberating symbol of the latter is reduced to a powerless object in the former, and where a sacred quest for self- and national actualization is made to look ridiculous by dull men over-endowed with self-importance and utterly deficient in imagination.[149]

Bailey's *iMumbo Jumbo* draws material from the real-life case and re-constructs it theatrically to question the hegemony of whiteness, rationalism and non-shamanism in western epistemology.[150] Bailey's position is predicated on a binary which posits modernity as an antithesis to tradition. In this scheme, modernity had clearly corrupted more authentic African modes of political action and historical narration. For Bailey, Mbambatho represented vibrant and authentic African modes of knowing, whilst the Royal House had been co-opted into the sterile modern western empirical historical method.

In contrast, both Douglas Hintsa and Mda characterised Mbambatho as an astute and intelligent man who was playing his cards cleverly. In late 1997 reports of illegal dealings conducted by Mbambatho in his former trade as a liquor salesman appeared in the press. His involvement in cheque fraud and illicit liquor trading served to discredit him further and give credence to the Royal House's claims that he was just an opportunist.[151] Mbambatho was arrested in 1997 on three charges of fraud "amounting to over R200 000."[152] In December 1997 he was taken to Westville Prison in Durban where he awaited trial for these alleged crimes. Mbambatho had at least three spells in

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[149] Rudakoff, J. "Why did the Chicken Cross the Cultural Divide? Brett Bailey and Third World Bunfight's *iMumbo Jumbo*", The Drama Review, 48, 2, 2004. pp. 80 -90. This review piece is so named because it explores the controversy that arose when a chicken was blessed and sacrificed on stage during a ritual in the final showing of the play in Cape Town.

[150] Tang, "Gazing at Horror".

[151] Mzimba, S. 'Chief Gcaleka Denied Bail', Dispatch Online, 13 December 1997, retrieved at www.dispatch.co.za/1997/12/13/page%203.htm; Mzimba, S. 'Docket Missing in Hintsa Hunter's Case'. 26 August 1998. Dispatch Online, retrieved at www.dispatch.co.za/1998/08/26/easterncape/HINTSA.HTM.

[152] Gerardy, "Conman".

prison from 1997 to 2003. He was arrested on two other occasions for trying to purchase vehicles fraudulently.[153] It was not easy for Titi to assess Mbambatho. It was "difficult to judge him whether he was telling the truth or not as he continuously said he was communicating with his ancestors. If someone says he/she is in touch with ancestors, it's difficult to prove him/her if you do not know anything about African beliefs."[154] As part of the research for his play, Bailey spent time with Mbambatho twice; once in 1997 at his home in Nyanga East and in 2003 in Pollsmoor prison where Mbambatho was awaiting trial again for another set of fraud charges against him.[155] While Bailey was fascinated with Gcaleka, the two lead actors for the production considered him "a loud-mouthed braggart."[156] Bailey said that Mbambatho made sense "in his own context" and was "sincere" even though "quite a fallible human being who had tendencies towards the shadier sides of business deals."[157] In his view,

> ...if the Spirit of the Xhosa Nation chose a rather gregarious and offbeat messenger, who are we to question. Not too long ago, when the logic of the sangomas held a lot more sway among people only lightly contaminated by the cold reason of the West and the Church, Gcaleka's mission would not have raised a Xhosa eyebrow.[158]

In the media however, Mbambatho's frauds vindicated the Royal House's decision to denounce him and subject the skull to testing. Justine Gerardy reported in the Daily Dispatch in a follow-up article, five years after the event; "it would have been the quest to end all quests...if it had worked that is." [159]

In official pronouncements oppositional views in the Royal House were suppressed. Not all the Royal House councilors believed that the official position was appropriate. Titi reported that "The results of the DNA tests to authenticate the skull that sangoma Nicholas Gcaleka brought back from

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[153] *Ibid.*
[154] Titi, M. Personal faxed correspondence, 13 October 2006.
[155] Gerardy, "Conman".
[156] Bailey, "Plays", p. 94.
[157] Gerardy, "Conman".
[158] Bailey, "Plays", p. 96.
[159] Gerardy, "Conman".

Scotland has divided the royal house."[160] Dissenters within the Royal House disapproved of the king's scepticism "about the return of the skull claimed to be that of his grandfather."[161] Dissenters would not make themselves publicly known although they spoke to reporters privately.

Mbambatho was aware of the accusations that he was an opportunist. In his own defence, he said he had to follow the spirit: "I'm not doing this thing 'cos [sic] I'm clever."[162] UCT's Alan Morris was to note:"...the solutions to the problems [raised by Mbambatho's case] cannot be couched in terms of historical realism alone."[163] Walker points out that

> Some indigenous people reject the epistemology of science, at least as it applies to their history and cultural affairs, and instead prefer to view the past as it is revealed through traditional ways of knowing, such as oral history, legend, myth, and appeal to the authority of revered leaders.[164]

Mbambatho's wife, who Bailey does not name, questioned whether the scientists and the Royal House's motives could be trusted: "He is a sangoma. Scientists know nothing. Anyone can work a computer. They can turn it into a woman's skull if they want to. Those people are rich, they can buy what they want from scientists. They are rich, those chiefs and kings."[165] Her concern was that the Royal House had colluded with the scientists to undermine Mbambatho who she viewed as the underdog. Her protest illuminated a view among previously colonised people that "scientific investigations into the history of indigenous cultures are simply another manifestation of attempts of an oppressive imperialist colonial power to control and weaken the belief

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[160] Titi, M. "Royal House Divided", Daily Dispatch. (This clipping was faxed to me by Titi and did not have the date).
[161] *Ibid.*
[162] *Ibid.*
[163] Morris, A. "Abstracts of the 3rd Annual Meeting Of The Midwest and Forensic Anthropology Association, Michigan University, Kalazamazoo, Michigan", 12 October 1996, retrieved online at http://archlab.uindy.edu/documents/barfaa/BARFAA1996.pdf.
[164] Walker, "Bioarchaeological Ethics", p. 17.
[165] Bailey, "Plays", p. 99.

systems of indigenous people so that they will be easier to exploit."[166] Distrust of the white scientists emerged strongly amongst Mbambatho's supporters.

Members of the public questioned the scientists' findings. Titi reported that "Sangomas in the province have rejected the DNA results. They claimed it was possible for whites to reject their ideas. They said nobody could believe scientists findings and added that the result was part of a campaign to undermine traditional healing."[167] There were perceptions that not only had the Royal House neglected its duties in this matter, but they had allowed Mbambatho "this poor uneducated man to go alone so that he is cheated by the British [by giving him the wrong skull]?"[168]

It was not implausible for Mbambatho and his supporters to discount the scientists' conclusions. Like many Xhosa and Nguni people in general, Mbambatho's dreams were the "ultimate evidence for the existence of the ancestors."[169] Even if Mbambatho was indeed a fraud, his presentation of a dream to his supporters gave credence to his claims. In Southern Africa, for those who believe in the existence of ancestors in the afterlife "ancestors are immanent in dreams and their will is manifest though them, dreams are conceived to be communications emanating directly from the ancestors."[170] Dreams are therefore a valid spiritual message which can be used to justify action in the material world.[171] The scientists' investigations discredited not just Mbambatho, but his supporters' faith in spiritual epistemology. Distrust of their motives emerged.

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[166] Walker, "Bioarchaeological Ethics", p. 17.
[167] Titi, M. "Royal House Divided", Daily Dispatch. (This clipping was faxed to me by Titi and did not have the date).
[168] Telephonic interview, Mda Mda, 3 May 2006.
[169] Hirst, M. "Dreams and Medicines: The perspectives of Xhosa diviners and Novices in the Eastern Cape, South Africa", The Indo-Pacific Journal of Phenomenology, 5, 2, 2005, p. 10.
[170] *Ibid.*
[171] *Ibid.*

Hence, it was not merely a question of the validity of the forensic tests or the scientific method, but about the trustworthiness of *white* scientists. In the new democracy, why should the veracity of a black rural diviner's narrative be trumped by the white scientific establishment? Peires, who had referred the Royal House to the court of inquiry records, described Mbambatho as *'vox populi'*.[172] Mbambatho's popular support indicated that the dominant 'rainbow-nation' and reconciliation discourses of the South African state subsumed a less conciliatory *'vox populi'* which demanded equal validity to its own modes of inquiry. The interest that Mbambatho evoked in the media and in members of the public occurred the very same year the Truth and Reconciliation Commission (TRC) was convened. The TRC epitomised, on the one hand, the state's reconciliatory discourses which saw crimes against humanity forgiven as part of the political compromise which gave rise to the new order. On the other hand, the TRC also uncovered gross human rights abuses; the search for missing activists' bodies interested the public. Mbambatho's claims resonated with feelings that just recompense for historical injustices was missing; that not all was being acknowledged by the new order in its attempts to unite a much divided nation. As Hamber argues, "on the psychological front" the TRC process "may have helped some with healing, but was hardly sufficient and the impact not necessarily psychologically beneficial."[173] Titi felt that the story was "exciting" to the public because it was "exposing the sins of the apartheid era or colonial wars between the Xhosa nation and the British."[174] Mbambatho's mission went against that conciliatory spirit. He was calling for more radical solutions, to uncover injustice further back in history. His actions were symbolic 'on behalf' of the aggrieved.

Albeit an elite political institution, Mbambatho's contestations revealed the tenuous authority of the Royal House as mediators of historical interpretations and traditions. Whether or not Mbambatho was honest, it is clear that his

[172] Marks."Rewriting", p. 110.
[173] Hamber, B. "Rights and Reasons: Challenges for Truth Recovery in South Africa and Northern Ireland", paper presented at the "Strengths and limitations of truth commission: the cases of Argentina, Chile, South Africa and Guatemala Workshop." Centre for International Studies and CISA: Peterhouse College, Cambridge, 2003.
[174] Titi, M. Personal faxed correspondence, 13 October 2006.

search for Hintsa's skull found resonance with people in the Eastern Cape. The production of the historical narrative which gave rise to the 'new South Africa' became a matter of public debate and contestation. Where the colonial archive had created blockages, the South African and British public were willing to be led down alternative paths of discovery. Mbambatho's robust and idiosyncratic approach added vigour to the debate. The Royal House approach was out of touch with public sentiment.

Mbambatho's mission revealed the dynamism of history as it is produced and debated in the public and popular realms. In the repatriation debates of Native American remains Curtis Hinley saw that the issue extended "beyond proprietorship", it was not about "control over bones at all" but about "control over narrative: the stories of people who went before and how those people (and their descendants) are to be currently represented and treated".[175] Mbambatho's quest was not just about the material lack which continued as reality for many South Africans, but about reclaiming the right to tell a black perspective of the South African story. While the 'smokescreen' of the court of inquiry means that the full truth cannot be easily ascertained, a more compelling story for the Xhosa, that of the headless burial, emerged as an indictment of the horrors which accompanied the wars of dispossession. As Titi observed, "...the academics and scientists have not addressed an important issue: they have not born [sic] in mind the spirituality which is part of black African culture – its beliefs are not easily tested within the scientific world."[176] White scientists and the Royal House were seen to be denying hurtful truths and the psychological pain of many black South Africans. Presumably if the results had confirmed that the skull was Hintsa's Mbambatho would have embraced the scientists' methods. However, since the DNA tests did not confirm his dream, he disputed the results. He was challenging the notion that scientists could presume to have the authority to reject his methods and his version of the truth. For Mbambatho, a disempowered black world was poised to reclaim its status through the

[175] Gulliford, "Bones", p. 121.
[176] Titi, "Royal House".

repossession of the missing skull. This black world had its own stories, its own narratives which had thus far been silenced by the versions of history promulgated under white hegemony.

In Hintsa's grave, near Idutywa, lies the answer to this 'mystery'. Signage bearing the directions to Hintsa's grave has been the subject of controversy amongst heritage practitioners in the Eastern Cape. The official brown metal road sign in Idutywa showing the way to Hintsa's grave has the three crosses symbolic of Golgotha hill as the official marker for the grave site. Heritage practitioners took the National Heritage Council to task about this at the Heritage Indaba in September 2005 in East London.[177] Delegates at the conference argued that to use the Christian Cross as a universal signifier of the graves of kings Hintsa and Phalo perpetuated colonial hegemony. The delegates pointed out that neither Phalo nor Hintsa were Christians at death and that this signage was an insult to their religious worldviews. They put forward that the Heritage Council ought to consider using a leopard as a sign that was closer to Xhosa symbolism for royalty. Though the politics of symbolism evoked strong emotions amongst activists and heritage practitioners, in actuality very few people visit the grave. The Royal House erected a tombstone in the early 1980s but the grave is not necessarily a site of regular commemoration. Prince Xhanti Sigcawu was quite unaware of the contestations around the signage.[178] Mda admitted that he had not been to visit the grave since a memorial was erected in early 1980s and said that "we [the Royal House] should be thoroughly ashamed [by the neglect of the grave]."[179] At the heart of the issue which heritage practitioners raised over signage were the same feelings aroused by Mbambatho's hunt - It was the desire for the recovery, recognition and accentuation of African narratological perspectives in the post-apartheid public domain.

[177] Personal conference notes 12 September, 2005.
[178] Telephonic interview, Prince Xhanti Sigcawu, 22 August 2006.
[179] Telephonic interview, Mda Mda, 3 May 2006.

CONCLUSION

This thesis analysed three contestations which have arisen in the Eastern Cape in the past fifteen years, a time of considerable change in South Africa. The premise of this thesis is that human remains of heritage and historic significance do not in and of themselves hold inherent value or meaning but that these attributes are context-specific. As stated at the outset, it is through socio-historical dynamics that these remains are imbued with meaning. The historical background informing these contestations has been provided to contextualise and explain the reasons why contestations arose.

In Ndancama's case, the residents who were settled on top of Fingo Village's Old Cemetery in 1972 did so out of desperation to escape high rents and poverty. Grahamstown townships were characterised by severe housing shortages and poverty. The combination of these two factors, against the backdrop of severe constraints suffered by Africans at the time, rendered the inadequate housing situation in Grahamstown untenable. Because Fingo's Old Cemetery was in a black community and in a state of severe neglect, in 1969 the UBC took the decision to use it for residential purposes. However, the Lobengula family still had plots reserved at the Old Cemetery, one of which was used to bury Rosamond Lobengula in 1961. Despite this however, the UBC went ahead with its settlement scheme which it claimed was a temporary measure. Dissenting views went unheeded; the only exception was the success that the Anglican Diocese had in protecting the Lobengula graves. Ordinary people's graves were not considered.

The UBC's actions were racist, callous and autocratic and reflected the undemocratic spirit of the time. I argued that the UBC probably believed that Fingo Village would be forcibly removed under Group Areas legislation to Committees Drift, 50 kilometres outside of Grahamstown. However, this forced removal never materialised and settlement on the cemetery became permanent.

Over the three decades that people have lived there, they have had to accommodate the fact that they live on top of a cemetery. Ndancama was so named because its poor residents 'resigned' themselves and 'gave up' to life on the cemetery which quickly deteriorated into slum conditions. The combination of the poverty, desperation and hardships in the congested and crime-ridden slum gave rise to negative perceptions and attitudes towards the area amongst residents. It was seen as underdeveloped and lagging behind other areas in terms of progress. The lack of development was perceived as the source of discomfort and hardship, not necessarily the presence of remains.

A tension surfaced between the community's development needs and the need for heritage protection when SAHRA intervened at Ndancama in 2003. Far from bringing the matter to a satisfactory resolution, an impasse developed. The roles played by two arms of government came into conflict. Thus the post-apartheid state's developmental agenda to deliver infrastructure was impeded by its role as heritage custodian. Legislation stated that it was incumbent on the developer, Makana Municipality, to source funds to resolve the problem. However, the City Engineer's Office considered itself as provider of basic needs rather than heritage protectors.

Over the years, residents had reconciled the fact of living on the cemetery with their spiritual values. Religious ritual remained unaffected. However, residents expressed concern over the remains. It was felt that they should be memorialised. Ultimately, residents agreed that the remains ought to be removed and houses built for Ndancama's residents. Thus material need trumped any moral or social taboos about breaching the boundary between cemeteries and areas of habitation. Improvement in infrastructure was more necessary than respecting the 'rights' of the dead within the cemetery.

In King William's Town, the remains which were uncovered at the Edward Street Cemetery were caught in the midst of political transformation. An undercurrent of political sensitivity accompanied this case since the initial uncovering of the remains in 1993. In the initial years, the Borough Council was embarrassed because it had deproclaimed and sold what was considered the African portion of the cemetery without consulting relevant local institutions. The Borough Council had knowingly erased a part of the town's local history in exchange for the development of a town house complex. The council could not provide leadership to bring a speedy resolution to a matter clouded by dubious dealings.

When it was thought that the remains possibly belonged to Cattle Killing victims or nineteenth century Africans, researchers and heritage officials felt that the issue could complicate the political transition in the run up to the 1994 elections in South Africa. The remains were handed over to the Kaffrarian Museum for temporary keeping in the hopes that they would be reburied through funds to be provided by the developer. Changes in political leadership during the transitional phase saw the issue neglected again. This created an ethical dilemma for the then Kaffrarian, later the Amathole Museum, since SAMA was reviewing the practice of storing human remains in museums. However, the lack of political leadership on the matter meant that the remains were kept in the Amathole Museum in conflict with these shifts in SAMA practice. The museum came under fire within its sector for keeping the remains in boxes for so long.

The ADM's intervention in 2004 finally resolved the issue of reburial. However, its conclusions that the remains uncovered were Cattle Killing victims created tensions. The Amathole Museum's resident anthropologist contested this view. I have argued that the reports commissioned by the ADM to investigate the identity of the remains yielded very little specific evidence in this regard. Although it was weak in primary evidence, the FHISER report concluded that the remains belonged to Cattle Killing victims. It provided the

ADM with sufficient basis to relegate contesting voices, such as Manton Hirst's, to the margins.

The ADM failed to attract the wide public participation it anticipated, both in the reburial planning processes and even at the event itself. Some members of the public felt that the reburial was a waste of money which could have been better spent on the delivery of basic services. Media reports highlighted the uncertainty over the identity of the remains and the length of time they were stored in boxes. The ADM responded defensively to these media reports, which were perceived as persistently negative. This response revealed that to the ADM debates about the exact identity of the remains was unimportant. Driving the reburial process forward in accordance with its own conclusions was more important.

The reburial was used as a platform to visit the history of the Frontier wars and general injustice in the Eastern Cape. The Cattle Killing victims were constructed as victims of the greater process of colonial dispossession. I argued that the ADM attached African culture to the remains as well as the post-apartheid state itself. The ADM sought to entrench African spirituality as a legitimate discourse through which the state could inform its action in the heritage domain. Thus it was not just about restoring dignity to the remains through reburial, but about refashioning the post-apartheid state more narrowly as a black African state. I concluded that this move indicated a shift away from more inclusive rainbowist notions of South African heritage.

Mbambatho's claims shared the foregoing commonality with the King William's Town case. African spirituality was evoked as a discourse that deserved primacy in the post-liberation era. Hintsa's death raised a great deal of contestation in its own time. The number of historical documents and newspaper reports generated in the aftermath of his death illustrates this. The mutilation of his body by George Southey has been a focal point in historical

writings about Hintsa. Mbambatho's search for Hintsa's skull opened up a public debate on this historical subject in the post-apartheid public domain. This kind of debate was unprecedented in South Africa's history. The advent of democracy shifted marginal voices into mainstream debates on history.

Whether or not he was a con-man, Mbambatho's mission found resonance with the Eastern Cape public. I argue that this is because his mission provided ordinary South Africans with the opportunity to show their deep hurts and strong feelings on the injustices of the past. Mbambatho's action was radical insofar as it exposed the brutalities perpetrated as far back as the nineteenth century.

In rejecting Mbambatho's claims, the Royal House position was in conflict with public views and those of Premier Mhlaba. The Royal House's position was predicated on its objective to be recognised as an official institution in the new political order. Their chosen path of political engagement was with representatives and officials of government. By invoking the Royal House's name, Mbambatho was doing damage to its credibility. Formal political engagement with official institutions validated the Royal House's status in the new dispensation. They considered Mbambatho an impostor who was using the Royal House's name and Hintsa's death for his own material gain. Questions were raised about Mbambatho's ability to raise funds and his retrieval of the skull in Scotland. The Royal House denounced him in the media. Mbambatho was summoned to a meeting where the skull was confiscated and sent to UCT for DNA tests.

The DNA tests contradicted Mbambatho's claims that the skull he retrieved in Scotland was Hintsa's. Mbambatho rejected these by positing a conflict between the scientific method and his spiritual dreams. Mbambatho's rejection of the scientists' claims could of course have been because he did not want his con to be exposed. However, whether or not he was conning, his claims, his dreams and his recovery of the skull resonated with people. The skull he found made a political statement against the injustices of white

hegemony. The scientists' disproof of the notion that it could have been Hintsa's skull only fed the distrust of the white establishment amongst his supporters. If indeed he was a conman, then he was able to lever public sentiment against the scientists because of the politics he aroused.

These contestations evoked history and notions of heritage. Indeed, human remains have been given special meaning in the new South Africa. In all three of these case studies, the remains have belonged to, or are thought to have belonged to black Africans. In the post-apartheid era black people's remains have been brought into the wider ambit of the state's historical narratives and heritage concerns. These contestations illustrate however, that the meaning and value of human remains is neither neutral nor given.

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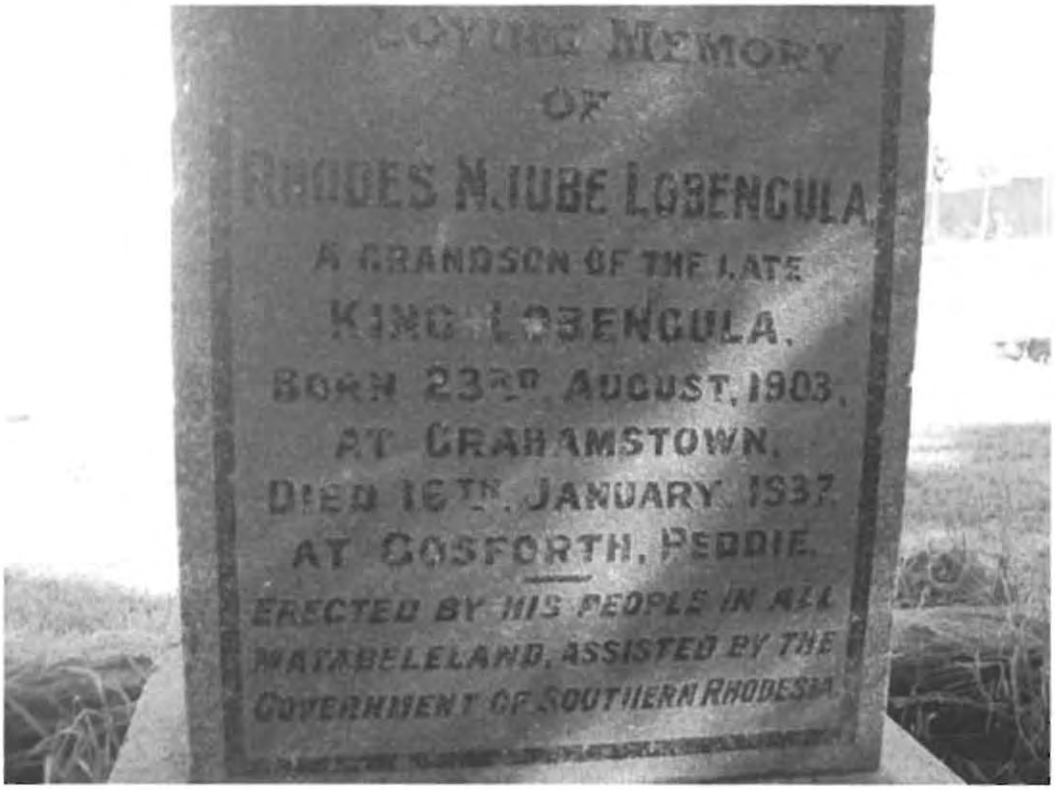
APPENDIX A

Dr. Enocent Msindo, Ndebele history specialist, and Ndancama Hall caretaker, Loyiso Kalashe, pose next to the Lobengula graves at the Ndancama Community Hall, Grahamstown, 2005.

APPENDIX B



The grave of Rhodes Lobengula in Ndancama, Grahamstown.

APPENDIX C

The grave of Rosamond Lobengula, Ndancama, Grahamstown.

APPENDIX D

The coffin is transported to the Old Military Cemetery for the reburial ceremony in a van.

APPENDIX E

Traditional healers performing ritual song and supplication to the bones

APPENDIX F

The coffin is lowered into the grave.

APPENDIX G

Memorial unveiled at King William's Town Old Military Cemetery on 30 September 2006. The inscription reads: "Here rest men, women and children – Innocent victims of the 1856/7 catastrophic Cattle Killing."